

Annual Report

of the Standards Committee 2005/06



John S Bridgeman CBE TD DL
Independent Chairman
Standards Committee

I am pleased to present the fourth Annual Report of the Standards Committee of Warwickshire County Council. It covers the year 2005/2006. In all the Committee met three times in the course of the year in public session.

The Committee has been briefed on the proposed changes to the member code of conduct and changes to the conduct regime for local government. It is kept informed of national developments through bulletins issued by the Standards Board for England.

I am indebted to the members of the Committee and for the support of officers and other members of Warwickshire County Council and for their contribution in ensuring that our work remains effective and economical.

Did you know? _____

The Government has published its proposals for changes to the conduct regime for local government. Primary and secondary legislation will be required to implement the changes. Some of the main proposals are

Local Standards Committee to filter all complaints rather than the Standards Board

Most cases to be investigated and decided at a local level with the Standards Board only dealing with the most serious allegations.

The Standards Board will have the power to withdraw the rights of local standards committees to deal with complaints where performance is unacceptable.

A clearer simpler member's code including the addition of a public-interest defence, removal of the requirement on members to report any potential breach of the code and changes to the rules about personal and prejudicial interests.

A national officers code of conduct setting out general principles of conduct, which would be implemented locally.

THE STANDARDS COMMITTEE

The Standards Committee is composed of six county councillors and two independent members. It is concerned with making sure that councillors, non-elected members and officers of the Council follow high standards of conduct in the way in which they conduct the business of the Council.

John Bridgeman CBE TD DL joined the Standards Committee and was elected Chairman in 2000. He is also Chairman of the Horseracing Regulatory Authority, the Direct Marketing Authority, CCS Enforcement Services, howtocomplain.com and the Standards Committee of the Warwickshire Police Authority. He is a Director of Oxford Psychologists' Press, Visiting Professor in Management at Keele University and the University of Surrey and advises a number of organisations on ethics, governance, regulation and strategy.

He was Managing Director of British Alcan Aluminium and a member of the Monopolies and Mergers Commission before serving for 5 years as Director General of Fair Trading.

Councillor Sarah Boad is a member of the Liberal Democrat party and represents the Leamington Crown division on the Council. She is the Deputy Leader of the liberal democrat group on the Council and Chair of Warwick Area Committee.

Councillor Gordon Collett is a member of the Conservative party and represents the Dunchurch

division on the Council. He is the Chair of the County Council and a former leader of the conservative group on the Council.

Councillor Mrs Marion Haywood is a member of the Conservative party and represents the Warwick South division on the Council. She is the conservative group spokesperson on the Health and Adult and Community Services Overview and Scrutiny Committees. Mrs Haywood sits on a number of charitable bodies and is chair of Warwick Relief in Need and South Warwickshire Welfare Trust, and Vice-Chair of The Charity of Sir Thomas White

Councillor Mick Jones is a member of the Labour party and represents the Nuneaton Galley Common division on the Council. He is the Chair of the Economic Development Overview and Scrutiny Committee and a former Cabinet portfolio holder for Young People, Lifelong Learning and Families.

Mark Magowan was appointed as an independent member of the Standards Committee in February 2003. Mr Magowan is a resident of Warwick and is a Senior Auditor with the National Grid Transco. He has previous experience with H.M.

Customs and Excise where his responsibilities included developing new tax and control frameworks with major companies.

Councillor Tim Naylor is a member of the Labour party and represents the Leamington Willes division on the Council. He is the Deputy Leader of the labour group on the Council and is a former Cabinet portfolio holder for Resources Management.

Councillor John Vereker is a member of the Conservative party and represents the Rugby Caldecott division on the Council. He is the Chair of Rugby Area Committee and a past Chair of the County Council

Did you Know?

The fifth Annual Assembly of Standards Committees will take place on 16 and 17 October 2006. Organised by The Standards Board for England, the event will be held at the International Conference Centre (ICC), Birmingham. Details can be found at www.standardsboard.co.uk

REVIEW OF PERFORMANCE 2005/06

We are pleased to note that no member of the Council has been found to be in breach of the Code by the Standards Board since the County Council adopted the new members Code of Conduct in April 2002. Nor have we received any referrals from the national Standards Board.

Top tips

Members who are re-elected should re-register their financial and non-financial interests or write to the Monitoring officer confirming that there is no change to their existing register of interests.

In certain circumstances a public-interest defence may be available in cases where confidential information has been disclosed. However it is likely that complex issues of law and fact will be involved and members are advised to exercise caution and take advice before contemplating such action.

Whether a member has a personal or a prejudicial interest is a question to be determined objectively. The mistaken but reasonable view of the member that s/he has no such interest is irrelevant. The test for a failure to comply with the Code provisions dealing with personal and prejudicial interests is similarly objective.

Members who professionally represent the private interests of applicants before their own authority are acting inappropriately and inevitably give a damaging impression. The particular case involved a councillor who was a solicitor representing a client before the licensing committee of his authority.

We have considered and advised on a number of issues throughout the year, for example:

Performance/ Monitoring reports in relation to

- Corporate Governance Audit Report 2005
- Contract Standing Orders Compliance Audits 2005/06
- Quarterly internal audit reports

Member development

- Commissioned training for new members on the Code of Conduct following the quadrennial elections
- Received and considered regular bulletins from the Standards Board
- Reviewed the impact of significant cases on the interpretation of the Code of Conduct

Policy Matters

- Proposals for revised Contract Standing Orders
- Proposals for guidance on the Management of Unofficial funds
- Proposals for a revised Internal Audit Strategy
- Proposals for changes to the Members Code of Conduct

Did you know?

The criteria used by ethical standards officers to assess whether a case is suitable for local investigation have been reviewed and updated. The new criteria should see more cases passed to monitoring officers for local investigation. The new criteria are:

- ethical standards officers will retain only those cases where an allegation if proven will undoubtedly warrant sanctions by the Adjudication Panel for England
- allegations against members of the Executive will be assessed on a case by case basis rather than automatically retained
- there will be less willingness to retain cases where the Monitoring Officer has a conflict of interest as he/she should be able to delegate or call upon reciprocal arrangements.
- some latitude will be given to smaller authorities where resources do not permit the carrying out of a number of investigations at the same time.

WORK PROGRAMME 2006/07

New Developments/Legislation

- Consider any proposals by government for changes to the officer and member conduct regime for local government
- Advise on any implications arising from cases and the bulletins issued by the Standards Board

Performance Monitoring

- Deal with any referrals by the Standards Board for England
- Review audits of compliance with Contract and Financial Standing Orders
- Consider the internal audit report for 2005/06, the external auditors annual management letter and the proposed statement of internal control
- Consider the external and internal audit plan for 2006/07

Member Development and Training

- Commission training as required for members in relation to the code of conduct
- Advise on any general areas of concern relating to the operation of Code of Conduct

Update on the National Picture

In the whole of England 2949 complaints were made between 1 April and 31 December 2005. 64% of the complaints were made by members of the public, 28% by councillors, 6% by council officers and 2% came from other sources.

27% of the complaints were referred for investigation, 291 (44%) of these complaints were referred for local investigation. Of the complaints referred for investigation 60% resulted in a finding of no further action, 16% no evidence of breach, 15% were referred for a hearing by the Adjudication Panel and 9% were referred to the monitoring officer for local determination

53% of the complaints referred for investigation related to parish councils, only 4% concerned county councils.

Publication date:
May 2006

Performance & Development Division

Contact:
Jane Pollard

Telephone:
01926 412565

Further details about our services and results can be found on our website:

www.warwickshire.gov.uk