



STANDARDS COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE STANDARDS COMMITTEE TO BE HELD IN THE JOHN MEIKLE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON TUESDAY 11TH AUGUST 2009 AT 14:30.

AGENDA

1. Apologies.
2. Minutes of the meeting of the Standards Committee held on 16 July 2009 (attached).
3. Public Question Time.
4. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
5. Gifts and Hospitality - Register of Interests. Report of the Monitoring Officer (attached). Tonya Meers
6. Granting of Dispensations to Councillors - Delegation of authority away from the Standards Committee. Monitoring Officer to report. Tonya Meers
7. Probity in Planning. Analysis of the latest Guidance. Peter Malim and Robert Symons to report on progress.
8. Members Register of Interests on the Website. Monitoring Officer to report. Tonya Meers.
9. Update on complaints made against Councillors under the Local Standards Framework. Tonya Meers
10. Further Training for Parish Councils. Vice-Chairman to report. Maurice Stanbury
11. Date of next meeting.

Tonya Meers
Legal and Democratic Services Manager
03 August 2009

Standards Committee Members:-

Mrs Anne Elder (Chairman)
Mr Maurice Stanbury (Vice-Chairman)
Councillor Mrs Allgrove
Councillor Brooks
Mr Alan Cottrell
Councillor House
Dick Macey
Peter Malim OBE
Mike Marshall
Lynn Rogers
Robert Symons
Bryn Wilson



Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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Website: www.tauntondeane.gov.uk (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Standards Committee – 16 July 2009

Minutes of a meeting of the Standards Committee held in Committee Room No. 2, The Deane House, Belvedere Road, Taunton on Wednesday, 16 July 2009 at 2.30 p.m.

Present: Councillors Mrs Allgrove and House
Mr A Cottrell, Mrs A Elder, Mr R Macey, Mr P Malim OBE, Mr L Rogers,
Mr M Stanbury, Mr R Symons

Officers: Mrs T Meers (Monitoring Officer) and Mr R Bryant (Democratic Services Manager)

12. Appointment of Chairman

Resolved that Mrs Anne Elder be appointed Chairman of the Standards Committee for the remainder of the Municipal Year.

13. Appointment of Vice-Chairman

Resolved that Mr Maurice Stanbury be appointed as Vice-Chairman of the Standards Committee for the remainder of the Municipal Year.

14. New Councillor Appointment

The Democratic Services Manager, Richard Bryant, reported that since the last meeting the Liberal Democrat Group had appointed Councillor Steve Brooks to replace Councillor Tim Slattery on the Standards Committee.

15. Resignation

The Chairman reported that Mrs Jenny Hoyle had tendered her resignation from the Standards Committee. She undertook to write to Mrs Hoyle on behalf of the Committee to thank her for contributions to the work of the Committee over the past two years.

In terms of finding a replacement Parish Representative, Richard Bryant reported that he still had details of those Parish Councillors who had applied during the course of 2008 to fill the last vacancy. He would initially contact those individuals in areas of Taunton Deane which were not "covered" by the existing Parish Representatives to establish whether they were still interested in joining the Committee. A discussion with the Chairman would then take place as to the next part of the recruitment process.

16. Apologies

Councillor Brooks, Mr M Marshall and Mr B Wilson.

17. Minutes

The minutes of the previous meeting of the Committee held on 15 April 2009 were taken as read and were signed, subject to the following amendment to Minute No 4 “Good Practice in Standards – Research Project”:-

First bullet point, last sentence, the word “his” to read “this”.

18. Declaration of Interest

Councillor Mrs Allgrove declared a personal interest as Chairman of the Somerset Association of Local Councils.

19. Standards Board Intervention, Joint Standards Committees and Dispensations

Reported that the Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255), came into force on 15 June 2009.

The regulations made provision for the Standards Board for England (SBE) to suspend the functions of a local Standards Committee where the Committee was failing to perform its functions satisfactorily. They also gave Councils a power to establish Joint Standards Committees and extended the power of Standards Committees to give Members dispensations where they would otherwise be prohibited from participating on a matter because of a prejudicial interest.

(i) Suspension of Standards Committee Functions

The function of initial assessment of complaints in respect of a breach of the Code of Conduct by Members was transferred from the SBE to local Standards Committees from 8 May 2008. Although most local authorities had taken on this new responsibility and were discharging this function effectively, the new regulations now gave a power for the SBE to intervene in an individual authority if it was considered necessary to do so.

An intervention could be triggered by the SBE in a number of ways, including if it was felt the authority’s Standards Committee had failed to have regard to SBE guidance or a direction from the SBE, or the authority’s Monitoring Officer had failed to carry out his/her functions within a reasonable time or in a reasonable manner.

