

Standards committee

Date: **Friday, 17 July 2015**

Time: **10:00**

Venue: **Mancroft room**

City Hall, St Peters Street, Norwich, NR2 1NH

Committee members:

Councillor Bogelein
Councillor Driver
Councillor Haynes
Councillor Lubbock
Councillor Manning
Councillor Sands (M)

Co-opted members:

Mr P Franzen
Mr C Thrower
Mr A Roy (Independent person)

For further information please contact:

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Information for members of the public

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For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website.

Agenda

- 1 Appointment of chair**
To appoint the chair for the upcoming civic year
- 2 Appointment of vice chair**
To appoint the vice chair for the upcoming civic year
- 3 Apologies**
To receive apologies for absence
- 4 Public questions/petitions**
To receive questions / petitions from the public (notice to be given to committee officer in advance of the meeting in accordance with appendix 1 of the council's constitution)
- 5 Declarations of interest**
(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)
- 6 Minutes** **5 - 8**
Purpose - to approve the accuracy of the minutes of the meeting held on 18 July 2014.
- 7 Draft Annual Report Of Monitoring Officer 2015** **9 - 14**
Purpose - To summarise the key work carried out from 1 April 2013 to 31 March 2015 and provide an assurance that the council's control measures to the areas which are the responsibility of the monitoring officer are adequate and effective.

Date of publication: **Thursday, 09 July 2015**



NORWICH
City Council

MINUTES

STANDARDS COMMITTEE

Time: 10am to 11.05am

18 July 2014

Present: Councillors Sands (M) (chair following election), Wright (vice chair, following election), Grahame (substituting for Councillor Henderson), Haynes, Manning, Sands (S), Mr P Franzen and Mr C Thrower

Apologies: Councillor Henderson and Mr A Roy (independent person)

1. APPOINTMENT OF CHAIR

RESOLVED to appoint Councillor Sands (M) as chair for the ensuing civic year.

2. APPOINTMENT OF VICE CHAIR

RESOLVED to appoint Councillor Wright as vice chair for the ensuing civic year.

3. DECLARATION OF INTERESTS

None.

4. MINUTES

RESOLVED to approve the accuracy of the minutes of the meeting held on 27 September 2013.

5. MONITORING OFFICER

Pamela Cary, the new monitoring officer, explained that she was using the meeting of standards committee as an opportunity for her to meet the committee. By way of introduction, she said that she had been a solicitor for over 30 years most of which had been in local government. She had been the deputy monitoring officer at Norfolk County Council for 10 years. She had also undertaken a number of code of conduct investigations on behalf of local authorities in Norfolk and elsewhere in East Anglia.

She said that soon after her appointment as monitoring officer in February 2014 she held meetings with senior managers at Norwich City Council and attended the corporate leadership team's annual away day. She had also met a number of the senior councillors and had given an "all councillor briefing" on the role of the monitoring officer.

She had reviewed the code of conduct process and identified that the constitution required any complaint received about a councillor to be initially assessed against an adopted criteria. A report was therefore taken to full council on 18 March 2014 when criteria for deciding whether a code of conduct complaint should be referred for formal investigation, based on Norfolk County Council's criteria, was approved. Under the previous standards regime, it would have been an assessment sub-committee of standards committee that would have made a decision as to whether something should be referred to investigation or not. Under the current arrangements, this decision would be made by the monitoring officer in consultation with the independent person in accordance with the adopted criteria.

In the six months that she had been in post she thought that there appeared to be reasonable relationships between members and between members and officers. She had only dealt with two code of conduct matters brought to her attention since her appointment and it had been appropriate to deal with both informally.

In reply to a question from Peter Franzen on the process following a complaint, Pamela Cary said that it was important to understand that standards committee no longer had the role that it had in the previous standards regime. She would follow the council's arrangements for dealing with standards including assessing the complaint against the adopted criteria in after consultation with the Independent Person. And, if she considered the matter warranted investigation, she would appoint an investigating officer. At the end of the investigation she would determine whether nothing was proven; or, in consultation with the Independent Person whether it needed to go on to a full hearing. In the first scenario above a report would go to standards committee for information. If it was determined that a hearing was required then standards committee would meet.

If the matter was also a potential criminal offence the monitoring officer would discuss the matter with the independent person and the other senior officer including the chief executive officer if appropriate and the police would be notified if deemed appropriate. Peter Franzen suggested that the police should be called in very early if there was even a remote possibility that it could be a criminal matter.

Councillor Grahame queried the transparency if decisions were made not to refer the matter to the police. Pamela Cary said that she had a legal responsibility to ensure that the council acted lawfully and ethically and in her professional role would engage all the appropriate people in this respect.

