

**REPORT OF THE
MONITORING OFFICER
2008**

INTRODUCTION

This is the fourth Annual Report of the Monitoring Officer for the period November 2007 to November 2008. The purpose of the report is not only to provide an overview of the work of the Monitoring Officer in the past year, but also to provide an opportunity to review and learn from experience. This Report therefore, sets out the Monitoring Officer's statutory responsibilities summarises how these duties have been discharged from the last Monitoring Officer's Report for the period November 2006 to November 2007, in accordance with the Council's Constitution and legislative requirements and draws attention to those issues that will require attention in the next calendar year.

1. RECOMMENDATIONS

That the Standards Committee comments on and endorses the Monitoring Officer's Annual Report.

That the Full Council notes the Monitoring Officer's Annual Report.

2. THE ROLE OF THE MONITORING OFFICER

The role of the Monitoring Officer derives from the Local Government and Housing Act 1989. The Act requires local authorities to appoint a Monitoring Officer.

The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of Council decision making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards.

A Summary of the Monitoring Officer's Functions is as follows:

<u>Description</u>	<u>Source</u>
Report on contraventions or likely contraventions of any enactment or rule of law	Local Government and Housing Act 1989
Report on any maladministration or injustice where the Ombudsman has carried out an investigation	Local Government and Housing Act 1989
Appoint a Deputy	Local Government and Housing Act 1989
Establish and maintain the Register of Members' interests.	Local Government Act 2000
Report on sufficiency of resources.	Local Government and Housing Act 1989
Maintain the Constitution	The Constitution

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<u>Description</u>	<u>Source</u>
Support the Standards Committee. Promote and maintain high standards of conduct.	Local Government Act 2000
Receive reports from Ethical Standards Officers and case Tribunals	Local Government Act 2000
Consulting with, supporting and advising the Head of Paid Service and Chief Finance Officer on issues of lawfulness and probity.	The Constitution
Legal Advisor to the Standards Committee when carrying out a local Determination Hearing.	Local Authorities (Code of Conduct) (Local Determination)(Amendment) Regulations 2003
Receive referrals from Ethical Standards Officers for local Investigations.	Local Authorities (Code of Conduct) (Local Determination)(Amendment) Regulations 2003
Assessing locally allegations of breaches of the Code of Conduct including reviewing such assessment and carrying out local investigation and determination following an assessment	Standards Committee (England) Regulations 2008 and Guidance produced by the Standards Board for England
Advise on whether executive decisions are within the Budget & Policy Framework.	The Constitution
Provide advice on vires issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.	The Constitution
Issuing Dispensations to Members regarding prejudicial interests.	The Standards Committee
Considering whether certain Information is exempt from disclosure under the Freedom of Information Act.	Freedom of Information Act 2000

3. THE CONSTITUTION

The Constitution sets out how the Council operates and how decisions are made. It sets out the procedures which are followed to ensure that these decisions are efficient, transparent and that those who make the decisions are accountable to local people. The Monitoring Officer is the guardian of the Council's Constitution and is

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responsible for ensuring that the Constitution operates efficiently, is properly maintained and is adhered to.

3.1 Constitutional Review and Revision

Since the Constitution was re-written in 2007 many changes have taken place and these are now logged and can be located at

<http://cmis.sevenoaks.gov.uk/CMISWebPublic/PublicDocuments.aspx?folderID=2>

In the coming year a log is being developed which identifies changes needing to be made to the Constitution as they are identified by the Committee Team. These may consist of errors, omissions, ambiguity or necessary changes of substance following the introduction of new legislation. A plan of action within a clearly defined time frame will track the changes needing to be made.

3.2 Fitness for Purpose

The purpose of the Constitution is set out in Part 1 and is to:

- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- support the active involvement of local people in local authority decision making;
- help Members represent local people more effectively;
- enable decisions to be taken efficiently and effectively; and
- hold decision makers to public account.