Where the SBE considered intervention, it had to give the authority notice of its intentions and reasons and give the authority at least 28 days to respond before a direction was made. The effect of a direction was to transfer the initial assessment function to either the SBE itself, or to the Standards Committee of another named authority (“the substitute authority”).

During the period of the intervention, the SBE or the substitute authority would undertake the initial assessment and decide whether to refer the allegation for a local or a SBE investigation, alternative action or no action, as appropriate.

The intervention was strictly in respect of the initial assessment function, so the regulations also provided a discretion to the SBE as to how any subsequent hearing should be conducted.

Noted that an intervention could be terminated by the SBE at any time.

(ii) Joint Standards Committees

The regulations gave a discretion for two or more local authorities to set up a Joint Standards Committee, and made it clear that such a Joint Standards Committee could be established to discharge all of each participating authority's standards functions if it so wished. Alternatively, if it was decided that only some functions should be dealt with by a Joint Committee, each participating authority would retain its own Standards Committee to deal with the remaining functions.

Where authorities wished to establish a Joint Standards Committee, the Full Council of each participating authority would need to resolve a number of issues including which standards functions were to be allocated to the Joint Committee, the administrative arrangements, the number of Members, including Independent and Parish members, to be appointed and how the costs incurred by the Joint Standards Committee would be shared between the participating authorities.

(iii) Dispensations

The new regulations had updated the original 2002 Dispensations Regulations which provided that a Member who had a prejudicial interest in a matter which was coming before the Council could apply to the Standards Committee for a dispensation to allow him/her to speak and to vote on the matter at meetings.

The regulations specified two grounds for dispensation:-

- (a) Where the business of the authority would be impeded because more than 50% of the Members of the decision-making body (Council, Committee, Sub-Committee or Cabinet) would otherwise be prohibited from voting on the matter; and
- (b) Where the business of the authority would be impeded because the absence of Members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting.

A dispensation could be granted for a particular meeting or for a period, not exceeding four years. A dispensation could not however be granted to a Member who was prohibited from participating at an Overview and Scrutiny Committee by virtue of having been involved in taking the original decision, or to an Executive Member for the exercise of delegated powers. All dispensations granted were entered in the register of Members' interests.

In practice, the grant of dispensations would continue to be problematic because Members were rarely aware of the numbers of Members who would be debarred from the consideration of a particular matter by reason of prejudicial interests until it was too late to call a Standards Committee.

During the discussion of this item, it was agreed that the merits of possibly establishing a Joint Standards Committee with neighbouring Councils should be considered in greater detail at a future meeting of the Committee.

Members also asked whether the granting of dispensations could be delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee, to overcome the situation described above where in normal circumstances, a decision of the Standards Committee appeared to be required. Mrs Meers agreed to report back on this point at the next meeting.

Resolved that:-

- (1) the Standards Committee (Further Provisions) (England) Regulations 2009 be noted; and
- (2) the Monitoring Officer advises all Members of the new grounds for application for a dispensation.

20. Probity in Planning

Mrs Meers reported that the Local Government Association (LGA) had recently published a document titled "Probity in Planning : The role of Councillors and Officers – Revised guidance note on good Planning practice for Councillors and Officers dealing with Planning matters".

Unfortunately, this guidance had already been issued to Members of Taunton Deane's Planning Committee without any changes to previous guidance being highlighted.

The Vice-Chairman, Maurice Stanbury, suggested that a comparison should be undertaken between existing guidance and the new document from the LGA.

Messrs Malim and Symons agreed to undertake this analysis and would report their findings to a future meeting of the Committee.

21. Draft Protocol for the Local Assessment Scheme

Mrs Meers submitted for comment a draft protocol which had been prepared in conjunction with the Vice-Chairman. Its purpose was to ensure that every complaint made against a Councillor or Parish Councillor was dealt with promptly and efficiently. The protocol would be used alongside the guidance issued by the SBE.

The protocol was divided into the following three sections:-

- Actions from initial receipt of the complaint to the decision of the Assessment Sub-Committee;
- Investigation and subsequent process; and
- Application and monitoring of sanctions.

Members welcomed the protocol although it was hoped the flowchart which accompanied it could be modified to include the key time limits for easy reference.

Resolved that the Complaints Protocol be formally adopted.

22. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 9 of Schedule 12A to the Local Government Act, 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

23. Update on Complaints

Mrs Meers circulated a spreadsheet which provided a complete update on the five complaints received against Taunton Deane Councillors since May 2008 when the Local Assessment Framework had been introduced.

The Chairman reported on the case involving Councillor Stone (Reference 2008/02) which had been subject to a hearing on 16 April 2009. Part of the sanction imposed on Councillor Stone was to appear at the Full Council meeting on 14 July 2009 to apologise to his fellow Members for not withdrawing from a previous meeting of Full Council when he had declared a prejudicial interest.

