

STANDARDS COMMITTEE
22 January 2015 at 7.00 pm
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Gaywood Vice-Chairman: Cllr. Ball
Cllrs. Mrs. Bosley, Mrs. Bracken, Brown, Mrs. Morris and Lindsay

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 16 January 2014, as a correct record	(Pages 1 - 2)	
2. Declarations of interest Any interests not already registered		
3. Actions from Previous Meeting	(Pages 3 - 4)	
4. Monitoring Officers Annual Report	(Pages 5 - 22)	Christine Nuttall Tel: 01732 227245
5. Ethical Standards for Members	(Pages 23 - 32)	Christine Nuttall Tel: 01732 227245
6. The Seven Principles of Public Life	(Pages 33 - 36)	Christine Nuttall Tel: 01732 227245

EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

The Democratic Services Team (01732 227241)

STANDARDS COMMITTEE

Minutes of the meeting held on 16 January 2014 commencing at 7.00 pm

Present: Cllr. Gaywood (Chairman)

Cllrs. Ball, Mrs. Morris and Lindsay

Apologies for absence were received from Cllrs. Mrs. Bosley, Mrs. Bracken and Brown

1. Minutes

Resolved: That the minutes of the meeting of Standards Board held on 24 January 2013, be approved and signed as a correct record.

2. Declarations of interest

No additional declarations were made.

3. Monitoring Officer's Annual Report

The Chief Legal and Governance & Monitoring Officer presented her ninth Annual report, which provided an overview of her work; the work of the Standards Committee; and other governance arrangements monitored by other committees within the Council. Providing Members and the public with valuable information which should promote Member and Public confidence in the high ethical standards set by the Council. Of particular note was that a review of the new governance arrangements was being undertaken by the Governance Committee; that there had been no unlawfulness or maladministration over the last twelve months, and the last nine years; there had been an inspection by the Chief Surveillance Commissioner in relation to the Council's covert operations and the inspection had gone well; and the new Standards regime had been working well with only three complaints this year.

Resolved: That the Monitoring Officer's Annual report be noted.

The Committee gave a vote of thanks to the Monitoring Officer for all her work.

4. Openness and Transparency on Personal Interests

The Chief Legal and Governance Officer presented a report which advised that the Department for Communities and Local Government (DCLG) had published revised guidance on personal interests with respect to membership of trade unions which required a slight amendment to the Council's Code of Conduct. Also attached for information was additional guidance that had been published in relation to openness and transparency on personal interests, which confirmed that the DCLG's view was that a dispensation was not required to take part in the business of setting council tax or a precept, simply by virtue of being a homeowner or tenant within the Authority's area. The

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Standards Committee - 16 January 2014

Committee noted this clarification as this had been a matter under discussion at the last meeting.

A query was raised over the anomaly that might occur if the NALC Code had been adopted by a Parish/Town Council.

Action 1: That an email be circulated to give Members an opportunity to update their disclosable pecuniary interest forms.

Resolved: That it be recommended to Council that

- a) the DCLG amendment underlined in red and highlighted in the Illustrative Text, as set out in Appendix A of the report be incorporated into the Sevenoaks District Council's Code of Conduct; and
- b) the amended Department for Communities and Local Government (DCLG) "guide for councillors" set out at Appendix B of the report regarding "Openness and transparency on personal interests", be noted.

5. Review of arrangements for the Standards Regime

The Chief Legal and Governance Officer presented a report which reviewed the procedures put in place in July 2012 in the light of the complaints received in 2012. Some Initial Intake Criteria had been strengthened to improve the process of receiving and considering such complaints and the system seemed to be working extremely well with a dramatic reduction in complaints this year. In response to a question the Chief Legal and Governance Officer confirmed that there was no right of appeal, but if the complaint was on procedure there would be recourse to the Local Government Ombudsman.

Resolved: That the report be noted.

THE MEETING WAS CONCLUDED AT 7.33 PM

CHAIRMAN

ACTIONS FROM THE MEETING HELD ON 16 JANUARY 2014

Action	Description	Status and last updated	Contact Officer
ACTION 1	That an email be circulated to give Members an opportunity to update their disclosable pecuniary interest forms. (Minute Item 4)	An email was sent on 17 February 2014	Democratic Services Ext: 7199

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MONITORING OFFICER'S ANNUAL REPORT

Standards Committee – 22 January 2015

Report of Monitoring Officer

Status: For consideration and decision

Also considered by: Council – 17 February 2015

Key Decision: No

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

Contact Officer(s) Mrs Christine Nuttall – Chief Officer Legal and Governance

Recommendation to the Standards Committee: That the Monitoring Officer's Annual Report be noted.

Recommendation to Full Council: That the Monitoring Officer's Annual Report be noted.

Reason for recommendation: This report sets out the work of the Monitoring Officer, Standards Committee and other governance arrangements monitored by other committees within the Council thus providing Members and the public with valuable information which should promote Member and Public confidence in the high ethical standards set by the Council.

Introduction and Background

- 1 This is the tenth Annual Report of the Monitoring Officer as attached as an appendix to this report.
- 2 The purpose of the Monitoring Officer's Report is to provide an overview of the work of the Monitoring Officer, the work of the Standards Committee and the general governance arrangements within the Council in the past year and to provide an opportunity to review and learn from experience.
- 3 The information contained within this Report will also provide Members of the Standards Committee, with an overview of the workings of the Council thus providing them with valuable information to facilitate the carrying out of their functions.

Substance of Report

- 4 The Monitoring Officer's Report sets out the Monitoring Officer's statutory responsibilities, summarises how these duties have been discharged during 2014

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in accordance with the Council's Constitution, legislative requirements and draws attention to those issues that will require attention in the next calendar year.

Key Implications

Financial

- 5 The Monitoring Officer's Report has not identified any financial implications for this Council over and above normal requirements.