3.3 Managing the Constitution

Any significant changes to the Council's decision making arrangements and Committee structure need to be approved by full Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

4. LAWFULNESS AND MALADMINISTRATION

The Monitoring Officer is the Council's lead adviser on issues of lawfulness and the Council's powers and in consultation with the Head of Paid Service and the Chief Financial Officer advises on compliance with the Budget and Policy Framework. Part of this role involves monitoring Committee reports, agendas and decisions to ensure compliance with legislation and the Constitution. The Monitoring Officer ensures that Cabinet decisions are made publicly available. This is done by Officers from Committee Services. Cabinet decisions can be viewed by members of the public through the Council's website: www.sevenoaks.gov.uk

If the Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration she must report to the full Council or where appropriate the Cabinet after first consulting with the Head of Paid Service and Chief Financial Officer. Any proposal or

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decision that is subject to such a report cannot be implemented until the report has been considered.

The sound governance arrangements operated by the Council ensure that the power to report potentially unlawful decision making is rarely used and the Monitoring Officer has not had to issue such a report throughout 2007/08.

4.1 Reports from the Local Government Ombudsman

The annual letter for 2007/08 from the Local Government Ombudsman sets out a summary of the complaints received against the Authority and dealt with by his office over the year. These were as follows:

- He received 25 complaints in 2007/08. The number of complaints regarding council tax increased from one to five but remained very small despite this.
- The biggest category continues to be planning with 13 complaints.
- During the year he made decisions on 21 complaints. He found no maladministration in 1 complaint, five were outside his jurisdiction and he exercised discretion to close a further four without requiring any action by the Council.
- When the Ombudsman completes an investigation he must issue a report. There are a significant proportion of investigations that do not reach the report stage. This is because the complaint is settled during the course of the investigation, in a way, which the Ombudsman considers to be a satisfactory response to the complaint. These are called “local settlements”.
- The Ombudsman issued no reports against the Authority this year.
- Four complaints were settled. Two complaints were about housing matters. The third complaint, was about planning enforcement and the fourth involved noise nuisance.
- In respect of the Council’s complaints procedure and handling of complaints his office referred seven “premature complaints” to our authority for consideration. This was one third of all decisions, compared with the national average of 27%. However, the numbers involved were small and the Ombudsman could draw no particular conclusions from this.
- In respect of response times to Ombudsman enquires the target time for councils is 28 days. The Council’s average response time was well in excess of this, but this was skewed by one of the housing complaints. Environmental Health and Planning departments both responded to enquiries on time, whilst the response to a complaint about council tax arrived after 34 days. The Council’s response to the Ombudsman’s proposed settlement of the noise complaint was prompt and he welcomed this. However, it was pointed out that the Council was reluctant to agree settlement of two of the complaints – about its decision not to take enforcement action and about the disabled facilities grant. In the latter the Council queried the conduct of the investigation and the Ombudsman’s

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jurisdiction. Whilst accepting the Council having the opportunity to challenge provisional conclusions on any complaint the ongoing disagreements were considered unhelpful. Discussions on this have taken place between the Chief Executive and the Ombudsman who agreed that there was a fine line between process and professional judgement and that the Council was fully entitled to express concern when that line appeared to have been crossed. The discussions were extremely constructive and the Ombudsman reiterated that both the performance and response of the Council was very good.

Further details of the Ombudsman's letter was reported to the Council's Service Select Committee on the 28th October 2008.

5. GOOD GOVERNANCE

The Monitoring Officer has a pro-active role in ensuring good practice, good procedures and good governance. This involves promoting networking, collaboration and joined-up working practices and decision making as well as ensuring standing orders, codes of practice, procedures are kept under review and up to date. Collaborative working entails regular monthly liaison meetings with the three Statutory Officers, Heads of Service/Management Team as well as working in partnership with other departments to develop and disseminate policies and procedures. Work being carried out to further develop and refine the use of resources represents a good current example of collaborative working. The Council is rated an Excellent Authority by the Audit Commission and received the highest nation wide score in respect of Use of Resources. On the 17th March 2008 the Council received the prestigious Local Government Chronicle Finance Award for being the Council that could best demonstrate tight fiscal controls, good innovation and use of IT and team development leading to increased efficiency. The judges praised the Council's transformation which they felt represented "a true three-year journey to excellence". Also this year the National Public Sector Risk Management Awards 2008 highly commended the Council on Strategic Risk and the Council was a finalist at the MJ 2008 Achievement Awards in the Best Use of Resources Achievement of the Year category for maximising resource impact through innovation and transformation.