Without any explanation, Councillor Stone had submitted his apologies shortly in advance of the meeting on 14 July and had not therefore delivered the required apology. The Chairman had attended the meeting of Full Council and had expressed her concern at Councillor Stone's "cavalier attitude". She had sought and received backing for an appropriately worded letter to be sent to Councillor Stone.

Mrs Meers confirmed that she was in contact with the SBE as to what further steps could be taken to ensure Councillor Stone complied with the sanction imposed on him. It was possible that a further complaint might need to be lodged but this would be confirmed once further SBE guidance had been received.

24. Visits to Parish Councils

The Democratic Services Manager, Richard Bryant, circulated information to the Independent Members as to the Parish Councils which were still due to be

visited.

Only Bradford on Tone and Wellington Without had not been visited during the “first round” and with meetings scheduled for September 2009, Messrs Cottrell and Symons volunteered to attend on behalf of the Standards Committee.

In terms of providing further or refresher training, Mrs Meers informed Members that there was likely to be a revision to the Code of Conduct later in the year. This would give the opportunity for further training to be delivered to Parish Councils as well as updating them on the new regulations concerning dispensations.

During the discussion of this item the Vice-Chairman suggested that it might be helpful for the Independent Members to receive some further information about Parish Council procedures and protocols to gain a greater understanding of the how meetings should be conducted.

The Chairman warned that it was beyond the remit of the Committee to become involved in how a Parish Council meeting should be run. If anything of concern was noted, this should be reported to the Parish Liaison Officer to follow up, if appropriate.

25. “The Way Forward”

Mrs Meers reported that she had recently discussed with the Chairman a number of ideas for the future working of the Standards Committee.

It was felt that arranging an informal meeting of the Committee away from The Deane House would be of considerable benefit to allow discussions to take place on obtaining a better understanding of the work of the Legal and Democratic Services Unit, to consider the Committee’s Terms of Reference, to decide the “way forward” for the Committee and how best to build a relationship with the rest of the Council.

The next scheduled meeting of the Committee was on Tuesday, 11 August 2009 and it was suggested that the informal session should take place that morning at a venue to be notified. This suggestion was agreed.

26. Date of the next meeting

The next meeting would be on Tuesday, 11 August 2009 at 2.30 p.m. in The John Meikle Room at The Deane House.

(The meeting ended at 4.18 p.m.)

Taunton Deane Borough Council

Standards Committee – 11 August 2009

Gifts and Hospitality – Register of Interests

Report of the Monitoring Officer, Tonya Meers

1. Purpose of the Report

- 1.1 The purpose of the report is to obtain Standards Committee approval to the amendments made to the Staff Handbook in respect of gifts and hospitality and to approve the process following the recommendations of the South West Audit Partnership (SWAP).

2. Background

- 2.1 On the 3 June 2009 the South West Audit Partnership (SWAP) produced a report following an audit of the gifts and hospitality (Appendix 1).
- 2.2 The objective of that report was to ensure that there was robust and up to date policies and procedures in place to guide staff and Members on the need to record any offer of gifts and hospitality and that the policy and procedure is communicated to and understood by staff and Members.
- 2.3 A number of recommendations were made in the report which SWAP felt would tighten up the Council's procedures, although it was accepted that on the whole they were happy with the way in which the gifts and hospitality process was operated.
- 2.4 Recommendations at 1.2, 1.3, 1.5, have all been completed.
- 2.5 Recommendation 1.1 requests a review of our current policy and processes. Attached at Appendix 2 to this report are the amendments made to the Staff Handbook and the process to be followed by staff.
- 2.6 The Corporate Management Team has reviewed these amendments and their comments will be reported at the meeting.
- 2.7 Human Resources and Unison have also been consulted and their comments will also be reported at the meeting.
- 2.8 Recommendations 1.4 and 1.6 will be completed following the approval of the changes requested in this report.

2.9 Members are therefore asked to approve the changes to the staff handbook and process.

3. Recommendation

3.1 To approve the changes to the Staff Handbook and process in respect of gifts and hospitality.

Contact Tonya Meers, Monitoring Officer,
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Taunton Deane Borough Council

► Gifts and Hospitality - Register of Interests

Issued to: Tonya Meers
*Legal & Democratic Services
Manager*

Shirlene Adams
Strategic Director

Gerry Cox
*Head of Internal Audit
Partnership*

Working in partnership with



Date of Report: 3 June 2009

Issued by: Chris Gunn
Lead Auditor

Management Summary

As part of the 2009-10 audit plan a review was carried out to assess the adequacy of the controls and procedures in place for Gifts & Hospitality. The Governance, Fraud and Corruption Audit process focuses primarily on key risks relating to cross cutting areas that are controlled and/or impact at a Corporate rather than Service specific level. It also provides an annual assurance review of areas of the Council that are inherently higher risk. This work will in some cases enable SWAP to provide management with added assurance that they are operating best practice as we will be conducting these reviews at all of our Client sites. We can also provide added assurance to the Audit Commission on areas that they have requested specific assurance on such as data quality.