Legal Implications and Risk Assessment Statement.

- 6 The Monitoring Officer's Report has not uncovered any illegality.

Equality Assessment

- 7 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

- 8 The Monitoring Officer's report sets out the elements of good governance and demonstrates that robust procedures are in place to raise ethical standards, identify problems and ensure that Members, Officers and the Public are aware of appropriate channels to raise concerns.

Appendices

Appendix – Monitoring Officer's Report

Background Papers:

Information supplied by various officers and sections of the Council

Mrs Christine Nuttall
Chief Officer for Legal and Governance

**REPORT OF THE
MONITORING OFFICER
2014**

Introduction

This is the tenth Annual Report of the Monitoring Officer for the period January 2014 to December 2014. 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 and summarises how these duties have been discharged from the last Monitoring Officer’s Report for the period January 2013 to December 2013. The Report also highlights the work of the Standards Committee.

1. Recommendations

That the Standards Committee comments on and notes 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 and 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.	The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 The Localism Act 2011 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Report on sufficiency of resources.	Local Government and Housing Act 1989
Maintain the Constitution	The Constitution

<u>Description</u>	<u>Source</u>
Promote and maintain high standards of conduct.	The Localism Act 2011
Grant Dispensations	The Localism Act 2011 and delegation from Council
Consulting with, supporting and advising the Head of Paid Service and s.151 Officer on issues of lawfulness and probity.	The Constitution
Appointing an Investigating Officer in relation to Member Complaints	The Localism Act 2011 and the Constitution
Advising the Standards Hearings Sub Committee in relation to allegations of breaches of the Code of Conduct and advising when matters are determined following an investigation	The Localism Act 2011 and the Constitution
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 and s.5 of Local Government and Housing Act 1989
Legal Advice and Support to the authority	The Constitution
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 responsible for ensuring that the Constitution operates efficiently, is properly maintained and is adhered to.

3.1 Constitutional Review and Revision

This Council continues to update its Constitution as and when necessary and reports to the Governance Committee of the Council in this respect.

On the 23rd April 2013 Council approved a proposed new governance structure following Members concerns with the previous structure in the following areas:

Perception of remoteness/inaccessibility of portfolios; feeling of disengagement from influence and decision-making; lack of training and development (succession planning for future Cabinet members); and the need to streamline the system to match the resource available.

The approval was subject to detailed mechanisms being brought back to the Annual Council in May 2013 to enable implementation of the structure with a review of the new governance arrangements being undertaken and reported back to Full Council by April 2014. In addition, options requiring more detailed consideration, such as the Committee System or a Hybrid Model requiring Secretary of State approval, were to be investigated during the next municipal year. The new governance structure was accordingly approved at Annual Council on the 14th May 2013.

The Governance Committee reviewed the new governance structure in 2014 with two Member Surveys being carried out during the year. The first survey had a response rate of 55% and the second 69%. The results from the surveys provided a range of information which helped with the review of the effectiveness of the new arrangements. Changes resulted whereby Membership of the Scrutiny Committee is now fixed with Members of the Committee being independent of the Cabinet Advisory Committees. Membership of the Advisory Committees increased to 12 Members and Members are now able to sit on more than 1 Cabinet Advisory Committee which facilitates greater Member involvement. The new Structure is now embedded and working well and promoted in a national publication entitled "Rethinking governance" produced by the Local Government Association.

Investigation into future Governance arrangements in general has taken place this year to allow the newly elected administration in 2015 to consider future governance with further research planned to take place next year via the Governance Committee for reporting to Annual Council in 2015.

3.2 Fitness for Purpose

The Constitution sets out in clear terms how the Council operates and how decisions are made. Some of these processes are required by law, while others are a matter for the Council to choose. The purpose of the Constitution 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. The Governance Committee ensures that this takes place.

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/s.151 Officer and the Chief Finance 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 agendas, reports and minutes of all Council meetings are made publicly available unless there is a reason for exemption under the Local Government Act 1972. In addition Portfolio Holder decisions are also made publicly available subject to the same caveat as are all planning and licensing decisions made by Officers including other Officer delegated decisions as required by the new legislation entitled "The Openness of Local Government Bodies Regulations 2014". All such 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/s.151 Officer. Any proposal or 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 2014

4.1 Reports from the Local Government Ombudsman

The annual letter from the Local Government Ombudsman sets out a summary of the complaints and enquiries received by Sevenoaks District Council for the year 2013/14.

In 2013/14 the Local Government Ombudsman received 18 complaints about our local authority with five of the complaints being in the category Benefits and Tax. One was within the category, Environmental services, public protection & regulation. Two complaints came within the Housing category and 10 were Planning and development complaints.

Eight of the complaints were closed after initial enquiries and three were not upheld. One complaint was deemed incomplete and invalid and the rest were referred back for local resolution.

No compensation payments were made by Sevenoaks District Council in relation to the complaints that went to the Local Government Ombudsman and there was no finding of maladministration.

5. Report of the Chief Surveillance Commissioner

On the 19th June 2013 the Council was inspected by the Office of the Surveillance Commissioner (OSC). These inspections are carried out on a 3 yearly basis with the next inspection due to take place in June 2016

The Regulations of Investigatory Powers Act 2000 (RIPA) introduced a statutory framework for those carrying out a surveillance as part of an investigation. The Protection of Freedoms Act 2012 (2012 Act) amended RIPA to provide additional controls. The internal authorisation process is now followed by external authorisation from a Justice of the Peace.

In practice the District Council seeks to carry out surveillance activity by overt means whereby it is not necessary to engage the provisions of RIPA.

On the 10th September 2013 the Audit Committee considered a report recommending the adoption of a revised surveillance policy and the approval of reporting arrangements to Elected Members following the Commissioner's inspection.

