

Runnymede Borough CouncilSTANDARDS COMMITTEE18 February 2003 at 7.30pm

Members of the
Committee present: Councillors Ms.C.M. Simmons (Chairman), A.P. Tollett (Vice Chairman),
A.J. Davis, Mrs. E.E. Price; and Dr R.F. Miller and Mrs. C. Spurling (independent
Members)

Members of the
Committee absent: Councillor E.G. Barrett

619. MINUTES

The Minutes of the meeting of the Committee held on 17 September 2002 were confirmed and signed as a correct record.

620. TERMS OF REFERENCE

At its meeting on 5 December 2002 the Corporate Management Committee had recommended that the Standards Committee should assume certain audit responsibilities. The proposal arose from the Best Value Review of Internal Audit which required audit reports to be considered by an Audit Committee. It was felt that the Standards Committee could meet this need.

The Committee asked for an estimate of the additional workload this might involve. The Director of Finance advised the Standards Committee that the Chief Internal Auditor would typically report twice a year and on average each report would identify some 12 to 15 areas which had been subject to audit. The Standards Committee could decide whether to investigate any of these items in depth. The reports would also cover other areas such as:

- a) Audit Planning – Presenting the proposed audit plan for the forthcoming year, prioritising the workload according to risk and identifying how this will be resourced.
- b) Review of the previous year – Reporting on the audit coverage that was achieved in the previous financial year and how this compared with the audit plan.
- c) Progress on implementing audit recommendations.
- d) Any matters relating to control procedures, risk exposure and corporate governance generally.

In response to a query from one of the independent Members the Director of Finance advised that he would be prepared to offer some introductory training. However, Members would not need to develop audit or accountancy skills, since the reports would concentrate on internal control systems and mechanisms rather than the minutiae.

The Committee was advised that once Corporate Management had considered this Committee's response, the new Terms of Reference would be considered by full Council in April.

RESOLVED that –

Corporate Management Committee be informed that this Committee agrees the proposed revisions to the Terms of Reference as set out in Appendix 'B' of the Agenda.

621. MEMBERS' CODE OF CONDUCT

In common with most other local authorities this Council had adopted the model Code of Conduct recommended by the Standards Board for England. However, this Code was modelled in favour of the Executive/Cabinet style of administration which was operated by the majority of Councils, whereby paragraph 11 required Members with scrutiny or review powers to declare a prejudicial

interest in any matter which they had considered as part of the decision-making Executive. This had unfortunate repercussions for smaller authorities such as Runnymede who operated 'alternative arrangements'. Here decisions were taken by service Committees rather than one or more Members of a small Executive, thereby placing many more Members in a prejudicial position when it came to the review/scrutiny function. At a recent meeting of the Review Board three of the nine Members had been prejudiced by this ruling.

As paragraph 11 was not strictly speaking a mandatory requirement the Committee concurred with a recommendation that Runnymede's Code of Conduct be amended by deleting this paragraph in favour of less stringent arrangements. However, the Standards Board for England had requested that this paragraph be included, and were being consulted on the proposal below.

The alternative proposal envisaged that Members caught by the provision should still be required to declare an interest and to specifically mention that they were a Member of the Committee which took the decision, but that it should be left to the discretion of the Chairman of the Review Board whether they treated the interest as prejudicial. The test of a prejudicial interest was whether a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it was likely to prejudice the Member's judgement of the public interest. This could still be the case in a number of instances, depending for example on the prominence of the role played by the Review Board Member or how finely balanced the vote was at the policy Committee.

RECOMMEND that –

- i) subject to any contrary advice from the Standards Board for England, paragraph 11 of the Code of Conduct for Members be amended so as to avoid the automatic requirement that a prejudicial interest be declared in the circumstances described, and instead require a Member to take and follow the advice of the Chairman of the Review Board as to whether the interest should be treated as prejudicial (or if it be the Chairman, to take and follow the advice of the Monitoring Officer);**
- ii) any necessary typographical corrections be made.**

622. APPOINTMENT OF INDEPENDENT MEMBERS

(Ref: Minutes of Standards Committee, September 2002, page 532, para 288.)

The Committee was advised that a public advertisement would soon be published seeking members of the public interested in being independent Members of the Standards Committee for the next Municipal Year. Although there was no legal requirement for interview it was agreed that it would be sensible to establish a small interviewing panel to make recommendations to the Council if this was necessary.

RESOLVED that –

the Committee appoint a maximum of three Councillor Members from different political groups to act with the Monitoring Officer to sift applications for independent membership of the Committee and, if necessary, interview applicants prior to making a recommendation to Council as to the persons to be appointed.

623. ROLE OF THE STANDARDS COMMITTEE

The Committee was advised that Officers had hoped to report on regulations proposed to be made by the Government under Section 66 of the Local Government Act 2000, which would provide for certain alleged breaches of the Code of Conduct to be referred for handling by local authority Monitoring Officers and Standards Committees, instead of the Standards Board for England. However, the Government's timetable for making these regulations had slipped and they were still not available. In the meantime, all complaints of breach of the Code of Conduct would continue to be dealt with by the Standards Board for England.

624. TRAINING

The Committee received a comprehensive report covering training for Council Members, and the recent Standards Board Roadshow. It was also noted that the Standards Board would be holding a second annual assembly for Members of Standards Committee and Monitoring Officers in June 2003.

625. STANDARDS BOARD INVESTIGATIONS

Members noted that since the last meeting of the Committee, the Standards Board had completed a number of investigations and had published the results on its website (www.standardsboard.co.uk). It was clear that the Board were not pursuing matters beyond investigation where they regarded a complaint as relatively minor. Only one case had proceeded to a hearing before a Case Tribunal. This involved a parish Councillor who, whilst continuing to serve, refused to complete his registration of interests. He was disqualified.

626. COMPLAINTS RECEIVED – CODE OF CONDUCT

The Committee was gratified to note that no complaints had been received against any Member of Runnymede Borough Council.

627. OMBUDSMAN INVESTIGATIONS

The Committee was also pleased to note that although two complaints of maladministration had been lodged since the last meeting, the Commissioner for Local Administration had declined to proceed to a full investigation in either case.

Chairman

(The meeting ended at 8.25pm)