Internal audit will use the findings of these reviews to support the assurance we are required to provide as part of the Council's Annual Statement on Governance.

There is guidance for all staff regarding the rules and procedures concerning the registering of any gifts and hospitality received by officers and members. Registers are required to be kept in order to comply with the law and rules on good standards of conduct. In addition they provide a form of protection for staff since, by showing that an item has been registered, an officer can go a long way towards demonstrating that his or her behaviour has been open and honest. The Registers for TDBC are held by Tonya Meers - Legal & Democratic Services Manager.

With regard to gifts and hospitality, section 11 of the Code of Conduct for Officers requires that gifts and hospitality should be properly authorised and registered. Authority has agreed that it would allow employees to insignificant items of token value such as pens, diaries etc.

Not all gifts and hospitality are appropriate. Gifts and hospitality should be limited to what is a reasonable incident of working life, the sort of thing that doesn't raise eyebrows etc. Any appearance of corruption undue influence, or something that appears to make you indebted to the donor, is unacceptable. If an employee is in any doubt about the propriety of accepting a gift or hospitality then advice should be sought.

Summary of Significant Findings

Significant findings are those findings where the auditors' assessment of the risk was rated at Medium/High (4) or High (5)

- The Policy and Procedures are not regularly reviewed or updated.
- Corporate Induction is not being carried out.

Conclusion

One of the main areas identified for strengthening of risk management procedures is the need to issue periodic reminders to staff and members of their obligation to report any gifts and hospitality as defined within the code of conduct.

The strength in this area lies in the availability and communication of policies to staff and members. This was found to be operating effectively and this information is easily accessible whether it is hard copy or via the intranet for everyone to refer to.

The Legal & Democratic Services Manager is committed to ensuring policies and procedures are up to date and readily available to all officers. It is important for these documents to be effectively communicated across the authority to ensure risks continue to be well managed.

Implementation of the recommendations made in this report will enhance the current control framework. Further details of audits' findings can be viewed in the full audit report, which follows this Management Summary.

Detailed Audit Report

Objectives & Risks

The key objectives of the service and risks that could impact on achievement of these objectives were discussed and identified as:

Objective 1. There are robust and up to date policies and procedures to guide staff and members on the need to record any offer of gifts or hospitality. The policy and procedure is communicated to and understood by staff and members.

Risk 1. The reputation of the Council is damaged as a result of accusations being made against staff or members that they were influenced in their decisions after receiving gifts or hospitality.

Method & Scope

This audit has been carried out in accordance with our risk based audit methodology. This means that:

- we discuss and agree the objectives and risks with management at the outset of the audit.
- we met with key staff and reviewed documentation to find out what controls have been established to manage the risks.
- we evaluated whether or not these controls are sufficient and appropriate to address the risks and seek evidence that the controls are working in practice.
- at the end of the audit we discussed our findings and our suggestions for improvement with the main contact at a close-out meeting.

Findings

The following paragraphs detail all findings that warrant the attention of management.

The findings are all grouped under the objective and risk that they relate.

Objective: There are robust and up to date policies and procedures to guide staff and members on the need to record any offer of gifts or hospitality. The policy and procedure is communicated to and understood by staff and members.

1. Control: Approved Policies and Procedures are in place.

1.1 Gifts and Hospitality is covered by the Tartan Handbook, this is available on the intranet under section 2 Official Conduct. There is also a short section on Corruption (Section 12)

All employees of the Authority should receive a copy of the staff handbook as part of the induction process, or be made aware of where to find it on the TDBC intranet.

There are also sections on Gifts & Hospitality under the Procurement Policy CP/PP/10 - Procurement Ethics and Probity, the Anti Fraud policy, Anti Fraud Strategy and Prosecution Policy and the TDBC Members Codes and Protocol.

These all confirm that all offers of gifts and hospitality made to a Council employee because of their role as an employee must be reported to a senior officer and registered in the Register of Gifts and Hospitality under agreed procedures.

Any employee receiving an offer of hospitality should consult with their Director if they wish to accept such an offer, who will determine whether or not it is appropriate for acceptance to be made.

All employees have a personal responsibility with regards to hospitality.

Hospitality that is:

Not related to official work activity or

From a contractor involved in a current tendering or proposed tendering process or

A gift in excess of £5 without a distinguishing logo should not be accepted in any circumstances.