Training on RIPA for officers of this Council took place on the 11th November 2013 with an emphasis on allowing delegates to do their job whilst respecting the law. Delegates worked through a number of real life case studies and exercises in order to discuss issues that commonly arise.

Council on the 1st October 2013 noted the Chief Surveillance Commissioner's report and adopted a revised Surveillance Policy. During 2014 there has been no instance of covert monitoring requiring the need for a RIPA authorisation.

6. Good Governance

The Monitoring Officer has a pro-active role in promoting good practice, good procedures and good governance. This involves 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 weekly meetings with the Chief Executive/s.151 officer, Chief Officers/Senior Management Team as well as working in partnership with other departments to develop and disseminate policies and procedures. There is also the work undertaken in partnership with other authorities.

In 2014 the Council stepped up its efforts to bring further economic growth to the District.

After months of planning, and negotiation, the Council secured a new Marks & Spencer department store for Sevenoaks town. Construction began on the 2,700 square metre retail development in May 2013, and the new store opened its doors in October 2014. The store is expected to attract new shoppers to Sevenoaks benefitting existing traders while securing the town's retail future.

In partnership with the county and neighbouring councils, Sevenoaks District Council successfully bid for £5.5 million of interest free loan funding for local businesses. The money will be used to support fast growing companies to safeguard or create 1,200 jobs in the area. Many local businesses have applied to take advantage of this funding. Those who were successful will be using the loan to expand and create new jobs.

During the year the Council has run many business support and networking events for local businesses and these have been very well attended. In addition, the Council has consulted on and approved a new Economic Development Strategy which set out a strategic direction for business growth, skills and jobs for the future.

New anti-social behaviour legislation has now been introduced which provides tools to enable us to deal with anti-social behaviour. Working with our community safety partners we have seen reductions in crime.

The Council has been taking part in the new Health and Wellbeing Boards designed to focus on local needs and increase input from democratically elected Members.

Our voluntary sector continues to make an important contribution to the lives of the most vulnerable people in our communities. The District Council has maintained its grant funding for local voluntary activity.

The Council went under the microscope in December 2013 when it volunteered for a Peer Review by the Local Government Association (LGA). The review involved a number of officers and Councillors from other councils and together with sector experts, including the Department for Communities and Local Government's Finance Director, looking at how well it performs and testing its plans for the future.

Their feedback was extremely positive. The LGA team said they were impressed with the Council's financial management, culture, high levels of customer satisfaction and the pride staff take in their work, helping it achieve one of the best reputations in local government. They also praised the way the Council works with the community and partner organisations to deliver its vision to improve the quality of life in the District.

7. The Ethical Framework and Work of the Standards Committee

The New Standards Committee which was introduced on the 24th July 2012 comprises 7 Members in accordance with the political balance rules.

The new rules allow for the appointment of Independent Persons who have a statutory role under the Localism Act 2011 to assist any Member who has been accused of breaching the Code of Conduct. Sevenoaks District Council has appointed two Independent Persons who are not Members of the Standards Committee although they are given details of the Committee's meeting date in order that they may attend.

The Independent Persons also assist the Monitoring Officer in considering complaints and will also be consulted by the Monitoring Officer following investigations to help decide what action to take.

The Standards Committee has a key role in facilitating and promoting the Ethical Framework and in promoting and maintaining high standards of conduct within the Authority. The terms of reference of the committee are set out within Part 3 of the Constitution entitled "Standards Committee".

Examples of the Standards Committee's work during 2014 are as follows:

- Receive the Annual Monitoring Officer's Report

- Looking at Openness and transparency in relation to Personal Interests
- Reviewing the arrangements for the Standards Regime

7.1 Maintaining a Register of Member Interests

The codes of conduct of relevant authorities must include provision for the registration and disclosure of “disclosable pecuniary interests”, as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members with disclosable pecuniary interests in the business of their authorities are prohibited from participating in such business unless they have a dispensation. The Localism Act 2011 has introduced criminal offences relating to failure to register disclosable pecuniary interests. Members convicted of such offences are liable to a scale 5 fine and may also be disqualified from being a councillor for up to five years.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members at this Council through training have been made aware that even if a Member’s interest does not amount to a disclosable pecuniary interest, if their interest in a matter would lead them to predetermine a decision, it would not be appropriate for that member to participate in the decision, if they did so the decision could be vulnerable to challenge.

The prohibitions on councillors participating in any discussion or vote on an item of Council business in which they have a disclosable pecuniary interest ensures that Councillors cannot put their private financial interests before the public interest. However, where a Councillor has a disclosable pecuniary interest but stand to make no personal financial gain by participating in a discussion or vote on Council business related to that interest, they can apply for a dispensation, under section 33 of the Localism Act 2011. The grounds for granting a dispensation will depend on the circumstances.

7.2 Code of Conduct for Employees

The Code is based on an original draft published by the IDeA and has been updated since being implemented in 2006. 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 any non-financial or financial interests that they or members of their family have which they consider could conflict with the Council’s interests. Chief Officers and the Chief Executive declarations of non-financial or financial interests are declared to the Monitoring Officer.

All relationships of a business or private nature with external contractors, or potential contractors should be made known to the employees’ Managers and Chief Officers.

All hospitality received and given should be appropriate, necessary and must, wherever possible, have the prior sanction of the relevant Chief Officer and must be recorded in the Hospitality book kept by the Chief Executive’s Secretary. There is a Protocol on Corruption, Gifts and Hospitality contained within the Staff Code of Conduct.

7.3 Whistle Blowing

Sevenoaks Council is committed to having effective whistleblowing arrangements, in order to safeguard individuals who have genuine cause for raising concerns in the work place and to promote good governance and safeguard the public interest. The Council's Whistle Blowing Policy sets out how to raise concerns within the organisation and is designed to give statutory protection to employees who "blow the whistle" on their employer's malpractice. In addition, the Council aims to mitigate the risk of inappropriate behaviour by those undertaking work on behalf of the Council and the Council refers to this Policy in contracts with suppliers and service providers, in the Procurement Guide and in its partnership arrangements.

