

Runnymede Borough Council

STANDARDS AND AUDIT COMMITTEE

Tuesday 14 September 2004 at 7.30 p.m.

in the Council Chamber

at the Civic Offices, Addlestone



Members of the Committee

Councillors Ms C.M. Simmons (Chairman), A.P. Tollett (Vice-Chairman). Mrs. L.M. Gillham, P.A. Greenwood, Ms. R.E. Haylor, and Dr. R.F. Miller and Mrs. C. Spurling (Independent Members)

In accordance with Standing Order 29.2 any non-member of the Committee who is considering attending the meeting should first request the permission of the Chairman.

A G E N D A

Notes:

- i) Any report on the Agenda involving confidential information (as defined by section 100A(3) of the Local Government Act 1972) must be discussed in private. Any report involving exempt information (as defined by section 100I of the Local Government Act 1972), whether it appears in Part 1 or Part 2 below, may be discussed in private but only if the Committee so resolves.
- ii) The relevant "background papers" are listed after each report in Part 1. Enquiries about any of the Agenda reports and background papers should be directed in the first instance to **Mr. R.I. Langmead, Administration and Leisure Department, Committee Section, Civic Offices, Station Road, Addlestone (Tel. Direct Line: 01932 425610). (Email: ian.langmead@runnymede.gov.uk).**
- iii) Agendas and Minutes are available on a subscription basis. For details, please ring Mr. B.A. Fleckney on 01932 425620. Agendas and Minutes for all the Council's Committees may also be viewed on www.runnymede.gov.uk.
- iv) In the unlikely event of an alarm sounding, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate.

LIST OF MATTERS FOR CONSIDERATION

PART I

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PART II

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Items

Exempt Appendix 'A' to Item 4, "Internal Audit - Review of Service Performance".

b) Confidential Items

(No items to be considered under this heading).

1. MINUTES

To confirm and sign the Minutes of the Meeting held on 15 July 2004 (Appendix 'A').

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

If Members have an interest in an item please record the interest on the form circulated with this Agenda and hand it to the Legal Representative or Committee Administrator at meetings.

Members who have previously declared interests which are recorded in the Minutes to be considered at this meeting need not repeat the declaration when attending the meeting. Members need take no further action unless the item in which they have an interest becomes the subject of debate, in which event the Member must leave the room if the interest is personal and prejudicial.

4. INTERNAL AUDIT - REVIEW OF SERVICE PERFORMANCE (CIA)

1. Purpose of Report

- 1.1 **To report the achieved audit coverage and performance against the 2003/04 plan.**
- 1.2 **To review the recommendations made in audit reports issued, and the progress made in their implementation.**
- 1.3 **To note Internal Audit's assessment of the adequacy, reliability, and effectiveness of the internal control system and the extent to which the Council can rely on it.**

2. Background Information

2.1 The Council's Policy and Resources Committee meeting on 26 June 1996 approved a bi-annual reporting process. Since then, Members have been provided with two reports each year:

- one presenting the annual Internal Audit plan for approval (normally in November);
- another reporting actual work performed compared to that plan (normally around June).

2.2 The primary purpose of this report is to review audit coverage for last year and matters arising from these audits. The 2003/04 audit plan was presented to the Corporate Management Committee in December 2002.

3. Internal Audit Coverage and Performance for 2003/04

3.1 2003/004 was another difficult year for the section in terms of staffing resources, as detailed in the report to this Committee in February this year. Since that report was submitted, the postholder recruited in December went on extended sick leave and left the organisation at the end of March.

3.2 Subsequent attempts to recruit again have so far been unsuccessful. It is hoped that the interviews planned for the end of this month will be more fruitful.

