

Report

Standards Committee

Part 1

Date: 26 May 2016

Item No: 11

Subject Work Programme 2015/16

Purpose To provide an update on the current Work Programme

Author Head of Law and Regulation

Ward General

Summary The Standards Committee Annual Report for 2014/15 was received by full Council meeting on 29 September 2015.

The Annual Report contained a draft Forward Work programme for the next 12 months. Standards Committee approved the Work Programme in October 2015 and prioritised specific items for review. This Report provides an update on those items that are due for review in May 2016.

Proposal To note the report and agree the updated Forward Work programme.

Action by Head of Law and Regulation

Timetable Immediate

Background

1. The Standards Committee Annual Report for 2014/15 was received by full Council meeting on 29th September 2015.
2. The Annual Report contained the following draft Forward Work programme for the next 12 months, which was subsequently approved by Standards Committee in October 2015

Date	Topic	Information
September	Annual Report to Council	<p>Review of work undertaken in the past 12 months, identifying any specific ethical standards issues facing the Council and priorities for the forthcoming year.</p> <p>Summary of numbers of complaints received and outcomes.</p>
<p>As and when applications received</p> <p>Review annually</p>	Dispensations	<p>Granting individual and blanket dispensations to Councillors.</p> <p>Reviewing decisions annually to identify common issues and consistency of approach.</p> <p>Produce guidance to Members on any issues arising.</p>
As and when required	Local Resolution Protocol complaints	Conducting hearings into any Stage 3 complaints by Members or Officers
Monthly	Complaints of Misconduct	<p>Update of numbers of complaints received and outcomes.</p> <p>Update on complaints resolved through Local Resolution Protocol.</p>
By September 2016	Member training and development	Carry out review of member training, re-assessing the need for refresher training in the light of any changes in legislation, guidance and Code of Conduct. Arrange and deliver any necessary refresher training
Annually	Ethical standards audit	Check that statutory registers are being properly maintained procedures for declarations are being followed
Annually	Review of community councils	<p>Check that statutory registers are being properly maintained procedures for declarations are being followed</p> <p>Engage with community councils to ensure compliance and to identify any training and development needs.</p>
By September 2016	Review of Council Protocols	<p>(a) Member /Officer relations</p> <p>(b) Planning Protocol - How they are implemented, communicated to staff, training and compliance monitoring.</p>
On-going	Review of Council	(a) Bullying and Harassment.

	Policies and procedures relating to ethical standards	(b) Grievance and complaints policies. (c) Ethical Procurement policy - How they are implemented and communicated, monitor compliance.
By September 2016	Succession Planning for new independent members of Standards Committee	Advertise and recruit new independent members of Committee. Deliver training and induction.

3. The following items within the Work Programme are due for consideration in at this meeting in May 2016:

- Dispensations
- Local Resolution Protocol for Complaints.
- Complaints of Misconduct
- Review of Councils Protocols.
- Succession Planning.

4. Dispensations

There have been no dispensation applications during the past 12 months. Previously, the Committee had considered a number of dispensation applications in connection with members Neighbourhood Allowances. The rules regarding the use of this funding were tightened up considerably as from April 2015 and the funds were not fully utilised during the last financial year. The neighbourhood allowances were then removed from the budgets from April 2016 as part of proposed savings. Therefore, no further dispensation applications will be forthcoming regarding the use of these allowances.

There have been no other dispensation applications relating to other types of personal interests.

The Dispensation Regulations (reported separately on the agenda) have now been amended to allow dispensation applications to be referred to other authorities' Standards Committees in the case of any perceived conflict of interest or for expedition, in cases or urgency, where members are unavailable. There is also a new general category for granting dispensation, not covered by any of the other specific exemptions.

5. Local Resolution Protocol

There has only been 1 complaint under the Local Resolution Protocol during the past 12 months. This concerned a perceived conflict of interest on the part of an elected Member and failure to show respect and consideration for other Members. The matter was investigated under Stage 2 of the Protocol but there was no evidence of any abuse of position and the member apologised to the other councillors for his behaviour. Therefore, the matter was resolved and the complaint was not taken any further.

The Code of Conduct has now been amended to remove any duty to report breaches to the Ombudsman, to facilitate the local resolution of these low level complaints.