The Council takes seriously and will investigate all reports of improper activities. The Policy aims to ensure that when concerns are raised, the Council will address the concerns and protect the person raising the concern.

The Council is committed to the highest possible standards of openness, probity and accountability and in line with this commitment the Council is currently updating its Whistleblowing Policy to incorporate the requirements of the new Statutory Code of Practice recommended by the Whistleblowing Commission with proposed amendments planned to be considered by the Audit Committee on the 13th January 2015. It is recommended that the new Whistleblowing Policy will be subject to annual review by the Audit Committee with the review taking into consideration the views of users of the Policy and any relevant professional or regulatory changes.

The new Code of Practice is intended to make whistleblowing more effective within organisations and provides practical guidance to employers, workers and their representatives and sets out recommendations for raising, handling, training and reviewing whistleblowing in the work place.

The Council's existing Whistleblowing Policy substantially meets the code requirements and is largely consistent with good practice. However, where appropriate, amendments have been made to close any gaps identified under the new code.

In the last calendar year no concerns have been raised under the Council's current Whistle Blowing Policy.

7.4 Human Resources

Human resources plays a vital role in developing the organisation through the development of its people and in planning and delivering the changes required by the Council.

Human resources adds value to the organisation by ensuring that we take account of, and plan for, future changes in the wider environment which are likely to have a major impact. It is recognised that both Members and Officers are integral to achieving these aims, through working together in an open, honest and co-operative way.

All the Council's Human Resources policies are available on "Insite" or direct from the Human Resources Team on request and new employees to the organisation are made aware of the numerous policies that exist.

7.5 New Standards

The Localism Act 2011 and subordinate legislation made extensive changes to the Standards regime which had previously applied under the Local Government Act 2000 and subordinate legislation. The changes are to achieve high standards of conduct and to put in place an appropriate regime.

Under the new regime Councils have been obliged to adopt a Code of Conduct for their Members and Co-opted Members as part of their duty to promote and maintain high standards of conduct. These include provisions relating to the registration and disclosure of interests although, unlike the arrangements under the previous legislation, authorities were no longer required to adopt codes based on a national model. However, most authorities have chosen to adopt codes which reflect models suggested by various recognised organisations. Sevenoaks District Council chose the text published by the Department for Communities and Local Government (DCLG).

Town and Parish Councils will have adopted their own Codes although they must be based on the seven Nolan principles laid down in the Localism Act 2011. The District Council encouraged Town and Parishes to adopt the Sevenoaks District Council Code, although it is known that some have adopted the National Association of Local Council's model.

Councils in England are no longer required to have the statutory Standards committee which was established under the provisions of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008. However, the majority of Councils did choose to retain such a committee including Sevenoaks District Council. The new standards committee is an ordinary committee of the council which means that it is politically balanced and subject to the usual requirements relating to access to information.

Under the Localism Act 2011 authorities are not obliged to include provisions in their arrangements for members to be able to appeal against findings that they have breached the code of conduct of their authorities. This Council decided not to include appeal provisions in their arrangements although for procedural irregularity a complaint can always be made to the Ombudsman.

The Localism Act 2011 makes no provision for sanctions against Members who are found to have breached the codes of conduct of their authorities. However, authorities are able to censure members, to publicise breaches of their codes of conduct, to report to their Councils and to recommend that members are removed from positions on committees and outside bodies. This Council decided to include provisions for the Monitoring Officer to be instructed to arrange training for the Member and/or conciliation if appropriate which is a useful practical measure for improving member conduct.

7.6 Complaints against Members

The current Standard Regime, set up under the Localism Act 2011, was implemented by this Council in July 2012.

Allegations of Member Misconduct received under this regime, up to December 2012, numbered 15. All of these related to Parish/Town Council Members and no complaints

Appendix

related to District Council Members. 11 of these complaints related to one Parish Council. None of these complaints went to formal investigation.

Three complaints were received between January and December 2013. Two of these related to Parish/Town Council Members and one to a District Councillor. None of the complaints went to formal investigation. One of the Parish/Town Council complaints was subject to Informal Resolution with the help of the Independent Person.

Six complaints have been received between January and December 2014

	Subject Member	Complainant	Received	Assessed	Result
14/01	Parish/Town	Officer of the Council	March 14	May 14	Attempted informal resolution
14/02	Parish/Town	Officer of the Council	May 14	Withdrawn	
14/03	Parish/Town	Member of the Public	July 14	September 14	No Further Action
14/04	Parish/Town	Councillor	August 14	Withdrawn	
14/05	Parish/Town	Member of the Public	September 14	October 14	No Further Action
14/06	Parish/Town	Councillor	October 14	November 14	No Further Action

The second and fourth complaints in the table above would not have progressed beyond the Initial Intake Stage due to being outside the time limit and the complainants were offered the choice to withdraw the complaints.

As the first complaint in the table above was made by an Officer of the Council concerned it was felt that Informal Resolution should be attempted to try and ensure relations at the Council did not deteriorate further.

The third complaint involved a Council that had seen a number of complaints in previous years relating to a particular local issue and the complainant had previously been a Councillor who had been the subject of a complaint when serving at that Council.

The fifth complaint involved a neighbour dispute relating to a planning issue. The Independent Person spent some time with the Subject Member which helped to calm the situation.

The sixth complaint was made by a Councillor who had previously been involved in a complaint as a Subject Member.

At the time of writing this report there are no outstanding complaints at any stage in the process.

