

**REPORT OF THE
MONITORING OFFICER
2011**

INTRODUCTION

This is the seventh Annual Report of the Monitoring Officer for the period December 2010 to December 2011. 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 November 2009 to November 2010. 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.	Local Government Act 2000
Report on sufficiency of resources.	Local Government and Housing Act 1989
Maintain the Constitution	The Constitution
Support the Standards Committee. Promote and maintain high standards of conduct.	Local Government Act 2000

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<u>Description</u>	<u>Source</u>
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
Advising the Standards Committee in relation to allegations of breaches of the Code of Conduct including carrying out local investigations and advising when matters are determined.	Standards Committee (England) Regulations 2008 and Guidance produced by Standards 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
Advising on 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 responsible for ensuring that the Constitution operates efficiently, is properly maintained and is adhered to.

3.1 Constitutional Review and Revision

Since the modular constitution was produced by the Secretary of State in 2000 there has never been any revision of that model. However, this Council has continued to update its Constitution as necessary with a re-write having taken place in 2007.

The Association of Council Secretaries and Solicitors (Acses) is currently working to produce a new model Constitution in conjunction with Dickinson Dees who run a software platform produced by a software provider *Exari*. By this means a new model constitution will be produced, with the numerous variables that must be within it as Councils have the ability to move to differing systems of decision making under the Localism Act 2011. The design of the software will allow for production of a draft constitution, tailored to a relevant extent to differing councils' models of governance, quickly and easily. The Model and decision system will be assessed from a link on the Acses website. Acses members (the Monitoring Officer being one) may then use the package to produce a draft constitution from the model bank of precedents. As legislation requires further changes, the Acses editorial board will determine and publish "best practice" in the use of variants within the Model. With all the changes being implemented by the Localism Act 2011 this model will no doubt prove a valuable asset that this Council may utilise.

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.

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

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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. 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 and Chief Financial 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 2010/11.

4.1 Reports from the Local Government Ombudsman

The annual letter for 2010/11 from the Local Government Ombudsman sets out a summary of statistics on the complaints made to the Ombudsman about the Council for the year.

During the past year the Ombudsman has changed the way they communicate their findings. They no longer give tailored feedback unless there are concerns with an Authority. Instead they provide statistics on the number of enquiries and complaints that they receive and they show the time taken by an authority to respond to written enquiries in comparison with average response times by type of authority.

The statistics show that there were 22 enquiries and complaints in total, 4 of which were deemed to be premature. The Ombudsman provided advice to 3 other enquirers and 15 were forwarded to the investigative team.

When an investigation is complete the Ombudsman generally issues a report. However, this year the Ombudsman did not issue any reports against the Authority and only one of the complaints resulted in a local settlement being reached.

The average time taken by the Authority to reply to the Ombudsman's written enquires was 26 days, which is well within the target time of 29 to 35 days.

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. There is also the work undertaken in partnership with other authorities.

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The work this year has enabled the Council to win the Institute of Ratings, Revenue and Valuation (IRRV) Silver Aware for Excellence in Partnership Working.

6. THE ETHICAL FRAMEWORK AND WORK OF THE STANDARDS COMMITTEE

The Standards Committee currently comprises sixteen Members, six of whom are District Council Members, five Parish/Town Council Members and five Independent Members. Both the Chairman and Vice Chairman of the Committee are Independent Members.

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. As well as policy development and implementation the Committee is also involved in advising Members including those within the Parish/Town Councils on propriety issues and applications for dispensations. The Standards Committee determine allegations of Member misconduct including Members from Parish/Town Councils. The maintenance of the Registers of Interests for the District as well as the Parish/Town Councils is the responsibility of the Monitoring Officer overseen by the Standards Committee.

The Local Assessment of Member Complaints was introduced on the 8th May 2008. 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.