Good governance involves providing procedure notes, guidance, developing and implementing protocols and providing briefings and enabling effective support to Councillors in their different roles including Member training.

The tasks for the year 2009 are to:

- Increase Members understanding and knowledge of the requirements of the Code of Conduct.
- Give further publicity to the New Arrangements in Respect of Allegations of Member Complaints now handled locally.
- Promote and increase an understanding of the roles and responsibilities of the statutory officers.

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- Increase awareness of the ethical framework, and supporting policies and procedures and provide further training to Members and to staff.
- Promote and encourage joined up working and better governance arrangements.
- Monitor and test the operation and effectiveness of the ethical framework.
- To provide information on the ethical framework to the public, town and parish councils and members of staff.
- Work to further embed a culture of risk management throughout the Authority.
- Enhance and support the work of the Overview and Scrutiny Committees and the Performance and Governance Committee.
- Continue to promote diversity and equalities within the Authority.
- Embrace the proposals and changes created by the Local Government and Public Involvement in Health Act 2007
- Adopt one of the two new executive arrangements being either the new style Leader and Cabinet Executive or Mayor and Cabinet Executive
- Enhance the Scrutiny Function
- Consultation on “Communities in control: Real people, real power Codes of Conduct for local authority members and employees”

6. THE ETHICAL FRAMEWORK AND SUPPORT TO THE STANDARDS COMMITTEE

As Lead Officer for the Standards Committee and the Ethical Framework the Monitoring Officer has a key role in facilitating, promoting the Council's Ethical Framework and in promoting and maintaining high standards of conduct within the Authority. As well as policy development and implementation this also involves advising Members and Officers including those within the Parish/Town Councils on propriety issues, advising the Standards Committee on applications for dispensations and advising the Standards Committee when they determine an allegation of misconduct on the part of a Member including a Member from a Parish/Town Council. Investigations may also be referred to the Monitoring Officer from an Ethical Standards Officer for the Standards Board for England. The maintenance of the Registers of Interests for the District as well as the Parish/Town Councils is also the responsibility of the Monitoring Officer.

The Local Assessment of Member Complaints was introduced on the 8th May 2008 and the Council was able to have a fully functioning system for local assessment in place to meet the deadline with educated Members, Officer and the Public ready to meet this new and exciting challenge. The Local Assessment Sub-Committee and Review Sub-Committee of the Standards Committee can decide to refer a matter to the Monitoring Officer for Local Investigation and Determination. They can also direct the Monitoring Officer to undertake Other Action.

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Examples of the Standards Committee's work during 2007/2008 is as follows:

- Annual Monitoring Officer's Report
- Advising on the main provisions of Part 10 of the Local Government and Public Involvement in Health Act 2007
- Consultation on "Orders and Regulations relating to the Conduct of Local Authority Member in England"
- Training and Development for Members of the Standards Committee on the new local assessment process in respect of Member misconduct allegations.
- Training and Development for Members and Parish/Town Councillors on the Code of Conduct and the new local assessment process in respect of allegations of Member misconduct
- Appointment of two additional Town/Parish Council Representatives to the Standards Committee
- Appointment of one additional Independent Member to the Standards Committee
- Adopting Guidance on the Disclosure of Confidential Information by Members
- Report by Members of the Standards Committee on the Sixth Annual Assembly of the Standards Board for England
- Adopting and using the training material produced by the Standards Board for England on the new Code of Conduct including the DVD entitled "The Code Uncovered"
- Preparations for introduction of the new local assessment of Member Complaints in readiness for the 8th May 2008 deadline.
- Publicity for the new local assessment of Member Complaints
- Providing a web page for Members of the Public on the new local assessment of Member Complaints together with an accessible on line "Complaint Form"
- Formally adopting an Assessment Sub-Committee and Review Sub-Committee including composition and terms of reference for such Sub-Committees to deal with the new local assessment of Member Complaints
- Adopting a Procedure for the Local Assessment of Complaints
- Developing a Criteria for the Local Assessment of Complaints

6.1 Maintaining a Register of Member Interests

The Monitoring Officer is responsible for establishing and maintaining a Register of Member Interests for the District and Parish/Town Councils. Such registers are held within the Elections and Land Charges Section of the Council. With the introduction of the revised Code of Conduct gifts and hospitality worth £25 or over must now be included in the Register of Member Interests. This means that such gifts and hospitality is now a personal interest and must be declared at any meeting where a matter relating to that interest is discussed. The Standards Committee has produced guidance on the acceptance and registration of gifts and hospitality. Registrations are taking place and a form is used and the interest annexed to the Member's Register of Interests.