All offers (unless they are gifts of less than £5 in value bearing a company logo or minor refreshments offered in the course of a visit or meeting attended on behalf of the Council) whether they are accepted or not must be entered in the Hospitality Book.

The entry in the Hospitality Book should record:

Name of person/organisation offering hospitality

Type of hospitality offered

Name of officer to whom hospitality was offered

Date of that offer

Whether or not the hospitality was accepted

The staff handbook has recently been updated due to the implementation of the new SAP system. However the Gifts and Hospitality Policy and Procedures were not looked at during this process and do not get reviewed or updated on a regular basis.

Gifts and Hospitality Policy and Procedures are not reviewed or updated on a regular basis. There is a risk that staff and councillors are using outdated information and not following the correct procedures. This could cause damage of reputation to the council and allegations of fraud or corruption.

PARTIAL WEAKNESS

1.1a It has been agreed by the Monitoring Officer that a review of the Gifts and Hospitality Process will be carried out by the Corporate Management Team to ensure they are up to date and relevant, and there is consistency within all documents.

1.2 I have reviewed the Gifts & Hospitality Policies to ensure that they contain the relevant elements.

All offers of gifts or hospitality are recorded in a Centrally held Register; this is managed by the Monitoring Officer.

In my opinion the policy makes it clear that ALL offers should be recorded whether they are accepted or not, as per the following sentence contained in the documentation: 'Whether they are accepted or not they must be entered in the Hospitality Book'.

From reviewing the registers I can confirm that gifts and hospitality are being logged whether they have been accepted or not. However I am not able to form an opinion as to whether all offers are being recorded.

Offers are recorded in a hard copy book, with the following categories:

Date

Name

Type of Gift/Hospitality

Date Received

Organisation Received from

Accepted Y/N

Reason for Gift
Value of Gift
Signed By

There appears to be inconsistencies within the various documents as to who should authorise an offer of a gift or hospitality.

Anti Fraud Policy states that a Senior Officer should authorise any offers.

Employee Code of Conduct states that offers should be properly authorised but does not stipulate by whom.

Procurement Policy CP/PP/10 - Procurement Ethics and Probity states that employees should consult a Director.

Within the Tartan Handbook it does not stipulate any particular individual should authorise offers.

TDBC Members Code & Protocol states that a member must within 28 days of receiving any gift or hospitality over the value of £25; provide written notification to the authority's monitoring officer of the existence and nature of that gift or hospitality. It is also recommended that they inform the Monitoring Officer of any offers that have been declined.

In my opinion the policies do not clearly state to officers who they should be seeking authorisation from for any offers of gifts or hospitality.

The policies are unclear and inconsistent as to who can authorise an offer of a gift or hospitality. There is a risk that officers and members are not obtaining any authorisation when an offer is made. Therefore leaving themselves and the council open to allegations of fraud and corruption and loss of reputation to the council.

PARTIAL WEAKNESS

1.2a I recommend that all offers of gifts and hospitality are authorised in the Register by an appropriate officer to state they have been informed or consulted and that they have either approved or disapproved of this.

2. Control: Policy is communicated to staff and members and is easily accessible.

2.1 I have been informed by the HR Officers that during the corporate induction process staff are given a shortened version of the staff handbook. They are also informed that the policies relating to Gifts & Hospitality are found in the electronic copy which is available on the TDBC intranet.

A hard copy of the staff handbook is retained in every office for employees to refer to should they need to.

I am reasonably satisfied that TDBC are making every effort to ensure that staff and members are made aware of policies and procedures and where they can find these should they need to refer to them. However no Corporate Inductions have been carried out for approximately one year.

If staff are not made aware of the policy and procedures inappropriate gifts & hospitality may be accepted. This could cause loss of reputation to the officer and to the authority.

PARTIAL WEAKNESS

2.1a It has been agreed by the Monitoring Officer that TDBC reinstate the Corporate Induction Process.

3. Control: Periodic reminders are sent out to remind staff and members of their obligations.

- 3.1 Periodic reminders are not sent out to staff and members of their obligation to report and gifts and hospitality as defined within the code of conduct. This has been clarified by the HR Manager.

Having spoken to the Monitoring Officer at TDBC I was able to ascertain that a periodic reminder was sent out on the 3rd April 2009 to remind staff and members of their obligation to report any declaration of interests so that this can be recorded in the relevant register.

There is a risk that if Periodic Reminders are not issued for the reporting of gifts and hospitality staff and councillors will forget and not adhere to their obligations. Thus putting themselves and the council at risk of damage to reputation and allegations of fraud and corruption.