The number of complaints has increased in 2014, but in reality there were only 4 that passed the initial intake test. There are no lessons to be learnt from operating the procedures this year requiring amendment to any of our procedures. It did prove extremely useful to have the Independent Person involved in mediation/conciliation work and must thank the Independent Persons for all their hard work through the year.

8. Equalities and the Public Sector Equality Duty under the Equality Act 2010

As a community leader, service provider and employer Sevenoaks District Council recognises that everyone has a contribution to make to our society and a right to access services without being discriminated against or disadvantaged.

Sevenoaks District Council is part of the West Kent Equality Partnership which also includes Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council.

The Partnership sets out its aims and commitments for 2012-16 and reviews its progress against its aims and commitments. An annual report for Sevenoaks District Council was considered by the Strategy and Performance Advisory Committee on 7th October 2014 and can be accessed via the following link:

<http://cde.sevenoaks.gov.uk/ieListDocuments.aspx?CId=290&MId=1823&Ver=4>

9. Support to Councillors, 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 available to the public.
- Drafting minutes for publication within nine working days.

Appendix

- Publishing a record of all decisions including key decisions taken by Cabinet within 48 hours (2 working days) of the meeting.
- Ensuring that petitions are handled in accordance with the Council’s Constitution including e-petitioning.
- Ensuring that meetings are accessible.
- Complying with the requirements of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- The Openness of Local Government Bodies Regulations 2014.

10. Statutory Meeting Analysis

One of the explicit aims of the Council has been to try and streamline the decision making process to allow Council to focus on service delivery.

Between the 1st January 2014 and 31st December 2014 the following were serviced:

Full Council Meetings (including 1 annual meeting)	5
Cabinet	11
Audit Committee	4
Development Control Committee	18
Economic & Community Development Advisory Committee	4
Finance & Resources Advisory Committee	6
Governance Committee	4
Health Liaison Board	5
Housing & Community Safety Advisory Committee	4
Licensing Committee	4
Licensing Sub Committee Hearings	7
Local Planning & Environmental Advisory Committee	4

Scrutiny Committee	5
Sevenoaks District Strategic Board	1
Sevenoaks Joint Transportation Board	4
Standards Committee	1
Strategy & Performance Advisory Committee	5

The Sevenoaks District Strategic Board has now been dissolved with the dissolution noted by Council on the 4th November 2014

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 and Corporate Plan.

11. Notice of Key Decisions which replaces the Forward Plan

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 replaced the 2000 Executive Access to Information Regulations. The new regulations only apply to executive decisions. Previously there was a requirement to publish a rolling forward plan at least 14 days before the start of each month that set out details of all the key decisions which the authority anticipated making within the next four months. This has now been replaced by a requirement to publish a 28 clear days' notice of any intended key decision. This notice is available for inspection and is also published on the authority's website. If an urgent decision is required and it is impracticable to give the full notice, the key decision can still be taken if the authority gives at least five days' clear notice to the Scrutiny Committee of the authority which can then call in the decision to check that it was genuinely urgent. Where a key decision is so urgent there is not even time to give five clear days' notice, the authority can still take the decision if the Chairman of the Scrutiny Committee has agreed that the key decision is urgent and cannot reasonably be deferred.

This new requirement is being observed by the authority and by publishing the Notice of Key Decisions the public will be able to find out the expected timing of key decisions.

11.1 Call-In requests

There were no call-in requests within 2014.

11.2 Scrutiny Function

The Council is required by Law to discharge certain scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee is a powerful committee which principally holds the Executive to account for its decisions. Policy development used to take place within the Select Committees and this now takes place

within the Cabinet Advisory Committees, this being part of the changes made by the Governance restructure.

11.3 The Transparency Code

The Council is now under a duty to publish a range of data under the Local Government Transparency Code 2014 and associated Regulations.

It is the Government's stated desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. The Code has been issued to meet this desire. The Government has set out that "Transparency is the foundation of local accountability and the key that gives people the tools and information they need to enable them to play a bigger role in society. The availability of data can also open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets".

The Council is committed carrying forward the new Transparency Code in 2015.

11.4 The Recording of Council Meetings

In March 2014 the Governance Committee of this Council considered a report recommending to Full Council that their meetings be recorded on a trial basis and if successful Full Council would ratify the roll out of recording all meetings of Full Council, Development Control Committee and Licensing Hearings. Following the successful recording of Full Council, as a pilot study, Full Council approved the earlier recommendation in November 2014. This approval coincided with the new Openness of Local Government Bodies Regulations 2014 allowing people the right to film, blog, tweet or use any other type of social media to report any public meetings of their local government bodies, including, committees, sub-committees and joint committees. In order to facilitate the public's new powers a Protocol on Recording Meetings was approved by Council to make sure that recording especially filming takes place safely and without obstructions to the meeting. Council also gave Officers the discretion with the Chairman's approval to record such other public meetings of Council, the Cabinet and their committees, sub-committees or joint committees as was seen fit.

11.5 Member Training and Development

The Council is now preparing plans for Members' Induction following the 2015 Elections. A presentation on this was given to the Strategy and Performance Advisory Committee on the 2nd December 2014 giving an outline on the plans for induction and how the process would work. A key part of the plan will be to involve existing Members more, particularly those who joined the Council in 2011 and who can input their experiences and ideas for improvement.

Members elected in 2015 will be given an Induction Pack and information sessions for prospective Members will be given which will highlight the positive aspects of being a Member as well as setting out the demands the work entails.

The Council is planning to have increased information for prospective Members on the Council's website.

Training will be a crucially important part of the Induction process especially concentrating on basic matters such as, how to help a local resident, how to contact Kent County Council, advice on writing e-mails to constituents and resources available such as the Local Government Association.

A coach tour of the District is planned for new Members. If any Members have any further ideas in relation to the Induction Process they are asked to contact the Council's Monitoring Officer.

12 Conclusion

The Monitoring Officer's role in conjunction with the Standards Committee 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 together with the Standards Committee'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.