An annual audit takes place to ensure that the Registers of Member Interests are being kept up to date.

6.2 Code of Conduct for Employees

The Council implemented an amended Code in 2006 based on an original draft published by the IDeA. The Code forms part of the employers' terms and conditions of employment. The Code is well publicised on the Council's internal intranet and is introduced to employees through the induction process.

Under the Code employees must declare to their Directors any non-financial or financial interests that they or members of their family have which they consider could conflict with the Council's interests. This should also be recorded on a Register of Interest form available on SIMON and forwarded to Human Resources.

Also under the Code, employees must declare to their Director membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct. So that there can be no misunderstanding or confusion, membership of Freemasonry and similar organisations should be declared.

All relationships of a business or private nature with external contractors, or potential contractors should be made known to the employees Head of Service and Director and recorded on a Register of Interest form available on SIMON and forwarded to Human Resources.

All hospitality received and given should be appropriate and necessary and must, wherever possible, have the prior sanction of the Head of Service or Director and must be recorded in the department's hospitality book. There is a Protocol on Corruption, Gifts and Hospitality contained within the Staff Code of Conduct.

The White Paper entitled "Communities in control: Real people, real power Codes of conduct for local authority members and employees" seeks views on the proposed introduction of a model code of conduct for local government employees. This should provide staff with an effective ethical framework within which to work and it should give that authority's citizens confidence that an authority's staff are working on their behalf in an appropriate manner. It is anticipated that the new model code of

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conduct for local government employees will be mandatory and incorporated into employees' terms and conditions of employment.

6.3 Whistle Blowing

The whistle blowing policy of the Council is entitled "Staff Confidential Reporting Policy" and is publicised throughout the organisation on the internal intranet. Information on the Council's Whistle Blowing Policy is included with the Staff Induction Packs.

As a first step, concerns should be raised with the employee's immediate manager or their superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if it is believed that management is involved, the employee should approach:

- the Audit and Efficiency Manager
- the Head of Human Resources
- any Director
- a Councillor

Where appropriate, the matters raised may:

- be investigated by Management, the Human Resources Section, Internal Audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

The Chief Executive has overall responsibility for the maintenance and operation of this policy. Internal Audit maintains a record of concerns raised and the outcomes, (but in a form which does not endanger confidentiality). A reporting mechanism forms part of the Terms of Reference of the Performance and Governance Committee.

In the last calendar year there have been one matter needing to be investigated, the outcome of which proved inconclusive. This investigation was reported to the Performance and Governance Committee in the Annual Internal Audit Report in June 2008.

During the year Internal Audit carried out awareness briefings on Anti-Fraud and Corruption across the Council for all staff and management. This training programme was designed to meet regulatory requirements, as well as to improve officers awareness and knowledge of Council Policy on Anti-Fraud and Corruption and their responsibilities in implementing the Council's policy in this area.

6.4 Human Resources Strategy and Workforce Plan

A Human Resources Strategy and Workforce Plan is available on the Council's internal intranet which incorporates the following policies and protocols:

- Recruitment
- Learning and Development
- Employment Stability
- Corporate Equalities and Inclusion
- Dignity at work
- Capability
- Disciplinary
- Grievance Procedure
- Sickness Absence
- Violence at Work
- Domestic Violence Policy Statement
- Parental and Family Leave
- Flexible Working
- Maternity Leave
- Relocation Expenses
- Alcohol and Substance Misuse
- Staff Code of Conduct
- Child Protection

The above policies are regularly reviewed in line with legislation changes.

6.5 The Standards Board for England, Complaints and Determinations

The Monitoring Officer is responsible for establishing and maintaining an effective working relationship with the Standards Board for England. The Monitoring Officer is also responsible for receiving reports from Ethical Standards Officers regarding investigations carried out by the Standards Board into the conduct of Members. Such reports may need to be determined by the Council's Standards Committee.

