



ISLINGTON

Law and Public Services
Town Hall, Upper Street, London N1 2UD

Report of : Director of Law and Public Services

| Meeting of | | Agenda Item | Ward(s) |
|------------|-------------------------------|-------------|---------|
| Standards | 8 th December 2003 | | |

| Delete as appropriate | Exempt | Non-exempt |
|-----------------------|--------|------------|
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If exempt under paragraph 10.4, category (1-15) of the Access to Information rules give reasons. Because:

Subject: DISTRICT AUDIT PROBITY QUESTIONS

1. Synopsis

This report sets out Islington’s comments on the standard Probity Questions which the District Auditor asks in relation to his review.

2. Recommendation

That the Committee note the report and comment as appropriate.

3. Background

3.1 The list of Probity Questions asked by the District Auditor when carrying out his reviews was reported to the last committee. Members asked officers to report to this meeting on where Islington stood in relation to those questions.

3.2 Officers comments on the 57 questions are set out below.

| | QUESTION | ANSWER |
|----|--|--------|
| | Section A.1 Members Interests | |
| 1. | Is there a Code of Conduct booklet for members? | Yes |
| 2. | Is it based upon the DETR Model Code of Conduct for Members? | Yes |
| 3. | Is it issued to all new members? | Yes |

| QUESTION | ANSWER |
|--|--|
| 4. Do members confirm in writing that they have read and understood the Code? | Yes |
| 5. Is it reviewed regularly? | Yes |
| 6. Is a register of members' interests maintained? | Yes |
| 7. Does the Authority define what types of interests should be declared? | Types of interests are defined in the code. |
| 8. Does the register include for each member, a Financial Interests Declaration? | Yes as this is a statutory requirement. |
| 9. Does the Financial Interest Declaration include the following: | |
| (a) Employment or Business) | |
| (b) Sponsorships (name of person who has made payments to members towards expenses as a councillor or electoral expenses)?) | |
| (c) Shareholdings (the name of any corporate body which has a place of business or land in the authority's area, and in which the member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body)?) | Yes as all these are statutory |
| (d) Contracts with the Authority (nature and length of contract they have with authority, either directly or as a shareholder, director or partner)?) | |
| (e) Land (land in the authority areas where the member has a beneficial interest either alone or with others)?) | |
| (f) Licences to occupy land for 28 days or longer?) | |
| (g) Overseas Visits (register costs of trips funded by authority) (Wales only)? | No, as this is not a specific requirement although the Register of Gifts and Hospitality does ask members to declare any overseas trips in their duties as a councillor. |
| 10. Does the register include for each member, an Other Interests Declaration? | Yes |
| 11. Does the Other Interests Declaration include, membership of or position of general control or management in any: | Yes |
| (a) Body to which he has been appointed or nominated by the authority as its representative | |
| (b) Public authority or body exercising functions of a public nature | |

QUESTION

ANSWER

- (c) Company, industrial and provident society, charity or body directed to charitable purposes
- (d) Body whose principal purposes include the influence of public opinion or policy; and
- (e) Trade union or professional vocation?
12. Are there any procedures in place to identify and prevent pressure being exercised to influence purchasing or planning or contracting decisions?
13. Is the register available for public inspection by members of the public at all reasonable times at the Authority's offices? (S81 LGA 2000)?
14. Are management checks carried out to ensure maintenance of registers?
15. Is there a mechanism to ensure that all interests declared at Council meetings are recorded in the register of interests?
16. Does the monitoring officer review the register of interests alongside agenda papers to ensure that there are no known conflicts of interest?
17. Are there guidelines to follow where there has been a breach of the Code of Conduct
- ?Section A.2 Members Interests Survey?
18. Had a declaration of interests been signed by members:
- (a) All members?
(b) Some Members?
(c) No Members?
- Section B.I Officers' Interests
19. Does the Staff Handbook/Code of Conduct contain details on declaring interests?
20. Are all employees required to "declare their interests" on starting employment with the Authority?
21. Is a register of staff interests maintained?
22. Are the registers being maintained consistently between all directorates?
- Yes, the Procurement Code and Planning Protocol deal with this issue.
- Yes
- Yes by Head of Scrutiny and Democratic Services
- Yes, Separate register maintained for declarations at meetings.
- There is a standard item at the beginning of all agenda re declaration of interests. It is the individual members responsibility to declare interests.
- Yes as issued by the Standards Board for England.
- All Members have signed
- Yes
- Only those staff graded PO3 and above are required to declare their pecuniary and personal interests as it is this grade of staff and above who are typically involved in decision making.
- Yes
- Maintained by HR from information given at recruitment stage. Annual questionnaire on related party interests conducted by Finance for the purpose of the accounts.

