

**Appendix 2 should not be disclosed outside the Standards Committee by virtue of Schedule 12A paragraphs 1 and 2 of the Local Government Act 1972**

## **STANDARDS COMMITTEE – 3 DECEMBER 2009**

### **COMPLAINTS AND TRAINING**

Report of the:           **Monitoring Officer**

Status:                   For consideration

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**Executive Summary:** The Committee is advised of complaints received for the period 1 July 2009 to the 30 September 2009 and reported to the Standards for England during that period in the quarterly return and the training and development that has taken place since the last standards committee meeting on the 14 July 2009

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

**Portfolio Holder     Cllr. Elaine Bracken**

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

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**Recommendation:** It be RESOLVED that Members consider the report .

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### **Background**

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

### **Complaints**

2     As the national regulator responsible for monitoring and promoting ethical standards the Standards for England monitors local standards regime arrangements via an on line information return system. Returns are made by authorities on a quarterly basis. The last return submitted was for the period 1 July 2009 to the 30 September 2009.

3     During this last return period no complaints were received requiring assessment. However, during this period the Standards for England reported on six cases that had previously been referred to them for investigation by our local Assessment Sub Committee.

4     When a referral to the Standards for England takes place the Standards for England may accept cases for investigation by an ethical standards officer, take no action, or refer cases back to the standards committee which referred

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them. In this instance the Standards for England accepted that our local Assessment Sub Committee was right to make the referral.

- 5 The Standards for England reported privately and confidentially on the six cases on the 3 August 2009 and the Monitoring Officer was asked to bring the decision letter and report to this Committee on behalf of the Ethical Standards Officer. This was on the basis that it will assist the Committee in the discharge of its functions. These functions are monitoring, advising, training or arranging to train members on matters relating to the authority's code of conduct. They also include assessing and reviewing other complaints, considering monitoring officer reports and making determinations at the hearings. However, in bringing the decision letter and report to this Committee the decision letter and report should not be disclosed outside this Committee. The decision letter and report are exhibited as Appendix 2 to this report subject to Schedule 12A paragraphs 1 and 2 of the Local Government Act 1972.
- 6 Copies of the case summaries have now been published on the Standards for England's website and these summaries are not confidential and can be disclosed. The case summaries are exhibited as Appendix 1 to this report.
- 7 The Ethical Standards Officer at the Standards for England found that in each case the Member had not failed to comply with the Code of Conduct.

**Training and Development**

- 8 Since the last report to this committee on the 14 July 2009 the following training workshops have taken place:
  - Training for some Members of Sevenoaks Town Council on the 19 September 2009 and an additional Member of that Council on the 11 November 2009.
  - Training for Crockenhill Parish Council on the 30 September 2009.
  - Training for Sundridge Parish Council on the 28 October 2009.
  - Training for Members of Westerham Parish Council and one Member from Dunton Green Parish Council on the 11 November 2009.
- 9 On the 22 July 2009 a refresher training session took place in respect of the work undertaken by the Assessment Sub-Committee and the Review Sub-Committee.
- 10 Training workshops are continuing to take place and dates will be circulated so that Members of the Committee can give available dates to help with training sessions.

## **Training Details**

- 11 Those that attend training workshops are given a training manual and the new local assessment process is explained in detail along with the provisions of the Code of Conduct. The Monitoring Officer identifies which parts of the Code Members may wish to concentrate on so that training can be tailored to individual needs. A lot of the training material produced by the Standards for England is used in the training sessions.

## **Options**

- 12 Members of the Committee are thanked for helping to deliver training via the training workshops. The Monitoring Officer greatly appreciates the help given which has proved invaluable. Members of this Committee will be circulated with fresh training dates in order that availability to give help and assistance can be identified.

## **Key Implications**

### Financial

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

### Impact on and Outcomes for the Community

- 14 This report sets out the number of allegations of Member misconduct received by the Committee within the period 1 July 2009 to 30 September 2009 and the training that has taken place since the last meeting. The systems that have been put in place appear to be working well for the Community of Sevenoaks District.

### Legal, Human Rights etc.

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

### Resource (non-financial)

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

### Value For Money

- 17 Training is essential to help reduce the number of Member Complaints. In addition training is vitally important so that the new assessment process can be undertaken in a confident and robust fashion. No additional resources have been ascribed to the new process although the Standards for England

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

Equality

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

Sustainability Checklist

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

**Conclusions**

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

**Risk Assessment Statement**

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

**Sources of Information:** Training material produced by the Standards for England

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