

Central Bedfordshire  
Council  
Priory House  
Monks Walk  
Chicksands,  
Shefford SG17 5TQ



**please ask for** Martha Clampitt  
**direct line** 0300 300 4032  
**date** 20 October 2011

## NOTICE OF MEETING

### STANDARDS COMMITTEE

Date & Time

**Friday, 28 October 2011 9.30 a.m.**

Venue at

**Room 15, Priory House, Monks Walk, Shefford**

Richard Carr  
**Chief Executive**

To: The Chairman and Members of the STANDARDS COMMITTEE :-

Councillors:	Mrs J G Lawrence (Vice-Chairman), L Birt, R W Johnstone, Mrs J G Lawrence, N Warren and P Williams,
Independent Persons:	Mr K Ford(Chairman), Mr J Dann, Mr K Frazer, Mr M Jones and Miss D C Maggs (Vice-Chairman)
Town and Parish Representatives:	Mr B Collier, Dr W J Eilbeck, Mr J Lewis and Mr B Saunders

Other Members of the Council – as requested.

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS  
MEETING**

## AGENDA

1. **Apologies for Absence**

Apologies for absence and notification of substitute members.

2. **Minutes**

To approve as a correct record, the Minutes of the meeting of the Standards Committee held on 23 September 2011.

(attached)

3. **Members' Interests**

To receive from Members declarations and the **nature** thereof in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item

4. **Public Participation**

To deal with general questions and statements from members of the public in accordance with the scheme of public participation set out in Annex 1 to Part A4 of the Constitution.

## REPORTS

<b>Item</b>	<b>Subject</b>	<b>Page Nos.</b>
5	<b>Update on Current Standards Matters</b>  To advise Members on the latest position relating Assessment, Reviews and Hearings.	* 9 - 12
6	<b>Members Code of Conduct Audit</b>  To consider and note the internal audit review of the Members Code of Conduct.	* 13 - 18
7	<b>Future Arrangements for Standards Committee</b>  To discuss suggestions for the reconfiguration of the Standards Committee after the Localism Bill comes into force.	*



STD/11/2 **Members' Interests**

(a) **Personal Interests:-**

None.

(b) **Personal and Prejudicial Interests:-**

None.

STD/11/3 **Public Participation**

There were no applications from members of the public to speak under the Public Participation Procedure allowed for under Part A4 of the Constitution.

STD/11/4 **Notifications of Gifts and Hospitality declared by Central Bedfordshire Members**

The Committee received and considered the report which provided an update on the gifts and hospitality declared by Central Bedfordshire Members since the last meeting.

**RESOLVED**

**that the declarations of gifts and hospitality received by Central Bedfordshire Members as set out in Appendix "A" to the report of the Monitoring Officer be noted.**

STD/11/5 **Update on Current Standards Matters**

The Committee considered the report of the Monitoring Officer which advised Members of the latest position relating to Assessments, Reviews and Hearings.

The Committee and Officers were thanked for their time and consideration of the cases to date. The Monitoring Officer provided additional information about several of the cases which had not been available at the time the agenda was printed.

In one case, an investigation had been brought to a close after the subject member had resigned from office. The Chairman had agreed that no further action should be taken in respect of the complaint. The Committee discussed the course of action which should be taken should a similar situation arise in the future. The Committee concluded that the following action should be taken in such circumstances:-

A new sub-committee would be convened to review the original assessment information and any subsequent information raised during the investigation. The Sub-Committee would determine whether the investigation should be pursued or brought to close and the parties would be notified of this decision.

**RESOLVED**

**that the Update on Current Standards Matters report be noted.**

**STD/11/6 The Localism Bill - Verbal Update**

The Monitoring Officer provided an update on the progress of the Localism Bill through Parliament.

In particular the Committee received hard copies of the debate which was recently held in the House of Lords. It was noted that a number of points raised by the Committee in the letter sent by the Chairman to Government in February 2011 were addressed by the House of Lords during this debate.

It was also noted that the Government was reviewing its position on the arrangements proposed before the Bill received Royal Assent later in the autumn.

**STD/11/7 Future Arrangements for the Standards Committee**

The Chairman thanked members of the Committee for their suggestions on the future arrangements for the Standards Committee.

The Committee agreed that it was a positive sign from the Government that they were reviewing their position on the future of Standards within Local Government.

It was noted that Cllr Mrs Lawrence would represent the Committee in discussions on this matter with the Executive.

The Committee agreed that they had a good foundation for discussions once the future arrangements in the Bill were finalised. The Committee agreed to defer the detailed discussion until the next meeting on 28 October 2011 when it was felt more information would be available.

**STD/11/8 Date of Next Meeting**

The next meeting of the Standards Committee will be held on 28 October 2011 at 09.30 am.

