

## STANDARDS COMMITTEE – 14<sup>TH</sup> DECEMBER 2004

### THE ADJUDICATION PANEL FOR ENGLAND'S DECISION - Case Ref: APE 0199

Report of the: Monitoring Officer

Status: For consideration and decision

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#### **Executive Summary:**

On the 27th September 2004, The Adjudication Panel for England decided that Councillor Paul Armstrong of Halstead Parish Council had failed to declare a prejudicial interest as well as a personal interest and had failed to withdraw from the meeting. The Panel imposed a suspension from participation in all business of the relevant authority for a period of six months from 1st October 2004. The Panel has recommended that before the period of his suspension ends, Councillor Armstrong should take part in further training on the implementation of the Code of Conduct, and that should also be offered to other Councillors.

It is proposed that the Standards Committee considered the training the authority has already implemented and agrees the proposed training and further agrees for this Report plus the minutes to be submitted to the Standards Board for England to comply with the Local Government Act 2000.

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**This report supports the Key Aim of** accountability in respect of ethical standards.

**Portfolio Holder** Cllr. N. Dean

**Head of Service** Christine Nuttall

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**Recommendation:** It be RESOLVED that:

- (a) Members note the Decision given by The Adjudication Panel for England;
  - (b) *Members consider the training to date and approve the proposals for future training as set out above and recommend that this report plus the minutes of the meeting be submitted to the Standards Board for England to comply with the requirements of the Local Government Act 2000 as set out above.*
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#### **Background**

- 1 On the 27<sup>th</sup> September 2004 The Adjudication Panel for England gave a decision in respect of a possible failure to follow the Code of Conduct by Councillor Paul Armstrong. The decision is attached as an Appendix to this report.

## Introduction

- 2 Under s.80 of the Local Government Act 2000 a case tribunal, which has adjudicated on any matter, may make recommendations to a relevant authority about any matters relating to-
  - the exercise of the authority's functions,
  - the authority's code of conduct, or
  - the authority's standards committee
- 3 A case tribunal must send a copy of any recommendations it makes to the Standards Board for England. A relevant authority to whom recommendations are made must consider the recommendations and, within a period of three months beginning with the day on which the recommendations are received, prepare a report for the Standards Board for England giving details of what action the authority have taken or are proposing to take as a result of the recommendations.

## Recommendations made by the Adjudication Panel

- 4 The recommendations made to the relevant authority are set out in the decision at paragraph 8 and state as follows: -

“That before the period of his suspension ends, Councillor Armstrong should take part in further training on the interpretation of the Code of Conduct, and that should also be offered to other councillors”.

## Action the Authority has taken in relation to Training

- 5 After the May 2003 elections, training was provided for all new Members and for those existing Members who wished to attend. The training included training in the Council's Code of Conduct and the New Ethical Framework.
- 6 In addition, the Monitoring Officer has given advice on the Code to a number of individual members including Parish Councillors.
- 7 Training at Dover District Council was offered to Members of the Standards Committee at Sevenoaks District Council. The training session allowed for an interactive session, with plenty of scope for specific questions and the programme covered the following topics:
  - The Role and Purpose of the Committee – theory and reality
  - Procedural Fairness – the basics
  - The Pre-hearing process – tips and guidance
  - Pre and post hearing publicity and public access
  - Proportionate sanctions
  - The giving of reasons
  - The role of the Monitoring Officer

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- 8 On the 1<sup>st</sup> October 2003 Members of the Standards Committee were invited to take part in a training session to help Councillors review the contents of the Code of Conduct and identify how it applies to particular aspects of their work. The Standards Board for England's training video and training notes were used.
- 9 On the 4<sup>th</sup> June 2004 the Council's Monitoring Officer spoke to the Kent Association of Parish Councils on the background to Sevenoaks District Council's Standards Committee. A training session took place covering the following topics: -
- declaration of interests and the duty to inform;
  - appropriate allegations;
  - Personal and prejudicial interests;
  - dual-hatted members;
  - the investigation.
- 10 There was also a question and answer session at the end and a commitment given that the Monitoring Officer would be willing to give guidance and advice on an individual basis to any Parish Council Clerk.

**Possible Future Action in relation to Training**

- 11 Since the decision of The Adjudication Panel for England the Monitoring Officer has been in contact with the Clerk to Halstead Parish Council and given a commitment to attend Halstead Parish Council to undertake a training session on the interpretation of the Code of Conduct prior to Councillor Armstrong's period of suspension ending.
- 12 The Monitoring Officer has spoken with the Training Manager at Sevenoaks District Council and quotations are being obtained for the implementation of a programme of training sessions for the 29 Parishes within the District and the Members of Sevenoaks District Council on the interpretation of the Code of Conduct. It is anticipated that such training will take place before the period of Councillor Armstrong's suspension ends.

**Financial Implications**

- 13 It is anticipated that the quotations to be received in respect of the programme of training sessions will be capable of being accommodated within Sevenoaks District Council's existing training budget.

**Conclusion**

- 14 It is recommended that Members note the Decision given by The Adjudication Panel for England and consider the training to date and approve the proposals for future Training as set out above and recommend that this Report plus the minutes of the meeting be submitted to the Standards Board for England to

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comply with the requirements of the Local Government Act 2000 as set out above.

**Sources of Information:** Adjudication Plan for England's Decision Case  
Ref: 0199

**Contact Officer(s):** Christine Nuttall - ext. 7245

**Corporate Services Director**  
**Pav Ramewal**

**RISK ASSESSMENT STATEMENT**

The action the Authority has taken, and the proposed action if approved, will go some way in minimising the risk of a similar breach of the Code of Conduct occurring in the future.