3.3 In order to make up for some of the shortfall in staff time, 85 days were purchased from an external provider (PPS-ACIT Services) and a further 24 days were supplied by a temporary member of staff. An analysis of the 2003/2004 days is shown in the following table:

Audit days 2003/04					
	Plan days	Actual Days			
		In house team	PPS-ACIT	Temp.	Total
Annual leave/bank holidays etc.	108	76			76
Sickness	12	192.5			192.5
Corporate work (e.g. DMT meetings)	11	16			16
Corporate ISO work	40	5			5
Insurance/Risk Management	40	50			50
Overheads/non chargeable work					
- management	71	76			76
- training	43	43.5			43.5
- other	<u>28</u>	<u>27</u>			<u>27</u>
	142	146.5			146.5
Audit Plan work:					
Part 1 - systems audits	243	97	36	17	150
Part 2 – Computer audit	41	13			13
Part 3 – Contract audit	10	7.5			7.5
Part 4 – Corporate work (e.g. data matching)	28.5	4			4
Part 5 - Unplanned audits & consultancy.	<u>55.5</u>	<u>25</u>			<u>25</u>
	378	146.5			199.5
Work b/f from 2002/03	49	26.5		7	33.5
Total Days	780	659	36	24	719

- 3.4 There are several points to note from this table.
- The high level of sickness leave relates to two members of staff.
 - There were 121 days vacancy.
 - Although the actual number of days spent on management for the section is very similar to the planned number of days, the work intended has not been carried out. The intention was to revisit the strategic plan, finalise the section's revised documented procedures, and reorganise the filing system. All 76 actual days were attributed to the Chief Internal Auditor. A significant proportion of this time was spent recruiting and training new staff, obtaining temporary and contract staff and revisiting the annual plan on several occasions with a view to better allocating work to the resources available.
 - The similarity between the planned and actual number of days for training could be interpreted as a success story. However, virtually all of the 43.5 days were devoted to on-the-job training for staff who proved to be short term employees. The 43 days had been set aside to develop a specific member of staff through professional qualifications.
 - The external suppliers (PPS-ACIT) completed the remaining 49 days of the 85 ordered in the current financial year, i.e. after 31/3/04.
 - The significantly lower number of days required for the Chief Internal Auditor to spend on ISO was used on consultancy (20 days), contract audit (10 days), and administrative work. It had been intended that other in house staff would perform the bulk of this work.
 - The 55.5 days spent on Part 5 of the audit plan resulted from 55 requests for advice and small ad hoc enquiries. There were no special investigations in 2003/04.
- 3.5 The 2003/04 audit plan comprised 30 systems audits (part 1 of the plan) and 4 computer audits (part 2 of the plan). Six further audits were brought forward from the previous year. Of these 40 audits,
- 22 were completed prior to 31/3/04,
 - 3 were started in 03/04 and completed in 04/05,
 - 15 have been brought forward into 04/05, of which:

- 1 is already in the 04/05 audit plan,
 - 6 have been completed.
- 3.6 Internal Audit's performance against the section's performance targets appear as Appendix 'B' to this report.
- 3.7 Approximately 93% of the recommendations made by Internal Audit in 2002/03 were accepted by the auditee. The lack of staff has, unfortunately, meant that few recommendations have been chased for progress. Where recommendations are outstanding for areas being audited currently, they are being followed up in that audit work. Following up the others is a priority for when the section's vacancy is filled.
- 3.8 A list of recommendations made and the progress to date would therefore be little different from the one submitted in February. For this meeting, it has been decided to submit a list of the recommendations made from the 2003/04 audit plan work, to provide Members with an overview of Internal Audit's findings. This is included in Exempt Appendix 'A'.
- 3.9 The audits are listed in order of the audit opinion determined as a result of the conclusions formed from conducting each audit. These opinions range from 'critical' to 'good', and a definition of each is appended to each audit report issued. The definitions are reproduced for this report as Appendix 'C' together with the number of audits from 2003/04 falling into each category.
4. Future staffing of the section
- 4.1 At the meeting of the Corporate Management Committee in April, approval was given to the appointment of consultants in substitution for one of the two audit posts in order to supply a more consistent and reliable level of Internal Audit service.
- 4.2 Tenders were invited from 16 external suppliers for 130 audit days (including 20 computer audit days). As reported to this Committee in February, this will increase the number of consultancy days from 30 to 130.
- 4.3 PPS-ACIT was selected as the winning tenderer as after much consideration, it was agreed that this contractor offered the partnership service required at a price that reflected best value for the Council.
- 4.4 The contract has been agreed for 3 years from 1/6/04, with an option to extend it for a further 2 years.
5. 2004/05 audit work and matters arising
- 5.1 Regrettably, the vacant post in the section still remains unfilled. An appointment was made but the candidate withdrew shortly before he was due to commence employment in July. The vacancy has been readvertised and interviews will take place late in September.
- 5.2 The contractor has concentrated so far this financial year on completing the audits brought forward. In view of the continuing staff vacancy in the section, an additional 80 days have been arranged, bringing the number of externally provided systems audit days to 190 for this year. The contractor has already supplied 42 of these additional days through a second auditor.
- 5.3 In order to try to catch up, some audit areas which have been audited annually with only minor issues being identified, (e.g. Council tax), are being reassessed with a view to reducing the number of days on those audits. This will help to direct audit resources to those areas that have not been audited recently.
- 5.4 PPS-ACIT's computer auditor is using 5 days of this year's computer audit days to undertake a global review of the Council's IT systems. It is intended to use the results of this work to revisit the computer audit section of the strategic audit plan and identify which audits are truly technical in nature and require the skills of a qualified computer auditor, and which can be undertaken by systems auditors.