Christine Nuttall
Monitoring Officer

ETHICAL STANDARDS FOR MEMBERS

Standards Committee – 22 January 2015

Report of Monitoring Officer

Status: For consideration

Executive Summary: The Standards Committee of Sevenoaks District Council keeps a watching brief on the standards regime in local government and how this is developing and any recent published works on ethics in general and reminds Members of their duties under the Code of Conduct as well as the need to keep their Register of Interests up to date.

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

Contact Officer(s) Mrs Christine Nuttall – Chief Officer Legal and Governance

Recommendation to the Standards Committee: That the guidance set out in this report be noted.

Reason for recommendation: to make Members aware of the recent guidance and developments in relation to ethical standards and to remind Members of the requirements of the Standards regime.

Introduction and Background

- 1 The Standards Committees role at Sevenoaks District Council (SDC) includes the promotion and maintenance of high standards of conduct by Members and Co-opted Members of SDC and to advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct. As a result it is useful for this Committee to consider the work of other bodies concerned with standards, such as the Committee on Standards in Public Life and other published works to ensure that Members are aware of current developments and issues surrounding standards generally.
- 2 It is essential that there is public confidence that Councillors everywhere are putting the public interest first and are not benefitting their own financial affairs from being Councillors.

Recent publications

- 3 The Department for Communities and Local Government (DCLG) have produced guidance entitled “Openness and transparency on personal interests”. This sets out in plain language matters such as:
 - Does the new Standards Regime put in place in 2012 affect me?

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- How will there be openness and transparency about my personal interests?
- What personal interests should be entered in my council's or authority's register of members' interest?
- What must I do about registering my personal interests?
- What are pecuniary interests?
- Do I have any disclosable pecuniary interests?
- Does my spouse's or civil partner's name need to appear on the register of interests?
- Does my signature need to be published online? Won't this put me at risk of identity theft?
- Who can see the register of members' interests?
- Is there any scope for withholding information on the published register?
- When is information about my interests removed from my council's register of members' interests?
- What does having a disclosable pecuniary interest stop me doing?
- Where these prohibitions apply, do I also have to leave the room?
- Do I need a dispensation to take part in the business of setting council tax or a precept?
- When and how can I apply for a dispensation?
- What happens if I don't follow the rules on disclosable pecuniary interests?
- Where can I look at the national rules on pecuniary interests?

The guidance can be found by following the link https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf. It is especially important that Members become familiar with this document and take notice of the guidance therein as recent information from the Local Government Lawyer published on the 18th November 2014 informed us that the Crown Prosecution Service has authorised the police to institute proceedings against the leader of Dorset County Council for three offences under the Localism Act. The publication stated that it is alleged that whilst the Councillor was leader of East Dorset District Council, he failed to declare his interest in a company for which he was a Non-Executive Director. It is also alleged that he failed to declare his interest in the same company to Dorset County Council. The third allegation relates to the Councillor's failure to disclose his interest in a housing company in which he was also a Non Executive Director, before a meeting of Dorset County Council on 25th February 2013 at which its Core Strategy for the provision of social

housing was discussed. It is alleged that the Councillor participated and voted during this meeting. He pleaded not guilty at the Magistrates Court on 2 December 2014, the case has been adjourned and will be heard in April 2015.

- 4 The DCLG have also issued guidance on “Disclosable Pecuniary Interests and Dual-Hatted Councillors in a letter produced by Brandon Lewis MP dated 17 January 2013 (Appendix A). The letter concentrates on whether being a Member of both a District Council and a Town Council would prevent a District Councillor from participating in Town Council business on the grounds that their membership of the District Council gives rise to a disclosable pecuniary interest in any issue involving the District Council.

The DCLG’s informal view was that where a Councillor receives a taxable allowance from any authority of which they are a Member, the allowance would give rise to a disclosable pecuniary interest that should be entered on the registers of interests under “Employment, office, trade, profession or vocation. However, the question of whether a councillor has a disclosable pecuniary interest in an item of council business related to another authority of which he is a Member will depend on the nature of which is to be discussed. The prohibitions on Councillors participating in any discussion or vote on an item of Council business in which they have a disclosable pecuniary interest ensures that Councillors cannot put their private financial interests before the public interest. However, where a Councillor has a disclosable pecuniary interest but stands to make no personal financial gain by participating in a discussion or vote on council business related to that interest they can apply for a dispensation, under section 33 of the Localism Act 2011. The grounds for granting a dispensation will depend on the circumstance.

- 4 In January 2013 the Committee on Standards in Public Life produced a publication entitled “Standards matters – A review of best practice in promoting good behaviour in public life” A copy of this publication can be found by following the link https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf.

A number of areas within the publication are relevant to the work of this Committee. In relation to Local Government Standards the publication states:

“...prime responsibility for maintaining high standards of behaviour must always lie with individuals and organisations, not with external regulation. We welcome therefore the intention behind the Localism Act 2011 to encourage a greater sense of responsibility for standards and to address some of the more vexatious and disproportionate aspects of the local government standards regime.

To function effectively, local leadership and responsibility for standards requires certain conditions to be met – including strong leadership and robust, visible action against those who fall short. The Local Government Association has a particular important responsibility in this respect. We would expect the new regime, like the previous one to function well in those areas where party leaders are prepared to provide leadership. It is likely to do less well where such leadership is absent. Past history suggests that problems are most likely in areas with monolithic political cultures and correspondingly little political challenge, where partisan rivalry is most bitter and tit for tat accusations most common, or in

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those predominantly rural areas with significant numbers of independent members without the benefit of party discipline.