The Standards Committee (England) Regulations 2008 came into force on 8th May 2008. The Regulations along with Guidance produced by the Standards Board for England set out the details of how the new locally based system for the assessment of alleged complaints into breaches of the Code of Conduct would operate. The Assessment Sub-Committee and Review Sub-Committee of the Standards Committee can refer matters to the Monitoring Officer for Local Investigation and Determination or Other Action.

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Total allegations made:	6
District Councillors	1
Parish/Town Councillors	5
Not referred	4
Ethical Standards Officer Investigation which found no breach	1
Current Ethical Standards Officer Investigations which may be referred for local determination	Nil
Referred cases sent for local investigation and determination	1

Since the 8th May 2008 there has only been one allegation of Member misconduct which was referred to the Monitoring Officer for Other Action.

The above figures show a significant reduction in allegations from last year. In 2006/07 there were 10 allegations of Member misconduct and in 2005/06 there were 16 allegations of Member misconduct.

6.7 Local Assessment of Complaints into Member Misconduct

This year the Standards Committee agreed a local procedure for assessing complaints into allegations of Member misconduct. The new system was publicised via our local forums, local newspapers, "In shape People", and a web page created with an on line complaint form together with a criteria for local assessment. The Monitoring Officer spoke to the Independent Members Group in Kent regarding the new Code of Conduct and the implementation of the new local procedure. Some Independent Members within the Kent Group had not received training on the new system and the Code of Conduct and the Monitoring Officer undertook training for two of those Members.

All Members on the Sevenoaks Standards Committee were given training on the new processes prior to the implementation deadline of the 8th May 2008. The training sessions were well received and, as referred to above, since implementation only one allegation of Member misconduct has been received. This matter was not considered appropriate/proportionate to investigate although the matter was referred for alternative action this being training on the Code of Conduct on a one to one basis. Monthly meetings of the Assessment Sub-Committee have been set up for the coming year.

6.8 Local Investigation & Determination Procedures for Complaints regarding the Conduct of Members

If a local assessment of Member misconduct results in a decision to investigate the Monitoring Officer may delegate other Council Officers to perform the function of investigation into the conduct of Councillors of the District and Parish/Town Councils. In appropriate cases, the Monitoring Officer will appoint the Deputy Monitoring Officer to undertake the investigation, but in other cases it may be appropriate to appoint an outside investigator, which could involve borrowing from another authority. The Monitoring Officer has entered into a Protocol for Mutual Assistance by the Kent Monitoring Officers and this Protocol is currently being revised.

The Monitoring Officer may require any Council Officer to provide a statement, answer questions or supply information to assist in the conduct of an investigation and require Councillors to provide such statements, answer questions or supply information.

The Standards Board for England's new role is that of strategic regulator with the responsibility to monitor and promote standards and to support and oversee local authorities in their application of the Code. Only cases that are particularly serious or cannot be handled locally because of conflicts of interest or because they raise issues of particular importance are dealt with by the Standards Board.

6.9 Reviewing the Effectiveness of the Ethical Framework

One of the key on-going areas of work is to review and assess the impact of the ethical framework on the behaviour of Members of the District, Parish/Town Councils and Council staff. Many of the tools used to assess standards of customer care within the organisation; such as interviews and customer feedback also lend themselves to the assessment of ethical health. The Monitoring Officer anticipates that in the year ahead the Standards Committee's work programme continue to include work in this area in order to allow it to assess the effectiveness of work to date and to plan for the future. Feedback assessments on Member training have given an excellent to good result.

7. CORPORATE COMPLIANCE WITH LEGISLATION

Legal updates including details of new legislation are circulated by the Legal Team to relevant Officers within the organisation. Those Officers then circulate legal updates including new legislation to Members when they consider this to be appropriate.