(Note: The meeting commenced at 9.30 a.m. and concluded at 10.30 a.m.)

Chairman .....

Dated .....

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**Meeting:** Standards Committee  
**Date:** 28 October 2011  
**Subject:** Update on Current Standard Matters  
**Report of:** Monitoring Officer  
**Summary:** To advise Members on the latest position relating Assessment, Reviews and Hearings

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**Contact Officer:** John Atkinson, Monitoring/Head of Democratic & Legal Services  
**Public/Exempt:** Public  
**Wards Affected:** All  
**Function of:** Non-executive  
**Reason for urgency (if appropriate):** N/A

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**RECOMMENDATION:**

**That the Committee receive and note the report.**

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1. The report set out at Appendix "A" shows the current position relating to code of conduct cases, together with information about any further complaints received by the Standards Committee.
2. Members are requested to receive and note this report.

**CORPORATE IMPLICATIONS**

**Council Priorities:**

Contributes to all Council priorities to ensure good governance

**Financial:**

N/A

**Legal:**

To ensure high ethical conduct within the Council in accordance with the requirements of the Ethical Framework as set out in the Local Government Act 2000

**Risk Management:**

N/A

**Staffing (including Trades Unions):**

N/A

**Equalities/Human Rights:**

None

**Community Development/Safety:**

N/A

**Sustainability:**

N/A

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Location of papers: Priory House, Chicksands



CBC Ref	Name of Case	Complainant	Date Complaint rec'd	Breach of Code of Conduct Alleged	Legal Officer dealing with initial assessment	Elected Member dealing with initial assessment	Town & Parish Member dealing with initial assessment	Independent Member chairing initial assessment	Date of initial Assessment	Outcome of initial Assessment	Date of Review Assessment	Legal Officer dealing with review assessment	Elected Member dealing with review assessment	Town & Parish Member dealing with review assessment	Independent Member chairing review assessment	Outcome of Review Assessment	Investigating Legal Officer	Pre-Hearing Date	Hearing Date
CBC19	3 cbc members	Mr Gurney			Mark Woolsey	Cllr A A J Rogers	Cllr B Collier	Mr K Ford	14/10/10	1 CBC member to be investigated							John Atkinson	07/09/11	technical breach - no action to be taken. 1 factor taken into account by sub committee was Councillor had sought and obtained legal advice on his personal position and had acted on this advice.
CBC22	Town Council Member	Miss H Clark 12 Cluny Way Arlesey	26/10/10	1. paragraph 3(1) - you must treat others	Mark Woolsey	Cllr P Rawcliffe	Dr J Eilbeck	Mr K Ford	05/11/10	To be investigated jointly with CBC23							Andrew Emerton	13/04/11	05/09/2011 - censure and 4 wk suspension
CBC23	Town Council Member	Mrs L Rowe 5 High Street Dunton	26/10/10	1. paragraph 3(1) - you must treat others	Mark Woolsey	Cllr P Rawcliffe	Dr J Eilbeck	Mr K Ford	05/11/10	To be investigated jointly with CBC22							Andrew Emerton	13/04/11	05/09/11 - censure and 4 wk suspension
CBC24	Parish Council member	Mrs L Trevena Clerk to Stondon		1. Treating others with	Mark Woolsey	Cllr P Rawcliffe	Cllr J Lewis	Mr K Ford	13/01/11	to be investigated									
CBC26	Town Council Member	Mrs E Hare 2 Melrose Drive	17/03/11	paragraphs 3(1), 2(b)(c) and (d), 5	Andrew Emerton	Cllr R Johnstone	Dr J Eilbeck	Mr J Dann	07/07/11	to be investigated									
CBC27	CBC Member	Mr P Smyth 10 Hyde	30/03/11	1. failing to treat with	John Atkinson	Cllr Mrs J Lawrence	Dr J Eilbeck	Mr K Ford	10/06/11	No further action	29/07/11	John Atkinson	Cllr N Warren	Mr B Saunders	Miss D Maggs	No further action			
CBC28	CBC Member	John & Stephen boyle 19a Icknield Way, Luton Beds LU3 2BT	31/03/11	paragraphs 3(2), 5, 6(a) and 12(1)©	John Atkinson	Cllr Mrs J Lawrence	Dr J Eilbeck	Mr K Ford	10/06/11	refer to Standards for England - SfE decision was no further action									
CBC29	CBC Member	Simply Oak	11/04/11		Andrew Emerton	Cllr Mrs J Lawrence	Dr J Eilbeck	Mr K Ford	10/06/11	No further action									
CBC30	Town Council Member	Mrs E Hare 2 Melrose Drive elstow, Bedford MK42 9FH	21/04/11	paragraphs 3(1), 2(b)(c) and (d), 5 and 6(a) of the Town	Andrew Emerton	Cllr R Johnstone	Dr J Eilbeck	Mr J Dann	07/07/11	to be investigated									