6. Complaints of misconduct

There have only been two formal complaints to the Ombudsman during the past 12 months. One of the complaints was not accepted for formal investigation on the basis that there was no evidence of any misconduct. The other complaint, regarding a community councillor, is subject to on-going investigation.

7. Review of the Council's Protocols

The Planning Protocol is currently being reviewed at a national level by Welsh Government and the Lawyers in Local Government Group, with a view to introducing a standard protocol for all councils in Wales under the Planning (Wales) Act 2015. The draft Protocol has been circulated for consultation. In the meantime, the conflict of interest provision under paragraph 10(2) (b) of the

Code has been removed, to clarify that ward members are not deemed to have any “personal” interest in planning applications relating to their wards.

It is suggested that any further review of the Council’s Planning Protocol is deferred pending the outcome of the national review.

In the light of the changes to the Code of Conduct, and the on-going review of the Council’s Constitution by the Democratic Services committee, a further review of the protocol, for member-officer relations may be appropriate. This was last considered by Committee some years ago, but the proposed amendments were not agreed by Council. The protocol was intended to supplement the code and give practical advice to officers and members in relation to how they behave towards one another.

This could be reviewed in September, if the Committee so wish.

8. Succession Planning.

The term of office for all elected members has now been extended until May 2017 to coincide with the next local elections and the automatic 4 year term has been removed.

The independent members serve a term of office of 4 years, although they are eligible to serve two consecutive terms of office.

The Chair and Vice-Chair of the Standards Committee were both first appointed in September 2008 and their appointments were renewed by the Council for a further 4 years in September 2012. Therefore, their term of office is due to expire in September 2016 and it will be necessary to advertise and appoint two new independent members and appoint a new Chair and Vice Chair.

Copies of the previous advertisement and job specifications are attached, for information.

9. Future work programme items

In the light of the changes to the Code of Conduct, Committee may wish to consider whether there is a need for any updated member training at this stage, or whether this should be deferred until after the next local elections in May 2017.

The Standards Committee Annual report will also be considered in September.

Financial Summary

10. There are no financial implications.

Options Available

11. To note the Report and agree the updated work programme.

Comments of Chief Financial Officer

12. There are no financial implications.

Comments of Monitoring Officer

13. Included in the Report.

Staffing Implications: Comments of Head of People and Business Change

14. There are no staffing or policy implications.

Background Papers

Standards Committee Annual Report 2015/2016.

Dated: 16 May 2016

NEWPORT CITY COUNCIL

VACANCY FOR INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE

The Council is looking to appoint an independent member to its Standards Committee in accordance with the Standards Committees (Wales) Regulations 2001 (as amended).

The Standards Committee is established under the Local Government Act 2000 and is responsible for promoting and maintaining high standards of ethical conduct by elected and co-opted members of the Council and local community councils, monitoring compliance with the Members Code of Conduct, dealing with any reports of breaches of the Code and determining any appropriate action.

The Committee comprises 5 independent members, 3 Council members and 1 Community Council member. The Chairperson and Vice-Chairperson must be independent members.

A vacancy now exists for one independent member. To be eligible, applicants must be independent of the Council and, therefore,

- must not be a current member or officer (or the spouse of any current member or officer) of Newport City Council, any other local authority or community council
- must not be a former member or officer of Newport City Council
- must not have been a former member or officer of any other council within the last 12 months

In addition, applicants should

- have a knowledge and understanding of local government
- not be active in local or national politics
- recognise and understand the principles of high ethical standards in public life
- be able to display independent thought and an unbiased attitude
- be able to understand and weigh up evidence

The Committee meets at least four times a year and more frequently, as required. A fee as prescribed by the Independent Remuneration Panel for Wales will be paid for attendance at meetings (currently £198 per day). Independent members are appointed for a term of 4 years but are eligible to be re-elected for one further term. Appropriate training will be provided.

Interviews will be conducted by a panel of 5 members of the Standards Committee who will make recommendations to the Council. The successful applicant would be expected to take up the appointment immediately following confirmation of the appointment by the Council.

If you believe you meet the needs of the post and you are interested in becoming a member of the audit committee of the city council, you can obtain more information and an application form by contacting...