Examples of the Standards Committee's work during 2010/2011 is as follows:

- Annual Monitoring Officer's Report
- Considering Standards for England Case Review 2010
- Considering self-regulation following the abolition of the standards regime
- Election of a Chairman and Vice Chairman of the Committee for the ensuing municipal year
- Appointment of Sub-Committees in relation to the Local Assessment of Member Complaints
- Considering the Forward Work Programme
- Monitoring Complaints and Training
- Considering the Localism Bill and the future Code of Conduct
- Assessing complaints
- Induction process for new members
- Training and Development sessions for the Committee, Members including Parish/Town Council Members and Clerks
- Carrying out conciliation
- Keeping a watching brief on the future of the ethical framework

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- Advice given to Members including Parish/Town Council Members, Clerks and the Public on Code of Conduct matters.

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. Registers for Parish/Town Councils are held within the Elections and Land Charges Section of the Council. Registers of the District Council are held within the Democratic Services Section. Gifts and hospitality worth £25 or over must be included in the Register of Member Interests. This means that gifts and hospitality are 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.

It is a requirement that Members' Register of Interest forms are made available for public inspection during normal office hours. District Council Members' Register of Interests are now made available online.

6.2 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 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. Directors 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' Head of Service and Director.

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 Hospitality book kept within Corporate Resources. There is a Protocol on Corruption, Gifts and Hospitality contained within the Staff Code of Conduct.

6.3 Whistle Blowing

The Council's Whistle Blowing Policy sets out how to raise concerns within the organisations with employees encouraged in the first instance to raise concerns with their immediate manager or superior.

Concerns may be raised verbally or in writing and there is a dedicated telephone number which allows communication in confidence to the Audit and Fraud Team.

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A record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) is maintained and reported (in such a way as to preserve confidentiality), to the relevant committee of the Council.

The Policy is intended to provide an avenue within the Council to raise concerns. However, if it is felt that it is right to take the matter outside the Council contact points are given as follows:

- Public Concern at Work
- The Audit Commission
- Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Relevant voluntary organisation
- The police
- Trade Union representative
- Local Government Ombudsman

In the last calendar year no concerns have been raised under the existing Whistle Blowing Policy.

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 many policies, strategies and procedures. These are regularly reviewed in line with legislative changes.

6.5 The Future of Standards for England and the Standards Framework

The Localism Bill became law on the 14th November 2011. Under the Act every authority including Parish and Town Councils will be under a duty to promote and maintain high standards of conduct by elected and co-opted members of the authority. The provisions apply to elected members and co-opted members when acting as members. There are no requirements in relation to private life.

The Government has now clarified the timetable for abolition of Standards for England which will take place through regulations. It is the Government's intention that abolition will take effect on 31st March 2012. Prior to this, the regulatory role in handling cases and issuing guidance will stop from a date that will be set out in regulations but anticipated to be 31st January 2012. From this date, Standard for England will no longer have powers to accept new referrals from local standards committees or conduct investigations into complaints against members. Any existing referrals or investigations will be transferred back to the relevant authority for completion. However, any complaints which are being handled locally on that date will need to continue through to a conclusion.

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DCLG have advised that the Government envisage that the remaining local elements of the current regime will be abolished on 1st July 2012. From 1st July all standards matters including consideration and determination of outstanding complaints made during the period the Standards Board regime was operating will be the responsibility of local authorities, to be handled under the new arrangements. The 1st July 2012 will also see the implementation of the new standards arrangements, which include a 'Nolan-based' code, the involvement of an Independent Person in allegations of misconduct, and a new criminal offence for failing to declare or register interests, coming into force.

The special provisions for the establishment of statutory Standards Committees are removed in England. Any voluntary Standards Committee or Sub-committee established by the authority would be an ordinary committee or sub-committee established under the Local Government Act 1972. The role of independent members will change as the new Independent Persons would not be able to be voting members, unless the committee or sub-committee was merely advisory. Any such Standards Committee will now be subject to the normal proportionality rules. The Standards Committee would assist in discharging the duty of the authority to promote and maintain high standards of conduct.

Each authority is required to adopt a Code of Conduct. Authorities are free to determine what they put in or leave out of a Code though the Act requires the inclusion of the provisions the authority considers appropriate in respect of the registration in its register and disclosure, of interests. The requirement for members to give an undertaking to comply with the Code of Conduct is removed.