Colin Thrower recognised that the monitoring officer is required to act in a professional capacity. Since the previous standards regime had been abandoned he believed that the role of the independent person was important in giving the wider public confidence that matters were being considered impartially and that role could include bringing matters to standards committee.

In reply to a question from Councillor Grahame, Pamela Cary said that once a complaint was received the monitoring officer would generally speak to the complainant. If it was decided that an investigation would be held the complainant would be interviewed formally as part of this process. Normally, the complainant would be entitled to see a copy of the investigation report and to comment on it. If a hearing was subsequently held the complainant would be invited to participate in that process. She said that it was absolutely necessary to keep the complainant involved and informed at all stages of the process.

In reply to comments on the lack of sanctions available, Pamela Cary said that the penalties that could be imposed by a standards committee were limited including censure/reprimand or training. Andy Emms, democratic services manager, said that although it was not possible to impose serious sanctions such as suspensions etc., it should not be under-estimated how powerful it would be for the standards committee, which met in public and whose minutes were published, came to the view that a member had acted inappropriately. Some members expressed concern about how difficult it would be to sit in judgment of their peers. Pamela Cary emphasised that it was standards committee member's responsibility on behalf of the council to ensure good standards of conduct. .

In reply to other comments, Pamela Cary said that it was understood that the council was a political organisation and that political debate occurred. The whip system was a matter for the political parties themselves. Any member, who became aware of any action by another member that could be a breach of the code, had a responsibility to address it and if necessary, report it to the monitoring officer. She commended the council on continuing to invite co-opted members to be part of the committee as this element of external independent overview would give added confidence to the public.

Newly elected members had received an initial briefing at their induction session but a more detailed session was required. She would be liaising with the democratic services team to find a date in the autumn when she could deliver a code of conduct development session to councillors.

The chair emphasised that it was important that all councillors understood and adhered to the Nolan seven principles of public life.

6. SCHEDULE OF MEETINGS

RESOLVED to –

- 1) note the following schedule of meetings for the civic year –

17 October 2014 at 10am

15 January 2015 at 10am

- 2) ask the monitoring officer and the democratic services officer to give early warning to members if it was likely that one of those meetings would not be required.

CHAIR

Report to Standards Committee
17 July 2015

Item

7

Report of The monitoring officer
Subject Annual report of the monitoring officer

Purpose

To summarise the key work carried out from 1 April 2013 to 31 March 2015 and provide an assurance that the council's control measures to the areas which are the responsibility of the monitoring officer are adequate and effective.

Recommendation

To receive the annual report of the monitoring officer.

Corporate and service priorities

The report improves the council's corporate governance framework and helps to protect the interests of the council.

Financial implications

There are no direct financial consequences of this report.

Contact officers

Hugh Ferguson
Monitoring officer

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Background documents

None

Report

Introduction and background

1. The monitoring officer's report supports the assurance statements, included in the annual governance statement. It provides a review of the Monitoring officer's work as part of Norwich City Council's ('the council') governance arrangements and system of internal control.
2. The chief responsibilities of the monitoring officer can be summarised as follows:-
 - (a) a duty to report to council and cabinet in any case where the monitoring officer is of the opinion that any proposal or decision is or is likely to be illegal or to constitute maladministration;
 - (b) a range of functions relating to member conduct;
 - (c) specific functions under the council's constitution.
3. The ability of the monitoring officer to undertake this role effectively depends on excellent working relations with colleagues and members and on the flow of information and access to debate particularly at early stages. The scope of the work also extends to partnership arrangements.

Monitoring officer annual report

4. The monitoring officer's annual report summarises matters arising from the monitoring officer's work for the council in 2013/2014/2015 and comments on other current issues.
5. Corporate governance is the system by which local authorities direct and control their functions and relate to their communities. It is founded on the fundamental principles of openness, integrity and accountability together with the overarching concept of leadership. In this respect, the council recognises the need for sound corporate governance arrangements and over the years has put in place policies, systems and procedures designed to achieve this. The council has adopted a code of corporate governance as a means of drawing together all the positive elements of corporate governance which it already has in place.
6. The monitoring officer is appointed under Section 5 of the Local Government and Housing Act 1989 and has a number of statutory functions in addition to those more recently conferred under the Local Government Act 2000 and subsequent regulations concerning local investigations into member conduct, including the Localism Act 2011.