WEAKNESS

- 3.1a **It has been agreed by the Monitoring Officer that she will send a periodic reminder out to staff and councillors to remind them of their obligations with regards to Gifts & Hospitality in conjunction with the reminder that is sent for the Registering of Interests each year.**

4. **Control: Corporate Registers exist for both staff and members for recording offers of gifts and hospitality.**

- 4.1 There is a Register for recording offers of gifts and hospitality kept for both officers and councillors. These registers are held by the Monitoring Officer, although according to the Gifts & Hospitality Procedure in the staff handbook it should be held by the Assistant Chief Executive.

I have reviewed the officers register for the past 12 months and consider this to be accurately completed with the following details:

The offer

The value

Whether or not the offer was accepted or declined.

There is no record of who agreed to this offer as the register is signed by the officer accepting the gift only.

The register is checked by the Monitoring Officer but not on a frequent basis. It appears to be approximately every 10 to 12 months. The Monitoring Officer herself also appears in this register on several occasions. In my opinion there should be another officer reviewing this register to ensure there is no opportunity for the reputation of the council to be questioned.

I have reviewed entries for the past 12 months and during this period 3 members of staff appear on the register on more than one occasion.

These are:

Monitoring Officer

Change Manager Pioneer Somerset

Finance Support Assistant

Having looked at these gifts/hospitality for these members of staff I consider them all to be of an appropriate nature.

For the past 12 months I have also reviewed a sample of 10 entries. 9 of these entries I consider in my opinion to be acceptable. However one entry was for sponsorship for a University Course.

In my opinion there should be adequate authorisation from a director recorded with regards to this entry to say that it meets with the requirements set out in the employee code of conduct (Section 14) Sponsorship - Giving and Receiving.

I have also reviewed entries for councillors for the past 12 months and during this period 2 councillors appear on the register on more than one occasion.

As with the officers these entries are checked by the Monitoring Officer, but it seems to be on an ad hoc basis. In my opinion all of these entries seemed reasonable; however there is no authorising signature for any of these.

Neither officers nor councillors have any documented proof of authorisation of gifts or hospitality recorded in the register as stated in the Gifts & Hospitality Policy.

The register is not checked on a regular basis to see what offers have been entered and whether they were appropriately authorised. Also the Monitoring Officer in my opinion should not be reviewing and signing off her own entries into this register.

There is a risk of damage to the council's reputation through allegations of fraud and corruption against them if no evidence is recorded to state the offer was appropriately authorised.

Again there is also a risk of damage to the council's reputation through allegations of fraud and corruption if the Monitoring Officer is checking and signing off the register when they appear on it. On these occasions an independent check should be carried out by another officer.

PARTIAL WEAKNESS

4.1a I recommend that all entries into the gifts & hospitality register are authorised by an appropriate officer.

I recommend that regular checks are carried out on entries into the register.

It has been agreed by the Monitoring Officer that should she record any offers of gifts or hospitality to herself that the Section 151 Officer will check these.

5. Control: Arrangements are in place to ensure public and contractors are aware of the Council's stance on the offer of Gifts and Hospitality to its staff and members.

5.1 I have looked on the TDBC website to establish if there is any mechanism for informing the public or contractors of the council's stance on offering gifts or hospitality to its staff and members. Having looked at the site in great detail I can find no evidence of user friendly documents or information on the website to inform the public of the council's policy with regards to gifts and hospitality.

There is a brief section contained in the Procurement Policy CP/PP/10 but this could be very difficult for a member of the public to find.

I can find no evidence of any campaigns on the website or a specific policy relating to gifts and hospitality.

There is a risk that with little information made easily available to the public and contractors of the councils stance on offering of gifts and hospitality that inappropriate offers may be made to staff and councillors.

PARTIAL WEAKNESS

5.1a It has been agreed the by Monitoring Officer that a clear policy is produced and made easily available for the public and contractors to read on the TDBC website to inform them of the council's stance on offers of Gifts and Hospitality to its staff and councillors.

The Agreed Action Plan provides a formal record of points arising from this audit and, where appropriate, the action management has agreed to take and the timescale in which the action will be completed. All findings have been given a risk score between 1 and 5, where 1 is low and 5 is high.

It is these findings that have formed our opinion that has been reported in the Management Summary.