6. Adequacy of Internal Control
- 6.1 Most audits carried out in 2003/04 identified only minor weaknesses and issues that can be addressed relatively easily. No audits from the 03/04 audit plan concluded with an audit opinion of 'critical, and only three had an audit opinion of 'unsatisfactory'.
- 6.2 Further details of these three audits and issues identified from other audit work are considered in Exempt Appendix 'A'.
- 6.3 Progress has been made in developing the Council's approach to Risk Management. There is now a Strategic Risk Register, which Chief Officers review regularly. Work is currently in hand to extend the scope of the register so that it links to departmental risks and targets. The aim is for risk management to become embedded in the day to day operation of the organisation. It is planned to complete this exercise during the Autumn.

(FOR INFORMATION)

Background Papers

Internal Audit reports (exempt)

5. UNOFFICIAL DEBTOR INVOICING (DF)

(Ref: Minutes of Standards and Audit Committee 17 February 2004, page 1276 para 703)

1. Purpose of Report

- 1.1 **The purpose of this report is to report back to the Committee on the extent of the problem of 'unofficial' invoices and explain the steps taken to remedy the position.**

2. Background Information

- 2.1 In February, the Committee received a comprehensive report on the Internal Audit Plan for 2004/05 that (amongst other issues) drew attention to certain internal control functions that warranted special reference.
- 2.2 The Committee considered two specific areas where Internal Audit investigation had shown cause for concern. The Chief Internal Auditor gave assurances that one issue (regarding searches) had been investigated by Officers and was considered now to be under control. The issue relating to 'unofficial' invoices had not been investigated and it was agreed that the Director of Finance would resolve it. The Committee requested the Chief Internal Auditor to report back when the extent of the issue was known.
- 2.3 The Director of Finance has the responsibility for the proper administration of the Council's financial affairs and is submitting this report accordingly.

3. Report

Invoicing and Recovery of Debts

- 3.1 The major sources of the Council's income are collected through dedicated financial systems (i.e. Council Tax, Business Rates, and Council property rents). Other sources of income are collected in advance (e.g. planning applications), or at the point of sale (e.g. car park fees), or through other approved systems (e.g. mortgages, sports centre memberships). The "Sundry Debtor System" must be used for the other sources of the Council's income that require the customer being invoiced for goods or services rendered.
- 3.2 The arrangements for Invoicing and Recovery of Debts are set out in the Finance Rule Book. This document is regularly updated and is available for all staff to view on the Council's Intranet. Paper copies are available on request. The relevant section of the Finance Rule Book is set out in Appendix 'D'.