The District Council must have in place arrangements to deal with complaints of breach of its Code of Conduct, including arrangements for investigation of complaints and arrangements "under which decisions on allegations can be made". In the case of District Councils this also applies to allegations in respect of parish councillors in their area. Leading London Solicitors who specialise in this area of law believe that it is likely that most authorities will decide that they need a Standards Committee of some nature to undertake these functions at member level, even if some actions, such as removal from Committees will have to be applied by full Council.

The Act gives authorities no explicit powers to take any action in respect of a breach of a local Code. Accordingly, other than naming and shaming the individual member it is unclear at present whether the authority will be able to take any further action beyond administrative actions to secure that it can continue to discharge its functions effectively. A Counsel's opinion has been sought by the Association of Council Secretaries and Solicitors on the sanctions that would be available to a Local Authority under the new standards arrangements.

Every District Council must appoint one or more Independent Persons. Independent Persons would be appointed by advertisement and application and there are strict rules of appointment.

It is believed that a person cannot be appointed as an Independent Person if they have within the past 5 years been a co-opted voting member of a Committee of the authority. This means that all existing independent co-opted members of Standards Committees are ineligible to be appointed as Independent Persons. This has

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become something of an issue for local government lawyers who are debating whether this result was intended or even achieved by the wording of the Act. The Association of Secretaries and Solicitors are seeking legal advice on this point and a Counsel's opinion on this has also been sought.

The Monitoring Officer is required to establish a register of members' interests for each authority including for parish councils within their area. The register must contain "pecuniary interests" not yet defined in Regulations. However, the Act also provides that an authority's Code must require registration of interests other than pecuniary interests, for which no definition is provided as yet.

The Monitoring Officer is responsible for ensuring that each authority's register of interests is kept within the principal authority's area at the principal authority's offices and on the authority's website. For Parish and Town Councils the District Council's Monitoring Officer must ensure that every parish council's register is available for inspection within the principal authority's, rather than the parish council's area and, if the Parish or Town Council has a website, the Parish/Town Council must ensure that the register is accessible on that website. The Parish/Town Council's register must also be published on the District Council's website.

Failure to register any disclosable pecuniary interests within 28 days of election or co-option, or the provision of misleading information on registration without reasonable excuse, will be criminal offences, potentially carrying a fine and or disqualification from being a councillor for up to five years. Prosecution will be at the instigation of the Director of Public Prosecutions.

Where an interest is already on the authority's register of interests, or is in the process of entry onto the register having been notified to the Monitoring Officer, the member is under no obligation to disclose the interest at the meeting. Where it is an unregistered interest, the member is required both to disclose it at the meeting and to register it within 28 days of the meeting at which relevant business is considered.

If a Member has a disclosable pecuniary interest he/she is simply barred from participating in discussion or voting on the matter at the meeting, or taking any steps in respect of the matter, other than referring it to someone else for determination. Participation in the discussion or the matter, or taking steps in respect of the matter, is also a criminal offence. The requirement for the member to withdraw from the meeting room may be dealt with in the authority's standing orders.

The ability for Members with a pecuniary interest to obtain a dispensation remain and has been extended. The function of granting dispensations can be delegated to a Standards Committee or a designated officer.

The rules on pre-determination have been clarified by the Localism Act. The Act provides that the decision maker is not to be taken to have had a closed mind "just because" the decision maker had previously done anything relevant to the decision, that directly or indirectly, indicated what view the decision-maker took, or would or might take, in relation to a matter. There is now a legislative presumption of "no closed mind" The provision on pre-determination is effective from 15th January 2012.

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The Localism Act 2011 gives the Councils the ability to implement a streamlined system of promoting and maintaining high standards of conduct amongst Members of both District and Parish/Town Councils which Members of the Standards Committee will be working on in order to provide proposals for the Modern Local Government Group's and full Council's consideration in the forthcoming year.

6.6 Standards for England, Complaints and Determinations

The Monitoring Officer has been responsible for establishing and maintaining an effective working relationship with the soon to be abolished Standards for England. The Monitoring Officer has also been responsible for receiving reports from Ethical Standards Officers regarding investigations carried out by Standards for England 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 Standards for England sets out the details of how the 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. In limited circumstances matters can be referred to Standards for England.