Gifts and Hospitality - Register of Interests

Confidential

Agreed Action Plan

Finding	Recommendation	Risk Score	Management Response	Responsible Officer	Implementation Date
<p>Objective: There are robust and up to date policies and procedures to guide staff and members on the need to record any offer of gifts or hospitality. The policy and procedure is communicated to and understood by staff and members.</p>					
<p>1. Risk: The reputation of the Council is damaged as a result of accusations being made against staff or members that they were influenced in their decisions after receiving gifts or hospitality.</p>					
1. 1 The Policy and Procedures are not regularly reviewed or updated.	It has been agreed by the Monitoring Officer that a review of the Gifts and Hospitality Process be carried out by the Corporate Management Team to ensure they are up to date and relevant, and there is consistency within all documents.	4 – Med/High	Tonya Meers to review and re-write. This will then be presented to the Corporate Management Team for approval	Tonya Meers – Legal & Democratic Services Manager	31 Aug 09
1. 2 Authorisation of Offers is not recorded and unclear.	I recommend that all offers of gifts and hospitality are authorised in the Register by an appropriate officer to state they have been informed or consulted and that they have either approved or disapproved of this.	3 - Medium	<p>Tonya Meers to add an additional column into the register. It was agreed that the officer offered the gift will state Y/N as to whether this was approved.</p> <p>The possibility of asking the Line Manager to email authorisation was discussed but Tonya said this would add additional work and prove difficult to manage. Instead she suggests a random check be carried out at review stage.</p>	Tonya Meers – Legal & Democratic Services Manager	31 May 09
1. 3 Corporate Induction is not being carried out	It has been agreed by the Monitoring Officer that TDBC reinstate the Corporate Induction	4 - Med/High	Tonya Meers is to liaise with Martin Griffin to discuss reinstating the Corporate	Tonya Meers – Legal & Democratic	31 May 09

Finding	Recommendation	Risk Score	Management Response	Responsible Officer	Implementation Date
	Process.		Induction.	Services Manager	
1. 4 Periodic Reminders are not issued for the reporting of gifts and hospitality.	It has been agreed by the Monitoring Officer that she will send a periodic reminder out to staff and councillors to remind them of their obligations with regards to Gifts & Hospitality in conjunction with the reminder that is sent for the Registering of Interests each year.	3 - Medium	Tonya Meers is to send this reminder out annually in conjunction with the periodic reminder for Registering of Interests.	Tonya Meers – Legal & Democratic Services Manager	31 May 09
1. 5 Authorisation for offers of gifts and hospitality is not evidenced.	<p>I recommend that all entries into the gifts & hospitality register are authorised by an appropriate officer.</p> <p>I recommend that regular checks are carried out on entries into the register.</p> <p>It has been agreed by the Monitoring Officer that she should record any offers of gifts or hospitality made to herself that the Section 151 Officer will check these.</p>	3 - Medium	<p>See 1.2</p> <p>Tonya Meers stated that it was not practical to do checks at set intervals as some months there may be no entries.</p> <p>Tonya Meers stated that she would ask the Section 151 Officer to check any entries logged by her.</p>	Tonya Meers – Legal & Democratic Services Manager	31 May 09
1. 6 Public are not suitably informed of the councils policy for gifts & hospitality.	It has been agreed by the Monitoring Officer that a clear policy is produced and made easily available for the public and contractors to read on the TDBC website to inform them of the council's stance on offers of Gifts and Hospitality to its staff and councillors.	3 - Medium	Tonya Meers is going to speak to procurement and come up with a suitable document to upload onto the website. The website is currently under reconstruction.	Tonya Meers – Legal & Democratic Services Manager	31 Aug 09

Appendix 2

Employee Code of Conduct

1. Standards

1.1 Where the Council or its officers are dealing with a matter in which an officer has a private interest, either pecuniary or otherwise, he/she should declare that interest to his/her Director who will decide whether or not the interest is of such a nature that it needs to be brought to the attention of the Executive officer who is dealing with it.

1.2 Taunton Deane Borough Council employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to their line manager or Director any impropriety or breach of procedure.

2. Disclosure of information

2.1 Taunton Deane Borough Council believes that open government is best. Certain types of information are required by law to be made available to members, auditors, government departments, service users and the public. Other types of information, particularly that containing confidential or personal information may not be disclosed unless there is specific authorisation to do so. It is the responsibility of chief officers and managers to ensure that all employees can differentiate between that information which may be disclosed and that which may not.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

2.3 Disclosure of Information relates directly to the Data Protection Act (DPA). It is the duty of all employees to ensure that they are aware of their personal responsibilities under the DPA and that they comply with the provisions of the Act at all times.

3. Political Neutrality

3.1 Employees serve the Authority as a whole. It follows, therefore, that they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 TDBC practice is that officers (other than Chief Officers) should not be required to advise political groups. In the rare event of an employee being asked to undertake such an activity they must do so in a manner, which does not compromise their political neutrality. Employees should also seek the Chief Executive's approval prior to attending such a group meeting.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

4. Relationships

4.1 Councillors

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

4.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of this Authority.

4.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Director. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.

4.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to their Service Manager or Head of Service.

5. Appointment and other employment matters

5.1 Employees likely to be involved in appointments must ensure that they have attended the Authority's recruitment and selection training course prior to making any appointments. All appointments must be made on the basis of merit. It would be unlawful to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner etc.