We have other concerns about the new arrangements which apply even in those areas where strong leadership on standards does exist. The first is that under the previous arrangements local authorities had the power to suspend members for varying periods of time as a sanction against poor behaviour. The only sanctions, now available, apart from through the use of party discipline, are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest. We do not think these are sufficient. The last few years have seen a number of examples of inappropriate behaviour which would not pass the strict tests required to warrant a criminal prosecution, but which deserves a sanction stronger than simple censure. Bullying of other members or officers is one category of offence which will be difficult to deal with adequately under the new arrangements.

Our second concern is about the new and so far relatively untested arrangements for independent involvement in the disciplinary process. Under the previous arrangements allegations about poor behaviour were determined by standards committees independently chaired by individuals who were not themselves members of the local authority. Under the new arrangements every local authority must appoint at least one independent person whose views it will seek, and take into account, before making its decision on an allegation that it has decided to investigate. We doubt that this will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done”.

Similar concerns as set out above were expressed by many local authorities at the time the Localism Bill was being discussed. However, from SDC’s findings the work of the Independent Persons appointed have proved invaluable and their efforts have been well respected by those involved in the complaint’s procedure.

- 6 Another publication recently published by the Committee on Standards in Public Life is entitled “Ethics in Practice: Ethical Conduct in Public Life” July 2014. This publication highlights to those in public life that the recommendations of Lord Nolan in his First Report continue to apply: *it is essential that more is done to inculcate high ethical standards through guidance, education, and training, particularly induction training.*

This publication can be viewed by following the link
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336976/2902536_CSPL_EthicsInPractice_acc.pdf

SDC has always concentrated heavily on training and support for its Members including Members and Clerks of Town and Parish Councils. Training for all Members especially new Members of SDC in relation to the Code of Conduct and the Standards regime is planned as part of the induction process following the Elections in May 2015 to which Town and Parish Clerks will also be invited to attend.

Members Register of Interests

- 7 Members are reminded to keep their interest forms under review and register new interests or delete obsolete interests within 28 days by completing a new Members' Interest Form. Members are also reminded to register gifts and hospitality worth £25 or more received in their capacity as a Member of the Authority. However, Members are reminded to treat with extreme caution any offer or gift, favour or hospitality that is made to them personally.

SDC has a Protocol on Gifts and Hospitality and in addition there is Guidance on the Disclosure of Confidentiality by Members set out in the Constitution which can be downloaded from the Council's website or alternatively requests for such guidance can be made to the Democratic Services Team

<http://cds.sevenoaks.gov.uk/ecSDDisplay.aspx?NAME=Constitution%20of%20Sevenoaks%20District%20Council&ID=844&RPID=5869429&sch=doc&cat=13284&path=13284>

Predetermination and the Code

- 8 The Localism Act 2011 clarified the law surrounding bias or predetermination. Predetermination is a term used to describe a state of mind which is capable of breaching the law. This is not to be confused with predisposition where a Councillor holds a view in favour of or against an issue, for example an application for planning permission, but they have an open mind to the merits of the argument before they make the final decision at the Council meeting. This includes having formed a preliminary view about how they will vote before they attend the meeting, and expressing that view publicly.

There are two types of predetermination, actual and apparent. Actual predetermination is when a person has closed their mind to all considerations other than an already held view. Apparent predetermination is where the fair minded and well-informed observer, looking objectively at all the circumstances, considers that there is a real risk that one or more of the decision makers has refused even to consider a relevant argument or would refuse to consider a new argument.

The Localism Act states that a decision maker is not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter, and the matter was relevant to the decision.

It is well recognised that manifesto commitments and policy statements which are consistent with a preparedness to consider and weigh relevant factors when reaching the final decision, are examples of legitimate predisposition and not predetermination. To suspect predetermination because all members of a single political group have voted a certain way is an unwarranted interference with the democratic process. Councillors are likely to have and are entitled to have, a disposition in favour of a particular decision. Unless there is positive evidence that there was indeed a closed mind, prior observations or apparent favouring of a particular decision is unlikely to be sufficient to establish predetermination. Previously expressed views on matters which arise for decision in the ordinary run

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of events are routine and councillors can be trusted, whatever their previously expressed views, to approach decision making with an open mind.

Key Implications

Financial

There are no direct financial implications arising out of this report.

Legal Implications and Risk Assessment Statement.

Under the Localism Act 2011, the Council is required to promote and maintain high standards of conduct by Members and Co-opted Members of the authority. In addition, the Standards Committee's terms of reference state that the Committee is to promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to the Council on improving standards.

Failure to have and maintain high ethical standards can have significant reputational consequences. However, by keeping Members informed in relation to recent guidance and developments within the Standards regime helps to set and maintain high standards of behaviour amongst Members, staff and partner organisations which can significantly enhance reputation and can reduce the risk of wrongdoing.

Equality Assessment

The decision recommended through this paper has a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

- 12 The publications mentioned in this report provide details on ethical issues that have been considered by the Committee on Standards in Public Life and the DCLG. They give valuable information on the developing Standards regime and remind Members of their responsibilities under the Code of Conduct.

Appendices

DCLG's letter dated 17th January 2013 from Brandon Lewis MP entitled "Disclosable Pecuniary Interests and Dual-Hatted Councillors"

Background Papers:

[SDC's Constitution](#)

[Standards matter A review of best practice in promoting good behaviour in public life January 2013 produced by the Committee on Standards in Public Life](#)

[Ethics in Practice: Promoting Ethical Conduct in Public Life July 2014 produced by the Committee on Standards in Public Life](#)

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[DCLG's publication September 2013 Openness and transparency on personal interests](#)

DCLG's letter dated 17th January 2013 from Brandon Lewis MP entitled "Disclosable Pecuniary Interests and Dual-Hatted Councillors"

[Local Government Lawyer publications 12/12/2014 "Council leader faces proceedings over failure to disclose pecuniary interests"](#)

[BBC News Dorset 2/12/2014 "Dorset County Council leader Spencer Flower quits ahead of trial"](#)

Christine Nuttall
Chief Officer for Legal and Governance

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www.gov.uk/dclg

Our Ref: ER/BL/030718/12
Your Ref: DM/CllrDMonk

17 January 2013

Dear Cllr Monk,

DISCLOSABLE PECUNIARY INTERESTS AND DUAL-HATTED COUNCILLORS

Thank you for your letter of 11 October to the Rt Hon Eric Pickles MP, seeking advice on whether being a member of both a district council and a town council would prevent a district councillor from participating in town council business on the grounds that their membership of the district council gives rise to a disclosable pecuniary interest in any issue involving the district council. I am replying because my responsibilities include local government matters, and I am very sorry for the delay in sending a substantive reply.