Unofficial Debtor Invoicing

- 3.3 The Internal Audit Section discovered that some departments have been issuing 'unofficial' invoices created on individual PCs, instead of passing information to the Finance Department to raise invoices through the Sundry Debtors system. This was reported to this Committee in February 2004.
- 3.4 There are a number of potential risks that arise with the use of unofficial systems:
- VAT may not be accounted for at all, or otherwise not in the correct period. This gives rise to a risk of penalties from the Customs and Excise.
 - Income may not be accounted for correctly. The External Auditors may issue a qualification to the Council's accounts if the practice is considered widespread.
 - There is a risk of fraud and error. This is because the normal controls, including division of duties, cannot be relied on in unofficial systems.
 - There is a risk of loss through inefficiency and duplication of systems. Simply, resources are wasted.

Actions Taken

- 3.5 The Director of Finance instructed all staff to use the Sundry Debtors system with immediate effect, and to supply details of all outstanding 'unofficial' invoices. A comprehensive memorandum was sent to staff setting out the need to follow financial procedures and the actions required of staff. A copy of the memorandum is given in Appendix 'E'.
- 3.6 A form was sent with the memorandum requesting information on all unofficial invoices issued. Nil returns were required to provide assurance that each Section had received the memorandum and taken note of its contents.

Issues Arising from the Exercise

- 3.7 From the responses received there was no evidence of widespread use of 'unofficial' invoices.
- 3.8 A number of Sections queried whether their procedures for recovering certain monies fell under the category of 'unofficial' invoices, and whether changes to their procedures were necessary. This provided the opportunity to regularize or clarify collection procedures for certain items (e.g. recovery of rent deposits). It also provided an opportunity to explain to staff the procedures for debt recovery and agree how they can be properly applied to their services. Some Managers disclosed income items that are collected under properly established and controlled arrangements (e.g. recovery of improvement grants) and these procedures and practices do not need changing.
- 3.9 The exercise also represented a training opportunity for some staff. New staff receive basic introductory training on financial issues as part of their induction programme. The Accountancy Section in particular offer a financial advice service to all Budget Managers and their support staff and this deals with many day-to-day issues. Structured refresher training for staff is also undertaken as resources allow and where specific issues need to be addressed. However, it is simply not possible to cover every issue with all staff all of the time. The need for internal systems to be followed will be emphasized in future internal financed based training for staff.

(FOR INFORMATION)

Background Papers

Returns from Departments and Sections marked 1 to 21 (DF File).

6. INDEPENDENT MEMBERS - RECRUITMENT ARRANGEMENTS (DAL)

1. Purpose of Report

1.1 **To consider what arrangements should be put in place for the future recruitment of independent Members of the Committee.**

2. Background Information

2.1 Under the Local Government Act 2000, and regulations, every "relevant authority" must have a Standards Committee including at least two Members of the authority and at least one person who is not a Member or an Officer of that or any other "relevant authority". If the Standards Committee has more than three Members, at least 25% must be independent Members. The Committee is not quorate unless at least three Members, including at least one independent Member, are present.

2.2 Accordingly where, as in Runnymede, five Members of the Standards Committee are elected Members of the authority, there must also be at least two independent Members appointed to the Committee. Runnymede's Constitution provides that its Standards Committee (the Standards and Audit Committee) is to comprise five elected Members and two independent Members.

2.3 No one may be appointed as an independent Member of a Standards Committee unless:

- the appointment has been advertised in one or more newspapers circulating in the area of the authority;
- the appointee has submitted an application to the authority;
- the appointee has not within the previous five years been a Member or Officer of the authority;
- the appointee is not a relative or close friend of a Member or Officer of the authority; and
- the appointment is approved by a majority of the Members of the authority.

3. Report

3.1 2003 was the first year in which the above process had to be followed in Runnymede, and it was used to appoint the existing independent Members of the Committee, Dr. Miller and Mrs Spurling.

3.2 The appointment process was not without its problems. In addition to the statutory requirements, Runnymede's Constitution provides that no persons shall be eligible for appointment as independent Member of the Committee if the Leader of any political group objects to his or her nomination (Standing Order 22.1 (e)). Of the three people who eventually applied for appointment as independent Members, the Leader of the Labour Group objected to one and the Leader of the Conservative Group objected to another. It was only after a further period that one more applicant came forward to whom no objection was lodged, thus allowing the Committee to be constituted in the numbers envisaged within Runnymede's Constitution.