6. Outside Commitments

6.1 Senior employees are not permitted to undertake any employment outside the Authority especially where this may conflict with the Authority's interests. Any employee wishing to undertake other employment must obtain written consent before doing so.

6.2 Intellectual property, such as inventions, creative writing and drawings, created during an employee's contractual hours of employment belongs to Taunton Deane Borough Council. Employees wishing to use such intellectual property for purposes outside the Authority or for obtaining copyright should seek written permission from their line manager or where appropriate their Director in liaison with the Chief Solicitor.

7. Personal Interests

7.1 Employees must declare to their line manager any non-financial interests that they consider could bring about conflict with the Authority's interests.

7.2 Employees must declare to their Head of Service any financial interests, which could conflict with the Authority's interests.

7.3 Employees who are in debt as a customer to the Council, i.e. Council Tax arrears should declare this to their Head of Service (this does not include payroll debts or approved money owed to the Council, such as car loans, cycle saver scheme etc.). All debts must be declared even if a repayment plan is already in place.

7.3.1 Where the employee is in a role which involves collecting money or debts owed to the Council or advising customers about meeting payments or other financial obligations this must also be reported to the Section 151 Officer by their Head of Service.

7.3.2 The circumstances set out in 7.3.1 above will require the employee to enter into an agreement with the Council for the repayment of all sums owing to the Council as such circumstances may involve a conflict of interest.

7.4 Employees should declare to their line manager membership of any organisation not open to the public, such as Free Masonry.

8. Equality Issues

8.1 All employees should ensure that policies relating to equality issues as agreed by this Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees, irrespective of their age, race, gender, marital status, sexuality and ability, have a right to be treated with fairness and equity.

9. Health and Safety

9.1 The Health and Safety Act places personal responsibility upon all employees to ensure the health and safety of themselves, colleagues and visitors to the Authority's buildings. All employees should ensure that they are aware of the provisions of the Act and the Authority's own policy. Employees should also alert their manager or divisional Safety Committee representative of any situation that is likely to cause a risk to health and safety.

10. Separation of Roles during Tendering

10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness (currently within the Authority only two senior officers have twin-hatted roles).

10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and subcontractors.

10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

10.4 Employees contemplating a management buy out should, as soon as they have formed a definite intent, inform the appropriate Director and withdraw from the contract awarding process.

10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in

awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Gifts and Hospitality

11.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the local authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded within the gifts and hospitality book held by the Monitoring Officer.

11.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

11.3 Employees should not accept significant personal gifts from contractors or outside suppliers, although the Authority would allow employees to keep small items of token value such as pens, diaries etc providing there was no apparent ulterior motive nor any danger of misinterpretation by the public .

11.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

12. Corruption

12.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained. It is a criminal offence, currently punishable by a fine of up to £2,500 under section 117(2) of the Local Government Act 1972.

12.2 Employees must refuse an offer of a gift from any person engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and the employee is directly responsible for formulating recommendations to the Council or for monitoring the service received from the person concerned.

12.3 Any employee who is pestered or harassed into accepting gifts or other incentives must inform their line manager or the Council's Monitoring Officer immediately.

13. Use of Financial Resources

13.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

14. Sponsorship - Giving and Receiving

14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors. Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Bequests

15.1 Employees should actively discourage clients from bequeathing property, money or other items to them. Where an employee becomes aware that a client intends to bequeath something to them, they must inform their Line Manager immediately. Wherever possible bequests should be declined, either directly to the Client or to the Solicitor responsible for the will.

15.2 Where it is too late to decline a bequest or to do so would cause undue offence, the employee must submit all relevant details to their Theme Manager who will authorise the employees to accept/retain the bequeathed items only if they are satisfied that no undue influence has been exerted on the Client by the employee. A record of this authorisation will be held by the Council's Monitoring Officer. Any allegation that undue influence has been brought to bear will be investigated and, if proven, will be treated as gross misconduct under the Council's Disciplinary Procedure.

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Gifts and Hospitality for Employees

Process for Registration

1. The register of gifts and hospitality is kept by the Monitoring Officer.
2. All gifts and hospitality must be registered and the following information must be provided:-
 - a. Name of officer receiving the gift
 - b. Type of gift or hospitality
 - c. Date it was received
 - d. Which organisation/person it was received from
 - e. Was it accepted
 - f. Reason for the gift or hospitality
 - g. The value
 - h. Authorised by a senior manager
3. If the gift or hospitality is received by the Monitoring Officer then authorisation will be sought from the S151 officer or Chief Executive
4. The register will be inspected by the Monitoring Officer on a regular basis but at least every six months
5. A reminder will be sent to all staff on an annual basis at the same time as the reminder to staff on the register of interests.