The Legal Department continues to produce a Legal Section newsletter on a quarterly basis which contains legal updates on issues that Members and staff may find interesting, helpful and relevant. The guide supplements their usual frequent updates which are sent to specific people about their area of work. Examples of content are:

- Statutory guidance on creating strong, safe and prosperous communities
- Data Protection/Freedom of Information decision notices

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- Corporate Manslaughter
- Member complaints
- Court witnesses DVD 'going to court'
- Case law on planning and licensing matters

The Legal Section uses a Time Recording system which enables the team to accurately record time spent on matters. The Section are well on the way to achieving Lexcel accreditation with an assessment booked for the 9th December 2008 to achieve such accreditation.

Examples of work undertaken in the last year to update and train officers on new legislation are as follows:

- Dispute Resolution: Witnesses
- Property Law: Leasing Business Premises – New Conduct
- Local Government: Case updates
- Local Government: Reinvigorating & Empowering – The 2007 Act

Two more training events are planned for the year entitled:

- Property: Conveyancing Update
- Property: Adverse Possession – Something for Nothing

All Cabinet reports and the various committee reports have a compulsory heading in which the author has to consider Legal Implications and Human Rights issues, and if there are likely to be such implications the report is to be sent to the Legal Team for relevant advice.

8. EQUALITIES

As a community leader, service provider and employer Sevenoaks District Council is committed to eliminating discrimination on the grounds of race, disability, gender, age, religion and belief and sexual orientation. This means respecting the different needs of the district's diverse community and ensuring the Council deliver against our commitments. It contains action plans that focus on ensuring our services meet the needs of the district's diverse community. The Council have started to make noticeable improvements to our services to ensure they are accessible to all and in July 2008 the Council published our Annual Equality Report 2007-8 to demonstrate our progress.

9. SUPPORT TO COUNCIL, CABINET, SCRUTINY AND COMMITTEE MEETINGS

The distribution and publication of committee reports, agendas and decisions is central to meeting the requirements of a key deliverable. It is the Monitoring Officer's responsibility to oversee the process and ensure that these documents comply with statutory and constitutional requirements.

This includes:

- Distributing and publishing all agendas within five clear working days of the meeting taking place and ensuring that all agendas are compliant with the access to information rules and exempt information is marked up accordingly.
- Advertising public meetings five clear days before the meeting date.
- Ensuring that papers are made reasonably available to the public.
- Drafting minutes for publication within nine working days.
- Publishing a record of all decisions including key decisions taken by Cabinet within 48 hours (2 working days) after the meeting.
- Ensuring that petitions are handled in accordance with the Council's Constitution.
- Ensuring that meetings are accessible.

9.1 Statutory Meetings Analysis

One of the explicit aims of the Local Government Act 2000 was to streamline the decision making process to allow Councils to focus on service delivery.

In 2007/08 the following were serviced:

Full Council Meetings (including 1 extraordinary meeting and 1 annual meeting)	7
Cabinet	13
Performance and Governance Committee	8
Electoral Arrangement Committee	0
Environment Select Committee	8
Services Select Committee	6
Social Affairs Select Committee	7
Modern Local Government Group	2
Development Control Committee	14
Standards Committee (including one meeting of the Assessment Sub Committee and one meeting to select new Independent and Parish/Town Council	5

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Members)

Sevenoaks Joint Transportation Board	4
Licensing Committee	3

Other meetings serviced include Development Control Committee site meetings 18 and Licensing Committee hearings 11.

The volume of meetings represents a substantial commitment of both Councillors' and Officers' time and resources. It is of great importance that meetings constitute an effective use of time and resources; that they add value to corporate effectiveness and help in meeting the aims and objectives of the Constitution and the Community Plan.

9.2 The Forward Plan

The co-ordination and maintenance of the Forward Plan is central to meeting the requirements of good governance as it enhances open and transparent decision making.

In compliance with Access to Information Procedure rules and the Constitution, the Forward Plan sets out key decisions which will be taken by the Cabinet. The Forward plan sets out the date/period within which the decision will be taken. The Forward Plan is published on a monthly basis.

9.3 Call-In requests

There were no call-in requests within 2007/08.

9.4 Overview and Scrutiny

The Council has plans to further develop successful and responsive overview and scrutiny. Some of the challenges in this area are as follows:

- Engaging our community to ensure effective and responsive local government through overview and scrutiny.
- Developing closer working relationships between the Executive and Members to enhance overview and scrutiny.
- Building effective scrutiny with our partner organisations.
- Measuring the effectiveness of overview and scrutiny.
- Overview and Scrutiny Member training.