3.3 The entire process took some five months from the initial advertisement to the approval of both appointments. It is appropriate to review the appointment mechanisms before the terms of office of the existing independent Members expire in 2007.

3.4 The first problem encountered was a shortage of applicants. Whilst a surfeit of applicants would carry its own problems, some action is necessary both to shorten the timescale and to ensure that a sufficient number of appointments can be made. The advertisement appeared in the Surrey Herald and Staines and Egham News. This satisfies the statutory requirement. Other measures which might be considered include posting on public noticeboards, and circulating to the editors of residents, church, or local organisation news sheets. The Council could also consider advertising in periodicals with, for example, a Surrey wide circulation, or

in local newspapers circulating outside the borough, as there is no requirement that the independent Members be resident within the borough. The website could also now be an effective way of highlighting the opportunity.

- 3.5 The advertisement process began in late February with a view to the appointment being confirmed at the Annual Council Meeting in May. In the event this timescale proved insufficient. At the next round it may be possible, for example, to begin advertising in autumn 2006 for an appointment in May 2007.
- 3.6 In addition to the statutory advertisement, there is no prohibition against Members and others making the opportunity known by word of mouth to suitable contacts. The danger with this is that given the nature of the role, there should be no appearance of canvassing. Officers do not therefore suggest that Members of the authority should be asked to approach persons they consider suitable, although clearly it may not be practical or desirable to try to completely prevent such word of mouth communication.
- 3.7 Standing Order 22.1 (e) was introduced prior to the introduction of the full statutory regime for Standards Committees in order that all Members could have reasonable assurance that appointees would be genuinely independent. Members are invited to consider whether it should remain following the introduction of the full statutory regime. It may be appropriate to allow it to remain in some form, notwithstanding the statutory safeguards now provided, since any independent Member to whom objection is seriously taken by a political group would be in a difficult position. The counter-argument is that such difficulties are likely to be taken into account anyway in the selection process. On balance though, Officers recommend that no change be made. If it is modified at all, the Council might wish to introduce a statement of the grounds upon which objection could be taken or perhaps specify a minimum number of Members who should object in order to operate a veto.

4. Conclusion

- 4.1 The Committee is asked to consider the appointments process in the light of the above comments and to make recommendations to the Council for implementation when there is next a vacancy for an independent Member.

OFFICERS' RECOMMENDATION that:

- i) future appointments of independent Members of the Standards and Audit Committee be advertised on the Council's website and on Council Notice Boards in addition to the local newspapers circulating in the Borough;**
- ii) no change be made to Standing Order 22.1(e) for the present; and**
- iii) Officers be instructed to commence the advertisement process six months before the time of appointment, if practicable.**

(TO RECOMMEND)

Background Papers:

Director of Administration and Leisure file 66.17.13 (exempt).

7. OMBUDSMAN INVESTIGATIONS (DAL)

The following matters have arisen with the Commissioner for Local Administration since the last meeting of the Committee.

<u>Matter</u>	<u>Date Notified</u>	<u>Outcome</u>
Complaint of failure to take effective action in respect of alleged nuisance caused by operation of businesses at Brox Road, Ottershaw, and failure to take enforcement action in respect of the same businesses	28 October 2003	Not pursued – no evidence of maladministration.
Complaint that appropriate action not taken to deal with alleged breaches of planning control on land at Thorpe.	12 February 2004	Under investigation.
Complaint of failure to investigate complaints about domestic noise nuisance, harassment by Council regarding boundary fence, and inappropriate request for investigation of complainant.	19 February 2004	Not pursued – no evidence of maladministration.
Complaint of inappropriate action in recovery of Housing Benefit and Council Tax Benefit.	8 June 2004	Not pursued – part of complaint too old to examine, other part showed no evidence of maladministration.
Alleged defects in handling application for Housing Benefit.	8 July 2004	Under consideration.