CBC Ref	Name of Case	Complainant	Date Complaint rec'd	Breach of Code of Conduct Alleged	Legal Officer dealing with initial assessment	Elected Member dealing with initial assessment	Town & Parish Member dealing with initial assessment	Independent Member chairing initial assessment	Date of initial Assessment	Outcome of initial Assessment	Date of Review Assessment	Legal Officer dealing with review assessment	Elected Member dealing with review assessment	Town & Parish Member dealing with review assessment	Independent Member chairing review assessment	Outcome of Review Assessment	Investigating Legal Officer	Pre-Hearing Date	Hearing Date
CBC31	CBC Member	neighbour	initial information rec'd 06/04/11 awaiting complaint form		Andrew Emerton	Cllr R Johnstone	Dr J Eilbeck	Mr J Dann	07/07/11	to be investigated									
CBC32	Parish Council member	Mr Paul	15/06/11	failure to treat with respect	Mark Woolsey	Cllr R Johnstone	Dr J Eilbeck	Mr J Dann	07/07/11	no further action									
CBC33	Parish Council member	Mrs Burton	20/06/11	failure to treat with respect	John Atkinson	Cllr N Warren	Mr B Saunders	Miss D Maggs	29/07/11	no further action									
CBC34	Central Bedfordshire Councillor	Miss Harvey	03/08/11	failure to treat with respect	Andrew Emerton	cllr L Birt	Mr J Lewis	Miss D Maggs	07/09/11	to be investigated									
CBC35	Parish Council Member	Mrs Trevena	04/10/11	5, 6a, 3(i), 3(2)(a)	John Atkinson	Cllr P Williams	Mr J Lewis	Mr M Jones	28/10/11										
CBC36	Parish Council member	K Goode	08/10/11	5 and 6(b)(i)	John Atkinson	Cllr P Williams	Mr J Lewis	Mr M Jones	28/10/11										
CBC37	Parish Council member	K Goode	14/10/11	10(1), 10(1)(a), 3(1), 3(2)(a), 3(2)(b) and 5	John Atkinson	Cllr P Williams	Mr J Lewis	Mr M Jones	28/10/11										



**CONFIDENTIAL**

**Members' Code of Conduct**

**CORPORATE SERVICES**

**INTERNAL AUDIT REPORT**

**2011/12**

**PREPARED FOR: John Atkinson  
Head of Legal & Democratic Services  
(Monitoring Officer)**

## DISTRIBUTION LIST

### Principal Auditees:

John Atkinson - Head of Legal & Democratic Services (Monitoring Officer)

### Copied to:

Deb Clarke - Interim Assistant Chief Executive – People and Organisation

Wider circulation of this report is only at the discretion of the officer named on the front cover and the Principal Auditee detailed above and needs to be specifically arranged by them. No other officers should therefore provide further copies of reports for wider circulation.

PREPARED BY : Roger Willoughby, Audit Manager and Laura Taylor, Technical Support Officer

AUDIT UNDERTAKEN BY : Laura Taylor, Technical Support Officer

DATE OF AUDIT : August 2011

REFERENCE : 176/2011

THE AUDIT WAS CARRIED OUT IN ACCORDANCE WITH THE CIPFA CODE OF PRACTICE FOR INTERNAL AUDIT IN LOCAL GOVERNMENT AND THE INTERNAL AUDIT STANDARDS OF CENTRAL BEDFORDSHIRE COUNCIL INTERNAL AUDIT SECTION

*Kathy Riches*

Head of Internal Audit

DATE ISSUED: (Draft) 23<sup>rd</sup> September 2011  
(Final) 28<sup>th</sup> September 2011

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### APPENDIX A - INTERNAL AUDIT CONTROLS ASSESSMENT SCHEDULE

## **1. INTRODUCTION AND BACKGROUND**

- 1.1 The standards of behaviour expected of elected Members in Local Government are reflected in the local standards framework which includes the Local Government Act 2000 and the Model Code of Conduct (Members) 2007. The local standards framework gives local authorities the responsibility for upholding the ethical behaviour of their members.
- 1.2 The aim of this audit is to provide assurance to management that the Council has in place appropriate processes and controls to ensure that the key requirements of the local standards framework, as reflected in the Model Code of Conduct 2007, can be applied.
- 1.3 This audit also forms part of a rolling programme of assurance work on governance arrangements within the Council that helps inform the Annual Governance Statement.