This year the Services Select Committee undertook a pilot in-depth scrutiny process relating to empty homes. This in-depth scrutiny process involved interviewing key stake-holders associated with empty homes. The process used will be used as a model for further in-depth scrutiny.

10. MEMBER TRAINING AND DEVELOPMENT

The Monitoring Officer is responsible to the Standards Committee for the provision of training to Members within the District and the Parish/Town Councils. An extensive training development programme for Members is also organised by the Human Resources Team.

The Monitoring Officer tailors training to each individual Member's needs and has produced a revised Training Manual for each Member of the District Council and for each Clerk to the Parish/Town Councils in relation to the provision of the revised Code of Conduct.

The purpose of the revised manual is to provide an authoritative source of information on the Code of Conduct.

The Monitoring Officer with members of the Standards Committee has continued to carry out intensive weekly training sessions for District Members and for the 30 Parish/Town Councils and Parish/Town Council Clerks and targeted District Council Officers. This has often been done out of hours and by visits to Town and Parish Councils.

Training feedback forms are an essential part of the arrangements and are evaluated by the Standards Committee.

This year the following training has taken place:

- 25 District Councillors trained on the New Code of Conduct and new Local Assessment of Member Complaints
- 31 Planning Officers trained on the New Code of Conduct and new Local Assessment of Member Complaints
- 19 Town/Parish Councils trained on the New Code of Conduct and new Local Assessment of Member Complaints
- Training on the New Code of Conduct and new Local Assessment of Member Complaints has been given to Head of Service
- Training given to the Kent Association of Parish Councils on the New Code of Conduct and new Local Assessment of Member Complaints
- Training given to Edenbridge Town Forum on the New Code of Conduct and new Local Assessment of Member Complaints
- Training given to the Kent Independent Member Group in Kent on the New Code of Conduct and new Local Assessment of Member Complaints
- Two Independent Members from another local authority trained on the New Code of Conduct and new Local Assessment of Member Complaints

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- Training for all Standard Committee Members on handling the process of assessing allegations of Member misconduct according to a set criteria
- Conciliation has also taken place

The majority of training was monitored with assessment forms completed and overall the results came within the good and excellent category. Individual commendations have also been received.

The Monitoring Officer employs an open door policy allowing Members to call in at any time to receive advice. This facility is extensively used by Members of the District, Town and Parish Councils to try to resolve issues at an early stage. This has been specifically recognised by the Council's Use of Resources inspectors in supporting a score of 4 for "Internal control – Arrangements to ensure probity and propriety. The assessment issued in January 2008 was supported by an Audit Commission Notable Practice Form focussing on the "open door" policy of the Monitoring Officer.

The Monitoring Officer and rotating Members of the Standards Committee attend the Standards Board for England's National Assembly, with Members reporting back to the Committee. This is seen as ensuring current developments are picked up and that knowledge is passed on and discussed by the Standards Committee from a completely independent perspective.

The Monitoring Officer along with the Chairman of the Standards Committee have attended a local Town Forum which have representatives of the local community to inform about the work of the Standards Committee and Standards and Ethics generally.

The Standards Committee works as a cohesive group to promote high standards across the whole district. The Committee is pro-active going out on a rotational basis with the Monitoring Office to carry out training across the district on a weekly basis. The drive and enthusiasm of the Committee is reflected by the fact that the Independent Chairman now chairs the Kent Association of Independent Members and is helping to drive up standards across Kent.

11 CONCLUSION

The Monitoring Officer's role encompasses both proactive and reactive elements. The proactive role centres on raising standards, encouraging ethical behaviour, increasing awareness and utilisation of the elements of good governance and ensuring that robust procedures are in place.

The reactive role focuses on taking appropriate action to deal with issues and potential problems as they arise. The Monitoring Officer's effectiveness in this role is in turn dependent on effective systems and procedures being in place to identify problems and ensure that Members, Officers and public are aware of appropriate channels to raise concerns.

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The work programme for the next year aims to expand on the work carried out this year and to consolidate on and embed the systems, policies and procedures that are at present in place.

Christine Nuttall
Monitoring Officer