NEWPORT CITY COUNCIL

INDEPENDENT MEMBER OF STANDARDS COMMITTEE

KEY PURPOSE

Newport City Council (“the Council”) has established a Standards Committee in accordance with the Local Government Act 2000 and the Standards Committees (Wales) Regulations 2001 (as amended). The Committee comprises 5 independent members, 3 Council members and 1 Community Council member. The Chairperson and Vice-Chairperson must be independent members.

KEY ACCOUNTABILITIES

The role of the Standards Committee is to:-

- promote and maintain high standards of ethical conduct by elected and co-opted members of the Council and local community councils
- monitor compliance with the Members Code of Conduct
- deal with any reports of breaches of the Code and determine any appropriate action

Independent members are required to:-

- Attend a minimum of 4 committee meetings per year and additional meetings, as required.
- Participate in the promotion of high ethical standards and compliance with the Members Code of Conduct and contribute towards the effective discharge of the statutory role and responsibilities of the Standards Committee.

QUALIFICATIONS AND EXPERIENCE

Independent members should have

- High ethical standards
- An ability to understand and weigh up evidence
- An ability to display independent thinking and an unbiased attitude
- Good communication skills, both written and oral

Knowledge and experience of local government functions would be advantageous

A fee as prescribed by Independent Remuneration Panel for Wales will be paid for attendance at meetings.

SPECIAL CONDITIONS

Independent members must be independent of the Council and cannot

- be a serving Member or officer (or the spouse or partner of a Councillor or officer) of the Council, any other local authority or community council
- be a former member or officer of Newport City Council
- have been a former member or officer of any other council within the last 12 months
- be active in local or national politics

Independent members will be required to sign an undertaking to comply with the Council’s Code of Conduct.

Independent members are appointed for a term of 4 years but are eligible to be re-elected for one further term. Appropriate training will be provided.

JOB REQUIREMENT FORM

INDEPENDENT MEMBER OF STANDARDS COMMITTEE

Requirement	Essential or Desirable	How tested (S) used at shortlisting
Education/Qualifications/ Knowledge		
1.1 Good educational background	E	Application Form (S)
1.2 Good understanding of the principles of high ethical standards in public life	E	Application Form (S)/ Interview
1.3 Knowledge and understanding of local government	D	Application Form (S)/Interview
Experience		
1.1 Relevant work experience in the public sector, voluntary sector or business community	E	Application Form (S)
1.2 Local Government experience	D	Application Form (S)
1.3 Experience of a role in the public sector with public accountability	D	Application Form (S)
Aptitude and Skills		
1.1 Good communication and inter-personal skills, both written and oral;	E	Interview
1.2 An ability to understand and weigh up evidence	E	Interview
1.3 An ability to work effectively with Councillors and officers	E	Interview
1.4 An ability to assess issues relating to ethical standards and to identify and evaluate solutions.	E	Interview
1.5 Ability and confidence to challenge and hold to account in a fair and impartial manner	E	Interview
Personal Attributes		
1.1 Demonstrate high ethical standards	E	Interview
1.2 Demonstrate commitment and enthusiasm	E	Interview
1.3 Demonstrate independent thinking and an unbiased attitude	E	Interview

1.4 Demonstrate independence and objectivity	E	Interview
Circumstances		
1.1 Be able to commit to attending a minimum of 4 Standards Committee meetings a year and attend any essential training and development courses.	E	Application Form (S)/Interview
1.2 Flexibility to attend meetings at different times of the day (should the need arise)	E	Application Form (S)/Interview
Equal Opportunities		
1.1 Understand and demonstrate a willingness to promote positively the Equalities policy of Newport City Council	E	Interview

10. Are you a Member or officer, former Member or officer or related to any Member or officer of Newport City Council? If so, please give details

11. Please indicate whether you are a member of any Political Party and provide details of any activities of a political nature in which you are involved

12. Please give details of any business connection with Newport City Council or any previous dealings with the Council.

13. Please indicate and give details of any unspent criminal convictions (excluding driving offences).

14. Please give details of your availability to attend meetings of the Standards Committee and any particular working days or times when you would generally be unable to attend:

15. Do you undertake any other public role, for example, Justice of the Peace, School Governor, Trade Union Official or Community Council Member? If so, please provide details

16. Please indicate why you are interested in serving on the Council’s Standards Committee (continue on separate sheet, if necessary):

Signed:

Date:

Please return to the Head of Law & Standards, Newport City Council, Civic Centre, Newport, South Wales NP20 4UR.