

Standards Committee – 2 April 2009

Minutes of the meeting of the **Standards Committee** held on **2 April 2009** when there were present:-

Chairman: Mr D J Cottis (Independent Member)
Vice-Chairman: Cllr P A Capon

Cllr C I Black
Cllr D Merrick

Cllr M J Steptoe

INDEPENDENT MEMBERS

Mr M G Drage
Mr S Shadbolt
Mrs L Walker

PARISH MEMBERS

Cllr P Beckers
Cllr Mrs D Constable

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllr Mrs L A Vingoe.

OFFICERS PRESENT

J Honey	-	Corporate Director (Internal Services)
A Bugeja	-	Head of Legal Services
S Fowler	-	Head of Information and Customer Services
D. Britnell	-	Personal Assistant
M Power	-	Committee Administrator

79 MINUTES

The Minutes of the meeting held on 11 December 2008 were approved as a correct record and signed by the Chairman.

80 2009 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee considered the report of the Corporate Director (Internal Services) on the programme and representation at the 2009 Annual Assembly of Standards Committees 12-13 October 2009 at the International Convention Centre, Birmingham.

Given the cost implications, Members agreed that only two Members should be booked to attend the Assembly in Birmingham in October 2009. It was agreed that the two delegate places should be reserved and the hotel

accommodation booked and that one Councillor and one Independent Member should attend. The Members to attend would be determined at the first meeting of the Standards Committee in the new municipal year.

Resolved

That one Councillor and one Independent Member attend the 2009 Annual Assembly of Standards Committees. (CD(IS))

81 LOCAL INVESTIGATION & DETERMINATION FEEDBACK

Verbal feedback was given by the Deputy Monitoring Officer with regard to his involvement in dealing with a local investigation and determination for another local authority.

The Deputy Monitoring Officer advised that he had been asked to undertake investigations by the Monitoring Officer at Brentwood Borough Council under the reciprocal arrangements established by Essex authorities. He added that statistics issued by the Standards Board indicated that one third of all authorities that were subject to the ethical framework had experienced no local investigations and that those that did averaged six investigations.

The complaint concerned an allegation by a Brentwood Council Member about the behaviour of a Council Member from an opposition party. Despite what appeared to be a relatively straightforward case, it had proved difficult to establish precisely the facts of the situation, as individuals' perception of events varied hugely. The two Members involved were interviewed and written evidence from three witnesses from each side was obtained. Officers who witnessed the event were also interviewed. The burden of proof was the same as that for Civil law cases, i.e. the balance of probabilities. The conclusion reached was that there was no case to answer, based on what a reasonable person would believe. The Deputy Monitoring Officer presented his report to the Brentwood Borough Council's Standards Committee who, after detailed debate on the report, accepted his findings, thus negating the need for a hearing.

The Deputy Monitoring Officer had used his experience of the investigation as a learning exercise and he noted the following points:-

- Preparation of an investigation plan is key to a successful investigation
- Preparation of report and consideration of evidence and witnesses statements is time consuming.
- There is a cost associated with the process, which may be considerable in certain cases. The use of independent consultants could cost significantly more.

In response to a question, the Deputy Monitoring Officer advised that Standards Board statistics showed that a significant number of complaints

related to Parish Councils. The Standards Board website provided detailed statistics relating to the nature of complaints made.

82 MEMBER TRAINING AND DEVELOPMENT PROGRAMME 2009/10

The Committee considered the report of the Head of Information and Customer Services on the proposals for the Member Training and Development Programme for 2009/10.

The Committee noted that 85% of the self-assessment questionnaires had been returned by Members, which exceeded the minimum required to meet the standard set by the East of England Regional Assembly (EERA) Charter for Elected Member Development. Mandatory training relating to Development Control and Licensing Committees would be held in the first phase of training in May-July. Phases two and three (to be held in October/November and February/March) would be developed in conjunction with the Charter for Member Development Sub-Committee, and would attempt to meet as many individual Member training requests as possible. In the course of working towards the Charter there would be more specific detail included in course outlines in respect of who the course was aimed at primarily and whether the course content was new or a 'refresher' of previous information.

The Head of Information and Customer Services advised that the 'modern councillor' e-learning service did not include planning training as part of its on-line provision. There were, however, other relevant courses and details had been circulated to Members for their consideration. Each Rochford District Councillor had on-line access to the 'modern councillor' website. It was also recommended that chairmanship training be included in the June/July training in response to the Review Committee's review of the operation of Area Committees.

The Charter Sub-Committee had recommended that it be mandatory for Members of the Appeals Committee to receive appropriate training to keep abreast of new legislation, the arrangements for this to be on the same basis as for mandatory planning and licensing training. Following discussion, it was agreed that, in addition to mandatory training for new Members of the Appeals Committee, all Members of the Appeals Committee should receive 'refresher' training every two years in any event.

In response to a question asking if it was felt that Member attendance levels at training were considered to be adequate, it was noted that an improvement had been seen particularly since training courses had been offered both during the day and in the evening. The responses from the Member questionnaires were that in general Members who attended training had found it to be very useful. The primary reasons given for why Members were unable to attend training sessions were work or family commitments. It was also appreciated that experienced Members may not need to attend certain sessions and there was a move now towards trying to individualise training. It

was requested that information from other Councils relating to Member attendance at training courses be obtained where possible to contextualise the figures. It was anticipated that working towards the Member Development Charter would assist in the 'fine tuning' of the programme and that this would help to improve attendance levels. It was also anticipated that as part of the work towards the Charter more individualised training could be developed.

It was noted that the Review Committee would have its own programme, tailored to its specific role within the authority.

Parish/Town Councils were invited to attend many of the training courses offered although it was appreciated that they also had other avenues for training.

It was requested that statistics from previous years' attendance at learning and development sessions be reviewed to establish if there were problems being experienced by particular Councillors consistently not attending training that could be resolved. The Charter for Member Development Sub-Committee could use this as background information.

It was agreed that the Sub-Committee should be renamed the Charter Implementation Group.

The Chairman extended the Committee's thanks to the Head of Information and Customer Services for her work in preparing the report and in initiating the work towards the Member Development Charter.

Resolved

- (1) That the summary of Members' attendance at training sessions during the municipal year 2008/09 as detailed in the report be noted.
- (2) That the proposals for the Member Learning & Development Programme for 2009/10 as set out in the report be agreed.
- (3) That a letter be written to all Members, and copied to Group Leaders, who had not attended the requisite planning training during 2008/09.
- (4) That a paragraph be included in the Member Learning & Development programme recommending that Review Committee Members attend the training specifically designed for them.
- (5) That the Charter for Member Development Sub-Committee be renamed as the Charter Implementation Group. (HICS)

Recommended to Council that it be mandatory that Members of the Appeals Committee receive appropriate training to keep abreast of new legislation, the arrangements for this to be on the same basis as for mandatory planning and

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licensing training and that, in addition, all Members of the Appeals Committee should receive 'refresher' training every two years. (HICS)

The meeting closed at 8.20 pm.

Chairman

Date

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