| QUESTION | ANSWER |
|---|---|
| 23. Are management checks carried out to ensure maintenance of registers? | Yes |
| 24. Does the register cover all departments and staff Groups? | Yes |
| 25. Where a conflict of interest is declared, does the employees contract provide for them to be removed from any direct or indirect involvement in purchasing, contracting or related decisions? | Yes |
| 26. Does the Authority specifically forbid employees, in their contract of employment, to set up or accept employment with a private business engaged in work, which is in direct competition with the authority be impeding its operation? | Yes |
| 27. Are guidelines prescribed for the acceptance of outside employment with a third party whilst staff are still employed with the Authority? | Yes, dealt with in Staff Code of Conduct |
| 28. Are there any rules to prevent employees from seeking or receiving preferential rates by virtue of their dealings on behalf of the Council? | Yes, dealt with in Staff Code of Conduct |
| 29. Are there guidelines, where an employee has abused their official position for private gain or for the benefit of family or friends? | This issue would be addressed through the Council's disciplinary procedures on the grounds of gross misconduct in respect to "destroying trust and confidence with the employer" and/or acts of dishonesty etc. |
| 30. Are monies received by staff for services in relation to the work of the Council require for it be paid over to the Authority such as interviews or presentations and seminars? | See the answer to question 29 above. Such actions would be dealt under the disciplinary procedures as an act of dishonesty. |
| 31. Are there any procedures in place to identify and prevent pressure being exercised to influence purchasing or planning or contracting decisions? | Yes, dealt with in Staff Code, Procurement and Planning Codes. |
| Section B.2 Officers Interests Survey | |
| 32. Has a declaration of interests been signed by: | Yes |
| (a) All Chief Officers? | |
| (b) Chief Executive? | |
| (c) Director of Finance/ Corporate Officer with S151 duties? | |
| (d) Director of Education? | |
| (e) Director of Social | |

QUESTION

ANSWER

- Services?
(f) Director of Housing?
(g) Director of Planning?
(h) Director of Legal Services?
(i) Director of Technical Services?
- Section C.1 Gifts & Hospitality – Members
33. Are there rules governing the offering and acceptance of gifts or hospitality? Yes
34. Is there a maximum value that can be accepted? (If yes please give value)
(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) Any gift or hospitality over the value of £25 must be declared.
35. Has the Council defined what gifts & hospitality are acceptable and what are not? Councillors have to give careful consideration as to why gift or hospitality is being offered and whether to accept or decline.
36. Do the rules provide for any gift not specified in the list to be referred to a Chief Officer? Not for Members.
37. Is there a register of gifts and hospitality? Yes
38. Must all offers and acceptance be registered? Only those over £25
39. Is there a de-minimus amount, which need not be registered? (if yes please give value) £25 as specified in the Code.
40. Does the register include the following details:
(a) Name of sponsors? The nature of the gift or hospitality who provided it.
(b) Offer of sponsorship /gift/hospitality? When was it provided
Why was it provided
(c) Name of member? Details of any gift/hospitality declined.
(d) Details of any "work" the sponsor is interested in securing? Any overseas travel in their duties as a Councillor including dates and details of who paid costs of the trip
Name and signature of Councillor
(e) Value of the gift/hospitality? Date declaration completed.
(f) Details of where the offer was accepted?
41. Is the register reviewed by a senior officer? Yes reviewed by Head of Scrutiny and Democratic Services
42. Are there rules in place governing the participation by members in quasi-official events? No
- Section C.2 Gifts and Hospitality - Members:
43. Did the following member receive any gifts & hospitality during 2002/03:

QUESTION**ANSWER**

- (a) Leader or equivalent?
 - (b) Deputy Leader or equivalent?
 - (c) Chair of Finance or equivalent?
 - (d) Chair of P&R or equivalent?
 - (e) Chair of Education or equivalent?
 - (f) Chair of Social Services or equivalent?
 - (g) Chair of Housing or equivalent?
 - (h) Chair of Planning or equivalent?
 - (i) Chair of Leisure or equivalent?
 - (j) Chair of Technical Services or equivalent?
44. Section D.1 Gifts and Hospitality – Officers
Are there rules governing the acceptance of gifts or hospitality? Yes
45. Is there a maximum value that can be accepted? (If yes please give value) No but Director or Chief Executive has to confirm acceptance.
46. Has the Council defined what gifts and hospitality are acceptable and what are not? No
47. Do the rules provide for any gift not specified in the list to be referred to a Chief Officer? Yes
48. Is there a register of gifts and hospitality? Yes
49. Must all offers and acceptance be registered? Yes
50. Is there a de-minimus amount, which need not be registered? (If yes please give value) No
51. Is there a register(s) covering all departments? Yes
52. Does the register cover all staff groups? Yes
53. Is the register reviewed by a senior officer? Yes, Chief Executive
54. Does the register include the following details:
- (a) Name of donor?
 - (b) Name of employee?
 - (c) Details of any “work” the donor is interested in securing?
 - (d) Value of the gift/hospitality?
 - (e) Brief description of the gift/hospitality?
- Details include:

| | QUESTION | ANSWER |
|-----|---|---------------|
| | (f) Details of whether the offer was accepted? | |
| 55. | Are there rules in place governing the participation by officers in quasi-official or social events? | No |
| 56. | Is a record maintained of ALL commercial sponsorship maintained? | No |
| | (a) Does it include: | |
| | (b) Name of sponsor? | |
| | (c) Offer of sponsorship? | |
| | (d) Whether accepted? | |
| | (e) Accepting Officer? | |
| 57. | Does the Authority require that acceptance of commercial sponsorship is approved by a senior officer? | No |

5. Conclusion and Reasons for Recommendation

This report is submitted at the request of the Committee.

Background papers:

District Audit Probity Questions

Final Report Clearance

Signed by _____ Date _____
 Director of Law and Public Services

Received by _____ Date _____
 Head of Scrutiny and Democratic Services

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