6.7 Allegations of Member Misconduct dealt with by the Assessment Sub-Committee of the Standards Committee between 1 December 2010 and 31 December 2011.

Total allegations made:	7
District Councillors	2
Parish/Town Councillors	5
Complaints in which no action was taken	5
Complaints where other action taken	3
Referred cases sent for local investigation and determination	0
Cases sent for Review	3

The number of Member misconduct allegations decreased this year from 20 last year to only 7 this year. No action was taken in relation to 5 cases and initially other action was recommended on 2 cases. Three cases went forward for Review and out of those 3 cases one case was further recommended for other action.

There were two complaints involving District Councillors brought by a member of the public which resulted in no action. The complaint involved an allegation of a lack of communication leading to the perception of being ignored but insufficient evidence was given to justify the allegation. These cases also went forward for Review resulted in the same decisions being given.

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In relation to the 5 complaints involving Parish Councillors initially no action was taken in relation to 3 of the complaints. One of the complaints went forward for Review and on Review it was decided that other action should take place. The other action involved the Monitoring Officer being directed to offer a one to one training session to the subject member with help from a member of the standards committee or Deputy Monitoring Officer. This allegation related to the behaviour of the subject member towards the complainant whilst his contracting company were on site carrying out works and involved the subject member being accused of giving out false information and acting in a disrespectful manner whilst also giving the impression of acting on behalf of the Parish Council. Training successfully took place on the 20th October with the subject member reporting on the course assessment form that she was very impressed with the session and thanked everyone involved for the information provided.

In relation to the remaining two Parish Council complaints the following decisions were made:

1. The Monitoring Officer was directed to offer a conciliation session to the complainant and the subject member, with help from a member of the Standards Committee or Deputy Monitoring Officer.
2. That the Monitoring Officer liaises with the Clerk to the authority concerned to carry out mediation/conciliation for the whole of the Parish Council, but particularly between the complainant and the subject member.

In relation to the first direction by the assessment sub-committee although the panel had found prima facie evidence of a breach of the Code of Conduct in respect of one aspect of the complaint, they felt that a full investigation would not be appropriate/proportionate, but did decide that other appropriate action should be taken to try and ensure that the incident did not have implications in the longer term for the operation of the Parish Council. However, in this instance the subject member declined the approach made by the Monitoring Officer on the basis that the Parish Council had moved on and did not see the need for the offered session. As a result the Monitoring Officer asked the two members concerned to contact her if at any time in the future they felt any similar issues were building up to a level which could damage the operation of the Parish Council

In relation the second direction this was given on the basis that although the committee had felt that there was insufficient evidence to warrant investigation of the complaint they did pick up on some issues particularly around collective responsibility and communication that they felt deserved some action. Therefore the Monitoring Officer liaised with the Parish Clerk to carry out mediation/conciliation with the whole of the Parish Council and on the evening of 14th March 2011 the session took place. Seven of the nine members attended as well as the Parish Clerk. Although it was a controversial meeting the Clerk indicated afterwards that everyone had benefitted from the meeting and that relationships had improved. Since the meeting there have been no further complaints brought by one member of the Parish Council against fellow Councillors.

6.8 Local Assessment of Complaints into Member Misconduct

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All Members on the Sevenoaks Standards Committee have been given extensive training on the Code of Conduct and how to effectively assess Member complaints. The training sessions have been well received with some of the Independent Members of the Council's Standards Committee cascading such training to the Kent and Medway Independent Standards Committee Members' Liaison Group.

Monthly meetings of the Assessment Sub-Committee are set in place so that Member misconduct complaints can be considered in a timely fashion.

6.9 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 and there is a Protocol for Mutual Assistance by the Kent Monitoring Officers.

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.

8. EQUALITIES AND THE PUBLIC SECTOR EQUALITY DUTY UNDER THE EQUALITY ACT 2010

As a community leader, service provider and employer Sevenoaks District Council is committed to eliminating discrimination on the grounds of age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief (including lack of belief) and sex and sexual orientation. This means respecting the different needs of the district's community and ensuring the Council, its contractors and its delivery partners deliver against our commitments.

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.

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- 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 including e-petitioning.
- Ensuring that meetings are accessible.