(FOR INFORMATION)

Background Papers

Exempt.

8. ADJUDICATION PANEL FOR ENGLAND - RECENT CASES (DAL)

The Committee may be interested to note the following decisions of the Adjudication Panel for England:

- Two Councillors at Ipswich Borough Council signed a letter, which amongst other things insinuated political partiality and lack of professional competence on the part of a senior Officer of the Council in relation to the development of the Local Plan. The letter was combative in tone and was written, not confidentially to the Leader and/or Chief Executive, but for circulation at a public Committee meeting. The Adjudication Panel noted that the Council operated in a "highly charged political atmosphere".

The Adjudication Panel found that the Members in question had failed to treat others with respect under paragraph 2(b) of the Code of Conduct. If they had legitimate concerns, they should have expressed them differently and used a different mechanism for drawing them to the attention of those responsible. Furthermore, they had shown no acknowledgement that they had done anything wrong. Taking into account the impact on working relationships within the Council, the Case Tribunal suspended each Councillor from acting as a Member of

the Authority for one year. It also recommended that the Council should establish and promulgate procedures for dealing with complaints about members of staff by Councillors.

2. One of the same two Councillors had previously acted as consultant for a number of objectors to elements of the Local Plan. At the date of the relevant meeting he was not formally acting as consultant, but was still in contact with them and there was the prospect of acting for them again. He declared a personal interest but refused to accept advice that he should declare a prejudicial interest and withdraw. He continued to assert the correctness of his decision at the hearing before the Tribunal. The Tribunal determined that he should have declared a prejudicial interest, and in all the circumstances of the case disqualified him for twelve months.
3. A Councillor of Stoke-on-Trent City Council accompanied a female Officer to a Conference of a professional Institute. At the Conference he made sexually suggestive comments to the Officer, invited her to a lap dancing club, drank heavily, and pestered a female American delegate. He also put pressure on the Officer to lend him money. He was found guilty of failing to treat others with respect under paragraph 2(b) of the Code of Conduct, and bringing his Office or Authority into disrepute under paragraph 4 of the Code. (There is also a subsequent incident, during the course of which he was arrested, behaved abusively, and initially identified himself as a different Member of the Council). Taking all the circumstances into account, including evidence of a possible medical condition, the Tribunal disqualified him for four years.
4. A Member of Macclesfield Borough Council was named in an Ombudsman Report as having participated in a planning decision with a closed mind (as a result of his well publicised opposition to the proposals), thereby rendering the Authority guilty of maladministration. The Ombudsman's report was due to be considered by Full Council. Officers advised the Member in question that he had a prejudicial interest and should withdraw from the discussion. Prior to the meeting, a Legal Advisor to the Standards Board agreed with that advice but indicated that there might be a case in the interests of natural justice and Human Rights for the Councillor to be afforded some opportunity to explain his position to the Council, either in writing or by addressing the Council and withdrawing before the discussion. The Standards Board's advice was not communicated directly to the Member, although it was hinted at in advice tendered to the Council meeting by the Chief Executive. The Member in question remained and participated in the meeting. He abstained, however, from the vote.

The Adjudication Panel found that the Councillor had breached the Code of Conduct as he had a prejudicial interest in the matter under discussion. Taking all the circumstances into account it suspended him for one year. However, the Tribunal also recommended to the Council that they should review their procedures in giving detailed and timely advice to Members on matters of compliance with the Code of Conduct, including issues associated with Human Rights and natural justice.

5. A Member of Blackpool Borough Council, whilst attending an official function during which he referred to his role as a Member, (although subsequently denying that he had attended in an official capacity) became abusive to a member of the public with whom he disagreed politically, after becoming drunk. The Case Tribunal found that he was present in an official capacity and had acted in a way which failed to treat others with respect and could be regarded as bringing his Office or Authority into disrepute. He was suspended for three months.
6. A Member of Macclesfield Borough Council declared a personal interest in a planning matter, but declined to indicate its nature. He had also earlier omitted mention of his political party membership and his appointments to outside bodies from the Registration of Interests form he had completed for the Council. The Tribunal found him to have breached the relevant provisions of the Code of Conduct but taking into account a full apology and some shortcomings in the way the Council advised Members, it suspended him from discussions or decisions relating to planning matters for a period of six months. Noting that a variety of Officers were giving advice which should properly have been the responsibility of the Monitoring Officer of the Council, the Tribunal also recommended that the Council review its procedures and practices relating to advice to Members on probity, and that it should more clearly define and promulgate the role and responsibilities of the Monitoring Officer.

