

STANDARDS COMMITTEE – 2 AUGUST 2011

COMPLAINTS AND TRAINING

Report of the: The Head of Legal and Democratic Services

Status: For Consideration

Executive Summary: The Committee is advised of complaints received from 1st December 2010 to the 20th July 2011. In addition the Committee is advised of the conciliation and training that has taken place since the 1st December 2010.

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 and Monitoring Officer
– Christine Nuttall

Recommendation: It be RESOLVED that Members consider the report.

Introduction

1. The Monitoring Officer is responsible for receiving all allegations that a Member may have breached the Members' Code of Conduct, which are then processed by the Assessment Sub-Committee of the Standards Committee. The Standards Committee is also responsible for Member training and development in relation to the ethical framework.

Complaints

2. The Monitoring Officer Report presented to this Committee on 11th January 2011 sets out complaints processed for the period between 1st December 2009 to 30th November 2010. Since then there have been a number of complaints processed from the 1st December 2010 to the 20th July 2011. These are as follows:
 - A complaint made by a member of the public against a District Council Member which was summarised as "Lack of communication, including explanation and justification of this, when trying to meet with a local member, leading to perception of being ignored" The Assessment Sub-Committee concluded that there was insufficient evidence of a potential breach of the Code of Conduct and decided on no further action. The case was reviewed and the Review Sub-Committee agreed with the

original Assessment that the correspondence did not fall within paragraph 3(1) of the Code – Failing to treat others with respect.

- A complaint made by the same member of the public against another District Council Member which was summarised as “Lack of communication, including updating, when referring a complaint about a member leading to a perception of being ignored”. The Assessment Sub-Committee concluded that there was insufficient evidence of a potential breach of the Code of Conduct and decided on no further action. The case was reviewed and the Review Sub-Committee agreed with the original Assessment that the correspondence did not fall within paragraph 3(1) of the Code – Failing to treat others with respect.
- A Parish Council Member brought a complaint against another Member of the Council which was summarised as “Bullying by the subject member to stop a member of the Parish Council asking questions and obtaining information in relation to year-end account requirements and concerns of the Audit Commission. The subject member, allowing the Council’s name to be shamed in the local press and on the Audit Commission website, bringing the Council into disrepute”. The decision of the Assessment Sub-Committee was “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 complainant and the subject member”.
- A Parish Council Member brought a complaint against another Member of the Council which was summarised as “The allegation relates to the behaviour of the subject member towards the complainant during a meeting of the Parish Council Welfare Working Group on the 18th February 2011, and subsequently during a telephone call between the two parties. It is alleged that the subject member made disrespectful remarks, did so in a loud and angry way and made unacceptable gestures towards the complainant”. The decision of the Assessment Sub-Committee was “That the Monitoring Officer be 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”.

Conciliation

3. Conciliation took place at Brasted Parish Council on 14th March 2011. The Monitoring Officer along with Doug Williamson attended. It was an extremely difficult meeting as there was a lot of anger directed against the complainant. However, since the conciliation took place the Monitoring Officer has been informed that matters have improved and no further complaints have been received.
4. A conciliation meeting was offered between two members of Horton Kirby & South Darenth Parish Council but the Subject Member declined on the basis

that the Parish Council had moved on and did not see the need for the session that was offered. As a result the Monitoring Officer could not pursue the offer but asked the two Members concerned to contact her if at any time in the future they feel any similar issues are building up to a level which could damage the operation of the Parish Council.

Training

5. The Standards Committee oversees the provision of training on the Code of Conduct to Members within the District and the 30 Parish/Town Councils. Since the Monitoring Officer's Report presented to this Committee on the 11th January 2011 the following training has taken place:
 - Training on the Code of Conduct for two new Independent Members of the Standards Committee. The Monitoring Officer was accompanied by Andrew Smith in delivering the training which took place on the 8th March 2011.
 - Assessment Sub-Committee training took place for the two new Independent Members of the Standards Committee. Cllr Waller (no longer a Councillor) helped with the training which took place on the 15th March 2011.
6. On the 5th May 2011 local elections within the district took place. Nineteen new District Councillors were elected and various training events took place for elected Members covering the Code of Conduct as follows:
 - On the 9th April 2011 there was a prospective Members' Induction morning which covered aspects of the Code of Conduct.
 - An Induction process for Members took place on the morning of the 9th May together with an additional session in the evening for Members who were not able to attend the morning session.
 - Dedicated Code of Conduct training took place in partnership with Dartford Borough Council on the afternoon of the 16th May 2011. Claire Lefort from Weightman's Solicitors delivered the training at Dartford Borough Council with a similar session taking place at Sevenoaks in the evening. Members of both the District and Borough Council were invited to attend together with the Clerks of the Parish and Town Council of Sevenoaks District Council.
 - On the evening of the 23rd May another Code of Conduct training session took place at Dartford Borough Council again delivered by Claire Lefort.
 - On the 18th July 2011 three new Members of the Standards Committee received training on the Code of Conduct. The Monitoring Officer was accompanied by Alan Riddell in delivering the training. Further training on

the work of the Assessment Sub-Committees is to take place on the 25th July 2011 with Andrew Smith helping to deliver such training.

7. Claire Lefort was an excellent choice for the specialist training, which took place following the elections, as she had held a senior role at the Standards Board for England (now Standards for England) as Principal Legal Adviser. She now specialises in providing advice and assistance to local authorities concerning ethical standards. Many of the working examples given at the training session were actual examples of cases with which she had first hand experience.

Key Implications

Financial

8. Training initiatives as well as the assessment of Member complaints processes continue to be accommodated within the Council's existing budgets.

Community Impact and Outcomes

9. This report sets out the allegations of member misconduct received by the Monitoring officer from the 1st December 2010 to the 20th July 2011. Conciliation has taken place where appropriate. The systems that are in place appear to be working well for the community of Sevenoaks District.

Legal, Human Rights etc.

10. There are no legal or human rights implications associated with this report.

Equality Impacts

11. The processes and procedures that are employed in assessing allegations of Member misconduct are statutory in nature and as such comply with the Council's Comprehensive Equalities Scheme with no one being disadvantaged either in their ability to pursue an allegation or in defending themselves in the event of an investigation taking place.

Sustainability Checklist

12. Robust systems are in place and this committee is continuing to uphold the statutory duties.

Conclusions

13. The number of allegations of member misconduct will continue to be monitored and reported so that lessons can be learnt so that resources can be directed towards areas where the greatest need prevails.

Risk Assessment Statement

14. There is a need for a proper framework of local accountability in which the public can have confidence. Once the Localism Bill takes effect Local Authorities will still be under a duty to promote high standards of conduct. Without some sort of system in place public confidence could be eroded and politics brought into disrepute.

Background Papers:

Decision Notes

Training material produced by Claire Lefort from Weightman's. These to be placed on the Members' Electronic Portal.

Training monitoring responses

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Christine Nuttall

Monitoring Officer

