

STANDARDS COMMITTEE – 14 JULY 2009

COMPLAINTS, TRAINING AND DEVELOPMENT

Report of the: Monitoring Officer

Status: For consideration

Executive Summary: The Committee is advised of the complaints received since 31 March 2009, and the training and development that has taken place since the Committee last met on the 23 April 2009.

This report supports the Key Aim of effective management of Council resources

Portfolio Holder Cllr. Elaine Bracken

Head of Service Head of Legal and Democratic Services – Christine Nuttall

Recommendation: It be RESOLVED that Members consider the report .

Background

- 1 The Monitoring Officer is responsible for receiving all allegations that a Member may have breached the Members' Code of Conduct that are processed by the Assessment Sub-Committee of the Standards Committee. The Standards Board for England (the Board) monitors local standards regime arrangements via an online information return system. The Standards Committee is also responsible for Member training and development.

Complaints

- 1 As the national regulator responsible for monitoring and promoting ethical standards the Board monitors local standards regime arrangements via an on line information return system. Returns are made by authorities on a quarterly basis. The last return submitted was for the period 1 January 2009 to 31 March 2009 details of which were reported to the committee on the 23 April 2009. The next return is due on the 30 June 2009.
- 2 Since the last return there has been seven complaints received relating to Members of Swanley Town Council. In six of the cases the Assessment Sub-Committee decided to recommend that they should ask that these complaints be investigated by the Board.
- 3 When a referral to the Board has taken place the Board may accept cases for investigation by an ethical standards officer, take no action, or refer cases back to the standards committee which referred them. In this instance the Board accepted the six cases which are now being investigated by the Board.

- 4 In respect of the remaining case against a Swanley Town Council Member the Assessment Sub-Committee decided in accordance with Sections 57A(2) of the Local Government Act 2000, that no action should be taken in respect of the allegation.

Training and Development

- 5 Since the last report to this committee on the 23 April 2009 a training workshop took place on the 29 April 2009 involving Clerks and Councillors from Westerham, Crockenhill, Dunton Green and Knockholt Parish Councils.
- 6 A further training workshop for Edenbridge Town Council took place on the 29 June 2009.
- 7 In addition a training session will be taking place on the 22 July 2009 in respect of the work undertaken by the initial Assessment Sub-Committee. If Members would like a refresher session on this important process please feel free to attend informing the Monitoring Officer or her secretary, Jeanette Edwards, accordingly.

Training and Conciliation in relation to Hextable Parish Council and Swanley Town Council

- 8 Members of this committee will be familiar with the fact that following a Direction dated 24 January 2008 received from the Board a Code of Conduct and Conciliation Workshop took place for Hextable Parish Council on the 5 September 2008. On the 18 February 2009 a similar session took place for Swanley Town Council. The training and conciliation was undertaken by the Monitoring Officer and the Independent Chair of the Standards Committee.
- 9 A report to the Board was given following the above training and conciliation and the report was exhibited to this Committee at its meeting on the 23 April 2009. The minutes of that meeting sets out that a mistake had been made and a Councillor had been incorrectly referred to in the Monitoring Officer's letter to the Board. The minutes go on to state that the Monitoring Officer could include her clarification letter in the next Standards Committee meeting agenda pack. The Monitoring Officer reported further to the Board in a letter dated 23 June 2009 which clarifies the mistakes made and also informs the Board that a further training and conciliation session at Swanley Town Council would be taking place on the 24 June 2009 principally for those Councillors who never attended the training and conciliation that took place on the 18 February 2009. A copy of that letter is set out as an Appendix to this report.

The Future

- 10 In the training workshops that are taking place those that attend are provided with a training manual and the new local assessment process is explained in detail along with the provisions of the Code of Conduct.

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- 11 Those Parish and Town Councils who have never attended training on the Code of Conduct need to be encouraged to attend training and efforts will be made to approach such Councils in order that they may sign up for training.
- 12 A new training programme is planned to start in September 2009 and dates have been circulated to Parish and Town Councils. It is the Monitoring Officer's intention to try and identify which parts of the Code individual Members and Clerks may wish to concentrate on so that training can be tailored to individual needs as identified by this committee's forward work programme.

Options

- 13 Members of the Committee are thanked for helping to deliver training via the training workshops. The Monitoring Officer greatly appreciates the help given which has proved invaluable. Members of this Committee will be circulated with the fresh dates starting in September once allocations have been made.

Key Implications

Financial

- 14 Training and conciliation sessions as well as the new assessment of Member complaint's processes have been accommodated within the Council's existing budgets

Impact on and Outcomes for the Community

- 15 This report sets out the number of allegations of Member misconduct received by the Committee since 31st March 2009 and the training and conciliation that has taken place since the last meeting. The systems that have been put in place appear to be working well for the Community of Sevenoaks District.

Legal, Human Rights etc.

- 18 Training for Members in respect of the Code of Conduct and generally in respect of the ethical framework is an essential part of the Standards Committee's responsibilities as set out in the Constitution.

Resource (non-financial)

- 19 Training has been essential in enabling a smooth transition to the new locally based assessment process. Training ensures a speedy and accurate assessment to take place thus allowing the system to work in a resource efficient manner. Training should also reduce the number of complaints that need to be investigated and determined.

Value For Money

- 20 Training is essential to help reduce the number of Member Complaints. In addition training is vitally important so that the new assessment process can be undertaken in a confident and robust fashion. No additional resources

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have been ascribed to the new process although the Board itself has saved money in devolving power locally. Training internally has ensured that the new processes have been undertaken on a cost neutral basis.

- 21 It is envisaged that conciliation is a powerful tool that can be used to facilitate better working relationships amongst Councillors thus reducing the need, in some instances, for expensive investigations.

Equality

- 22 Training on the Code of Conduct and the new assessment process is essential in giving Members and the Public equal access to the new locally based system. It should also give Members and the Public confidence in the new processes with no one being disadvantaged either in their ability to pursue an allegation or in defending themselves against an allegation.

Sustainability Checklist

- 23 The training that has taken place in relation to the Code of Conduct and the new assessment process should provide Members and the public with confidence that robust systems are in place for enabling high ethical standards across the district and should eventually reduce the number of genuine allegations of Member misconduct.

Conclusions

- 24 Training is essential to enable Members to acquire the key competencies to comply with the Code of Conduct and the changes that have taken place with the new assessment process. Members should benefit from the training that is on offer. The number of allegations of Member misconduct will continue to be monitored and reported.

Risk Assessment Statement

- 25 Training is essential to avoid flawed judgements being made by Members when carrying out the new local assessment process. In addition training will avoid procedural errors.
- 26 To carry out the new local assessment process Members of the Committee will also need to have a detailed knowledge of the Code of Conduct which training can help to achieve.
- 27 Without the necessary training there is a greater risk that a decision may be made that is subject to a successful judicial review which may have adverse cost consequences for the Council as well as the Council suffering a loss of reputation and standing.
- 28 Allegations of Member misconduct must be assessed fairly according to the assessment criteria to avoid any risk of a successful judicial review. In addition the Board can intervene and suspend an authority's initial assessment functions if the authority fails to have regard to the Board's guidance or comply with a direction issued by the Board or when the standards committee or

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monitoring officer fails to carry out their functions properly. The chances of this happening are assessed as negligible.

Sources of Information: Training material produced by the Board

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**Christine Nuttall
Monitoring Officer**