## **2. RISK ASSESSMENT**

- 2.1 Managers are responsible for identifying, evaluating, and managing risks and associated controls in their service area. They are responsible for managing and reporting actions on their respective risk registers that contribute to the corporate risk register.
- 2.2 In planning this audit exercise, the following were considered to represent the potential key risks to the system in failing to deliver the relevant Council service objectives:
  - The Council's Local Code of Conduct is not compliant with the Model Code of Conduct 2007
  - Members are not fully aware of the Code of Conduct and their responsibilities
  - Non compliance with the Code is not reported and/or reports are not properly dealt with.

## **3. AUDIT OBJECTIVES**

- 3.1 The objective of this audit was to ascertain the extent to which the assessed risks have been identified and managed and to evaluate whether effective controls which mitigate the risks have been established within the systems and processes and that these have operated effectively throughout the period under review.
- 3.2 The main objectives of this audit were to:
  - Document the system, or if already done so, check the currency of the existing documentation.
  - Identify the controls in place to mitigate the identified risks and minimise fraud.
  - Provide an overall assessment as to the adequacy of controls in place to mitigate the risks and minimise fraud and identify action required to improve control where necessary.

**4. SCOPE OF THE AUDIT**

- 4.1 The processes audited were those supporting the Code of Conduct for members.
- 4.2 The main focus of this audit was the extent to which the assessed risks are being managed.

**5. AUDIT APPROACH**

- 5.1 The processes followed in conducting this audit were in accordance with the agreed Internal Audit Charter.
- 5.2 The Audit Manager met with the Principal Auditee at the start of the audit to discuss specifically how the audit was to take place.
- 5.3 The Audit Manager liaised with the Principal Auditee at the conclusion of the audit to discuss any issues arising from the audit testing in order to facilitate prompt remedial action by relevant officers.

**6. OVERALL ASSESSMENT**

- 6.1 Appendix A details the assessment of the expected controls identified to mitigate the potential key risks (as listed in paragraph 2.2 above).
- 6.2 An action plan has not been included as no findings were identified and no recommendations were made. The Council has in place appropriate processes and controls to ensure that key requirements of the local standards framework are applied.
- 6.3 In accordance with Internal Audit’s current practice in providing a measured opinion as to the adequacy of the controls in place, and any subsequent risk, this audit exercise has concluded that the control environment for 2011/12 provides **Full Assurance**.

Full Assurance	Adequate Assurance	Limited Assurance	No Assurance
<b>Good controls</b>	Adequate controls	Limited controls	Inadequate controls
<b>Low risk of not meeting objectives</b>	Medium/Low risk of not meeting objectives	Medium risk of not meeting objectives	High risk of not meeting objectives
<b>Low risk of fraud, negligence, loss, damage to reputation</b>	Medium/Low risk of fraud, negligence, loss, damage to reputation	Medium risk of fraud, negligence, loss, damage to reputation	High risk of fraud, negligence, loss, damage to reputation
<b>Level of Assurance: High</b>	<i>Level of Assurance: Medium</i>	<i>Level of Assurance: Medium/Low</i>	<i>Level of Assurance: Low</i>

**7. ACKNOWLEDGEMENTS**

- 7.1 We would like to thank John Atkinson (Head of Legal and Democratic Services and Monitoring Officer) and Alan Millbery (Member/Civic and Ceremonial Support Officer) for their time and co-operation during the audit.

Appendix A

**INTERNAL AUDIT CONTROLS ASSESSMENT SCHEDULE**

**RISK 1: The Council's local Code of Conduct is not compliant with the model Code of Conduct 2007**

Control	Not in Place	Partially In Place	In Place
1.1 The Council has established a relevant committee with the applicable terms of reference.			G
1.2 Once a Standards Committee has been set up, it must send a copy of the committee's terms of reference to the Standards Board.			G
1.3 The monitoring officer advises the Standards Committee of necessary changes to the code for compliance with the LGA 2000.			G
1.4 The Council makes necessary arrangements for publicising the local code.			G
1.5 Relevant authorities are advised of the contents of the local code of conduct.			G
1.6 Updates of the code are sent to the Standards Board of England.			G
1.7 The local code contains all the compulsory provision of the model code and these remain unaltered.			G
1.8 The Council has adopted a local code within 6 months of the model code being made by parliament.			G

**RISK 2: Members are fully aware of the Code of Conduct and their responsibilities**

Control	Not in Place	Partially In Place	In Place
2.1 Council members agree in writing that they will observe the local code.			G
2.2 Council Members who fail to sign up to the local code, within 2 months of it being adopted, cease to be a member of Council.			G
2.3 Chief Executive and Monitoring Officer provide an induction and training for members, which include the code.			G

**RISK 3: Non compliance with the Code is not reported and/or reports are not properly dealt with**

Control	Not in Place	Partially In Place	In Place
3.1 The Standards Committee monitor the operation of the local code in conjunction with the Monitoring Officer.			G
3.2 There are adequate arrangements for reporting as well as arrangements for investigating breaches of conduct by members.			G