10. STATUTORY MEETINGS ANALYSIS

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

Between the 1st December 2010 and 1st December 2011 the following were serviced:

Full Council Meetings (including 1 annual meeting)	7
Cabinet	11
Performance and Governance Committee	5
Electoral Arrangement Committee	1
Environment Select Committee	6
Services Select Committee	6
Social Affairs Select Committee	5
Modern Local Government Group	1
Development Control Committee	13
Standards Committee	2
Sevenoaks Joint Transportation Board	4
Licensing Committee	4

Other meetings serviced include 6 Licensing Committee hearings and 5 Assessment Sub-Committee and 2 Review Sub-Committee meetings of the Standards Committee

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.

The Localism Act 2011 will allow District Councils to move to the Committee System of Governance from any annual meeting of Council, provided that the Council has previously secured a resolution of Council to do so. This part of the Localism Act has not yet been implemented although it is the Government's intention is for this part of the Act to be in place by April 2012. The committee system was abolished by the Local Government Act 2000 which required all councils with a population of 85,000 or

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more to choose either an elected mayor and cabinet or a leader and cabinet. Prior to the 2000 Act, local authorities could take all decisions to council or delegate decision-making to committees, sub-committees, other authorities or officers.

10.1 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 the Council plans to take in the next four months. A key decision is one which would result in expenditure or savings in excess of 50,000 pounds or which is significant in terms of its effects on communities living or working in two or more wards. The Forward plan sets out the date/period within which the decision will be taken. The Forward Plan is published and updated on a monthly basis.

10.2 Call-In requests

There were no call-in requests within 2010/11.

10.3 Overview and Scrutiny

The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees are powerful committees that contribute to the development of Council policies and also hold the Executive to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies. The Council has three Scrutiny Committees, Services Select, Social Affairs and Environment Select that look at a wide range of issues within their terms of reference.

10.4 MEMBER TRAINING AND DEVELOPMENT

The Standards Committee oversees the provision of training to Members within the District and the Parish/Town Councils on the Code of Conduct. A training development programme for Members is also organised by the Democratic Services Team.

As 2011 was the year of the local authority elections an extensive programme of training took place as follows:

- On Saturday 9th April 2011 an informal session for Candidates for Election took place at the District Council Offices.
- On Monday 9th May 2011 there was an Induction Session for Newly Elected and Re-Elected Members which was repeated in the evening.
- On the 16th May 2011 there was specialist Code of Conduct training carried out in conjunction with Dartford Borough Council. Those Members who could

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not attend the training at Sevenoaks were able to attend a similar training session at Dartford on the 23rd May 2011.

- Development Control Training for Members took place on the 2nd June 2011. For those Members who could not attend a further Planning seminar took place at Dartford Borough Council on the 26th May 2011.
- Finance Training took place on the 13th June 2011.
- Licensing Training took place on the 16th June 2011.
- Scrutiny Training for Environment Select took place on the 7th June 2011, Social Affairs on the 16th June 2011 and Services Select on the 21st June 2011.

Training for new Standards Committee Members took place as follows:

- 8th March 2011
- 16th March 2011
- 18th July 2011
- 27th July 2011
- 26th October 2011

On the 14th March 2011 conciliation and training took place at Brasted Parish Council.

Training for a Member of Knockholt Parish Council took place on the 20th October 2011.

Training for Shoreham Parish Council took place on the 6th December 2011.

There are 30 Parish and Town Councils within the District of Sevenoaks and the Monitoring Officer with Members of the Standards Committee often undertake training and or conciliation out of hours.

Training feedback forms are an essential part of the arrangements for training and are evaluated by the Standards Committee. This year those that have undertaken the training have agreed or strongly agreed the following:

- That the objectives of the session were met
- Attending was worth the effort
- They learnt something new and useful that they could apply to their position as Councillor or Clerk
- They are likely to recommend the training session to others
- The course material was helpful and informative.

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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.

The Standards Committee works as a cohesive group to promote high standards across the whole district. The drive and enthusiasm of the Committee is reflected by the fact that the Independent Chairman now chairs the Kent Association of Independent Members.

11 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