Whilst the Department cannot give legal advice, it is our informal view that where a councillor receives a taxable allowance from any authority of which they are a member, the allowance would give rise to a disclosable pecuniary interest that should be entered on the registers of interests under "Employment, office, trade, profession or vocation. However, the question of whether a councillor has a disclosable pecuniary interest in an item of council business related to another authority of which he is a member will depend on the nature of what is to be discussed.

The prohibitions on councillors participating in any discussion or vote on an item of council business in which they have a disclosable pecuniary interest ensures that councillors cannot put their private financial interests before the public interest. However, where a councillor has a disclosable pecuniary interest but stands to make no personal financial gain by participating in a discussion or vote on council business related to that interest, they can apply for a dispensation, under section 33 of the Localism Act 2011.

The grounds for granting a dispensation will depend on the circumstances. Whilst it is not appropriate for Ministers to comment on the town clerk's interpretation of the legislation, in our view, it would not be against the spirit of the Act to grant a dispensation to a town councillor provided that the item of business relating to the other council of which they are a member was unlikely to lead to them or their spouse or partner benefiting financially as a result of participating in a discussion or vote on that business.

A handwritten signature in black ink, appearing to read "Brandon Lewis".

BRANDON LEWIS MP

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THE SEVEN PRINCIPLES OF PUBLIC LIFE

Standards Committee – 22 January 2015

Report of Monitoring Officer

Status: For consideration

Executive Summary: This report informs the Standards Committee on the work of the Committee on Standards in Public Life during 2012-13 in relation to the Seven Principles of Public Life.

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

Contact Officer(s) Mrs Christine Nuttall – Chief Officer Legal and Governance

Recommendation to the Standards Committee: That the guidance set out in this report be noted.

Reason for recommendation: to make Members aware of the work undertaken by Committee on Standards in Public Life in relation to the Seven Principles of Public Life.

Introduction and Background

- 1 The Localism Act 2011 requires that a relevant authority must promote and maintain high standards of conduct by Members and Co-opted Members of the authority. In discharging its duty a relevant authority, must, in particular, adopt a Code dealing with the conduct that is expected of Members and Co-opted Members of the authority when they are acting in that capacity.
- 2 The legislation also states that an authority must secure that a Code adopted by it, when viewed, as a whole, is consistent with the following principles:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Leadership

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The Code of conduct adopted by Sevenoaks District Council (SDC) embraces all these principles.

The Committee on Standards in Public Life

- 3 The Committee on Standards in Public Life in its publication “Standards matter – A review of best practice in promoting good behaviour in public life” looked at the Seven Principles of Public Life and whether these should be reformulated.
- 4 Their view was that changing the principles now would be both pointless and unnecessary and that they should be kept as they are. However, they concluded that the brief descriptions appended to each one should be clarified and they made the following suggestions:

Principle	Revised description
Preamble	The principles of public life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs and in the health, education, social and care services. All public office holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
Selflessness	Holders of public office should act solely in terms of the public interest.
Integrity	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Holders of public office should be truthful.
Leadership	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the

principles and be willing to challenge poor behaviour wherever it occurs.

- 5 The Committee summarises by stating that the Seven Principles of Public Life remain broadly relevant, but there is scope for updating what they mean in practice, particularly in respect of honesty and integrity.
- 6 There is a growing area of ambiguity occupied by people contracted to deliver public services who may not be public office-holders. The ethical standards captured by the seven principles should also apply to such people. There is therefore a responsibility on public office holders to specify requirements about standards of behaviour in the contracts they let on behalf of the public sector.
- 7 Public office holders are entitled to privacy in their personal lives. But it is important to recognise that there can be circumstances in which private behaviour can affect the reputation and integrity of a public institution, and which require an appropriate response. Such intrusion should only happen where there is a clear public interest to justify it, and should always be proportionate.

The publication produced by the Committee on Standards in Public Life entitled Standards matter – A review of best practice in promoting good behaviour in public life” can be viewed by following the link

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf

Key Implications

Financial

There are no direct financial implications arising out of this report.

Legal Implications and Risk Assessment Statement.

Under the Localism Act 2011, the Council is required to promote and maintain high standards of conduct by Members and Co-opted Members of the authority. In addition, the Standards Committee’s terms of reference state that the Committee is to promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations for improving standards.

Failure to have and maintain high ethical standards can have significant reputational consequences. However, by keeping Members informed in relation to recent guidance produced by the Committee on Standards in Public Life, Members understanding of the Seven Principles of Public Life will be clarified and help to set and maintain high standards of behaviour amongst Members, staff and partner organisations which can significantly enhance reputation and can reduce the risk of wrongdoing.

Equality Assessment

The decision recommended through this paper has a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

- 12 The work undertaken by the Committee on Standards in Public Life in relation to looking at the need to re-evaluate the Seven Principles of Public Life clarifies Members understanding in relation to what amounts to acceptable behaviour.

Background Papers:

[Standards matter A review of best practice in promoting good behaviour in public life January 2013 produced by the Committee on Standards in Public Life](#)

Christine Nuttall
Chief Officer for Legal and Governance