7. A Member of Walsall Metropolitan Borough Council disclosed information about sealed bids to an unsuccessful bidder before the processes for accepting the highest bid had been completed. The action led to a further round of bidding and, incidentally to the Authority receiving a higher price for the land it was selling. The Case Tribunal found the Councillor had breached paragraph 3(a) of the Code of Conduct, which prohibits the disclosure of confidential information. Taking into account some marginal mitigating factors, the Councillor was disqualified for one year.
8. A Councillor of the London Borough of Barnet wrote a letter to Camden Council, on official Barnet notepaper and identifying himself as a Councillor, presenting false information as to the circumstances in which parking penalty charges had been incurred by his son. He was subsequently convicted of an offence of deception. The Tribunal found that he had brought his Office or Authority into disrepute and had sought improperly to use his position to secure an advantage for his son. Under normal circumstances it would have imposed a disqualification of two years, but having regard to his long record of public service and to the testimonials presented on his behalf it disqualified him for one year.
9. A Member of Preston Borough Council and Lancashire County Council was convicted of using his personal computer (not Council equipment) to download and store paedophile images. It was accepted that he was not acting in an official capacity, but there was heavy publicity about the matter and his status as a Councillor. The Case Tribunal found that he had brought his office or authority into disrepute in breach of Article 4 of the Code, which does not apply only to acts done in a Member's official capacity.
10. Other decisions have included the upholding of the decisions of the Standards Committees of four authorities following appeal by the Councillors concerned.

(FOR INFORMATION)

Background Papers

None.

9. COMPLAINTS MADE AGAINST MEMBERS OF RUNNYMEDE BOROUGH COUNCIL (DAL)

There have been no complaints of breaches of the Code of Conduct against Members of the Council to date.

(FOR INFORMATION)

Background Papers

None.

10. HANDLING OF COMPLAINTS AGAINST MEMBERS OF THE AUTHORITY – REGULATIONS UNDER SECTION 66 LOCAL GOVERNMENT ACT 2000 (DAL)

At its February meeting the Committee approved procedures for use in the case of local investigations of complaints referred to the Committee by an Ethical Standards Officer employed by the Standards Board for England. Such references are now possible by virtue of regulations made under Section 66 of the Local Government Act 2000.

Further regulations under Section 66 are expected and were originally anticipated before now. These regulations will allow certain complaints to be referred direct to an authority's Monitoring Officer for investigation and report to the authority's Standards Committee, rather than involving an Ethical Standards Officer from the Standards Board. This kind of procedure is envisaged for complaints which appear to the Standards Board to be less serious or complex than those retained for direct investigation.

However, the regulations have not yet been made although it is known that they exist in draft. They will require further procedures to be approved. Officers will report to the next meeting on any progress.

(FOR INFORMATION)

Background Papers

None.

11. EXCLUSION OF PRESS AND PUBLIC

If the Committee is minded to consider any of the foregoing items in private, it is the

OFFICERS' RECOMMENDATION that -

the press and public be excluded from the meeting during discussion of the following reports under Section 100A(4) of the Local Government Act 1972 on the grounds that the reports in question would be likely to involve disclosure of exempt information of the description specified in appropriate paragraphs of Part I of Schedule 12A of the Act.

(TO RESOLVE)

Matters involving Exempt or Confidential Information in respect of which reports have not been made available for public inspection.

a) Exempt Items

Exempt Appendix 'A' to Item 4, "Internal Audit - Review of Service Performance".

b) Confidential Items

(No items to be considered under this heading).