Key messages

7. The key messages to note are:

- a) Between 1 April 2013 and 31 March 2015, none of the council's elected or co – opted members was found to have breached the code of conduct for members.
- b) There has been a small number of matters referred to the monitoring officer but these have been dealt with informally.
- c) All councillors are trained in the code of conduct for members as part of the council's training and development programme, as well as the induction process for newly elected members.
- d) The monitoring officer has continued to be available to give advice to individual members regarding member behaviour and conduct concerns.
- e) The systems of internal control administered by the monitoring officer including compliance to the code of corporate governance and the council's constitution were adequate and effective during the period of this report.
- f) The council has arrangements in place to ensure compliance with relevant laws and regulations, internal policies and procedures and that expenditure is lawful i.e. the monitoring officer considers all reports to cabinet, council and committees and is consulted on policy development.
- g) There are standing orders, standing financial regulations and a scheme of delegation for members and officers in place and these are reviewed and updated as appropriate.
- h) The council is proactive in raising the standards of ethical conduct among members and staff, including the provision of ethics training and has put in place arrangements for monitoring compliance with standards of conduct across the council including:
 - i) Code of conduct for local government employment
 - ii) Code of conduct for members
 - iii) Protocol for members/officers working arrangements

- iv) Register of interests
 - v) Register of gifts and hospitality
 - vi) Complaints procedure
 - vii) Whistle-blowing policy
 - viii) Fraud policy
- i) The council can demonstrate that its members and staff exhibit high standards of personal conduct. Members and officers are aware of the need to make appropriate disclosures of gifts, hospitality and pecuniary interests. There is evidence that members and officers are making appropriate disclosures in the registers. Additional training is also given to managers.
 - j) The council has arrangements in place to receive and investigate allegations of breaches of proper standards of financial conduct and fraud and corruption.
 - k) The whistle-blowing policy demonstrates the council's commitment to providing support to whistleblowers and has been communicated to officers and those parties contracting with the council; as does the council's fraud policy.
 - l) The legal team is run in partnership with Norfolk county legal services (Norfolk public law - 'NPLaw') which provide monitoring officer and deputy monitoring officer's to the council. The legal team is accredited to the Law Society's Lexcel quality standard and has arrangements in place to ensure the quality of the service provided.
 - m) Reports have been provided to the standards committee and ad hoc reports on major legislative and governance issues are provided to the corporate leadership team.
 - n) The monitoring officer has access to all reports to the corporate leadership team and has the right to attend and be heard.
 - o) The monitoring officer has provided governance and probity advice/training to executive heads of service, heads of service and managers.
 - p) A monitoring officer protocol is in place at the council.
 - q) The monitoring officer is the link officer for Local Government Ombudsman contact.

Results of the monitoring Officers work - 1 April 2013 to 31 March 2015

8. Over the period, the monitoring officer has carried out the following tasks to ensure the effectiveness of his role:-

DUTIES	EXAMPLES
Have regular meetings with the chief executive in order to review current and likely future issues with legal, constitutional or ethical implications.	1:1 meetings with the CEO take place as required.
Maintained good liaison and working relations with the external auditor.	The external auditor would be consulted if reportable incidents arose and a report on outstanding claims is made each year.
Ensured that the council is kept up to date on new legislation and changes in the law which are relevant to the carrying out of the council's functions.	This will generally take the form of reports to members and briefing notes to the corporate leadership team.
The monitoring officer has been consulted at an early stage on new policy proposals and on matters, which have potentially significant legal implications.	The monitoring officer is consulted as required on new policy proposals.
All draft reports to the cabinet are as a matter of routine cleared by the monitoring officer or senior officers.	All reports are routinely forwarded to the monitoring officer and democratic services officers by service areas and are reviewed for their legal and ethical implications.
The monitoring officer has been informed of all emerging issues of concern of a legal, ethical or constitutional nature.	Executive heads of service and heads of services are aware that they must consult the monitoring officer on all legal, ethical or constitutional matters and they regularly do so.
Similarly, members have ensured that the monitoring officer is routinely informed and consulted in respect of new policy proposals.	Members can rely on the fact that all reports are routinely reviewed by the monitoring officer.
The monitoring officer has sought to resolve any potential illegality by identifying alternative and legitimate means of achieving the objective of the proposal.	The monitoring officer with input from npLaw regularly advise on the legality and/or appropriateness of administrative procedures and the legitimate means of achieving the objectives.
In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the	The monitoring officer has attended corporate leadership team meetings on a number of occasions throughout the period.

DUTIES	EXAMPLES
monitoring officer receives a full set of papers for the corporate leadership team and is entitled to attend meetings to advise.	
Where the monitoring officer receives a complaint of a potential reportable incident he must in appropriate cases seek to resolve the matter amicably, by securing that any illegality or failure of process is rectified. However, it is recognised that the monitoring officer may decide that the matter is of such importance that a statutory report is the only appropriate response.	There have been no incidents requiring a statutory report during this period.

Overall opinion on the adequacy and effectiveness of the Governance framework

9. That the systems of internal control administered by the monitoring officer including the code of corporate governance and the council's constitution, were adequate and effective during the period covered by this interim report for the purposes of the latest regulations