

Standards Committee – 15 April 2004

Minutes of the meeting of the **Standards Committee** held on **15 April 2004** when there were present:-

Cllr C C Langlands (Chairman)
Cllr J M Pullen (Vice-Chairman)

Cllr T G Cutmore
Cllr C A Hungate

Cllr C J Lumley

INDEPENDENT MEMBERS

Mr A C Comber
Mr B M Flynn

PARISH MEMBER

Cllr M Steptoe, Barling Magna Parish Council

OFFICERS PRESENT

R J Honey - Corporate Director (Law, Planning & Administration)
S Fowler - Head of Administrative & Member Services
J Bostock - Principal Committee Administrator

180 MINUTES

The Minutes of the Meeting held on 6 November 2003 were proved as a correct record and signed by the Chairman.

181 MEMBER TRAINING PROGRAMME 2004/05

The Committee considered the report of the Head of Administrative and Member Services on proposals for the Member Training Programme 2004/05 and Member attendance at the 2003/04 Programme.

2003/04 Programme

The Committee concurred with the observation of a Member that Councillors should be congratulated for the levels of attendance achieved. The Chairman drew attention to information received from Councillor J Thomass on the situation relating to his own attendance. It was agreed that Councillor Thomass should be thanked for communicating with the Committee. The Chairman observed that the factors influencing Councillor Thomass's availability for training were applicable in his own case. Members noted that the attendance figure showing against Cllr T G Cutmore in respect of optional competency part two training should have been 50%.

There was some discussion around the ways in which Members can submit apologies just prior to training sessions or committee meetings. It was agreed that it would be appropriate for officers to communicate a formal arrangement that can be used by all Members should they have a need to submit apologies at the last minute. Particular reference was made to the fact that many Councillors have a wide ranging involvement with the community and can find themselves needing to prioritise which events/meetings to attend. Whilst substitutes can be identified for committee meetings, this is not the case for training sessions.

Officers confirmed that attendance information relating to the Independent Members on the Standards Committee was available. It was observed that the rate of content change associated with some training subjects pointed to the value of year on year attendance. There could be merit in pre-course paperwork indicating if a repeated course contains upgraded or advanced information.

A Member referred to the value of including the Parishes in elements of the 2003/04 training, particularly in terms of helping them to develop subject insight. It was noted that each Parish/Town Council Clerk had been provided with a booklet detailing the content of each training session. This would be the case for forthcoming sessions. In addition, Clerks would be asked to pass on the information to their Members.

2004/05 Programme

With regard to competency training for 2004/05, Members saw merit in ensuring coverage of the following areas:-

- . Planning
- . Environmental Health/Waste/Cleansing
- . Decriminalisation of Parking Enforcement.
- . Licensing
- . Freedom of Information Act
- . Rules of Procedures
- . Code of Conduct
- . Press/Public Relations Skills
- . Identifying/Managing Stress
- . The Website

The Committee endorsed the observation of a Member that, given decriminalised parking enforcement was due to be in place by the end of October, training should be scheduled as early as possible during that month.

Reference was made to the possibility that some combined working with other authorities involving the sharing of resources in the delivery of training could help reduce training costs.

Responding to questions, officers advised that:-

- The Freedom of Information Act was a significant subject deserving of an early session in its own right.
- It would be appropriate to ensure that information on the Code of Conduct is included in new Member induction training.
- It would be possible to identify aspects of the Rules of Procedure not covered by the previous session in this subject.
- A number of subjects could possibly be developed in partnership with other authorities.
- It may be that, for some subjects, there is a need for involvement and awareness by Overview & Scrutiny Committees rather than formalised training.

Reference was made to the value of recommending to Parish/Town Councils that they should attend a session on the Code of Conduct. Reference was also made to the possibility that, unlike last year when there was a high number of new Members with no experience of chairing committees, chairmanship skills training was perhaps less likely to be required at induction.

It was observed that consideration could be given to linking some subjects. For example, an element of time-management training could perhaps be included in training on stress management and there are some connections between Rules of Procedure and the Code of Conduct. It was also observed that website training could assist Councillors when they refer the public to the Council's site. The training could usefully be developed to include how the Council uses technology to achieve e-government targets. Reference was made to the value of training in areas where service level agreements are being developed with other organisations.

IDeA Modern Members' Conference

It was noted that the charge for attending the conference which would launch the Modern Members' Programme was £50 per place. The Committee agreed that it would be appropriate for an Independent Member to attend.

Resolved

- (1) That the summary report of Members' attendance at training sessions during the municipal year 2003/4 be noted subject to:-
 - (a) the communication of a formal arrangement that can be used by all Members should they have a need to submit apologies for committee meetings or training sessions at the last minute.

- (b) A communication to Cllr J Thomass thanking him for supplying information on the situation relating to his own attendance.
- (2) That, subject to review of the need for the inclusion of chairmanship skills, the induction training programme for 2004/05 be approved.
- (3) That a full report on proposals for the 2004/05 competency training programme, taking account of comments made at this meeting, be submitted to the next meeting of the Committee.
- (4) That future consideration be given to the possibilities for some combined working with other authorities whereby the sharing of resources in the delivery of training could help reduce training costs.
- (5) That Mr B Flynn be nominated to attend the IDeA Modern Members' Conference. (HAMS)

182 LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

The Committee noted the report of the Corporate Director (Law, Planning and Administration) on the view of the Standards Board for England that a complainant should not be required to attend and answer questions at Standards Committee Hearings.

183 LOCAL INVESTIGATION AND DETERMINATION OF MISCONDUCT ALLEGATIONS - CONSULTATION

The Committee considered the report of the Corporate Director (Law, Planning and Administration) on responding to two consultation papers – one from the Standards Board for England and one from the Office of the Deputy Prime Minister.

Members reviewed the suggested responses page by page. During discussion of the paper from the Office of the Deputy Prime Minister it was noted that definitions relating to confidentiality were set out in primary legislation.

Resolved

That, subject to clarification on the following in respect of the paper from the Standards Board for England, the suggested responses to both consultation papers, as set out in the report, be agreed:-

- The nature of an unreserved apology and whether lesser apologies are possible.

- The process by which an Ethical Standards Officer will identify what is a local political issue.
- The reasoning associated with the Monitoring Officer having to inform Members of the Standards Committee at the outset that an investigation is taking place. (CD(LPA))

184 STANDARDS COMMITTEE HEARING PANEL TRAINING

The Corporate Director (Law, Planning and Administration) reported verbally on feedback received following the Hearing Panel training exercise.

Feedback had been achieved via the issue of questionnaires to all participants and an internal review session by participating officers. This had pointed to a number of factors including:-

- The Reporting Officer is in an invidious position when presenting a case against a Member with whom they have worked/would be expected to work.
- There is potential for legal challenge at various stages when the Member complained against is legally represented.
- There is a need to be mindful of ensuring that the appellant is clear about the procedure to be followed.
- Potential problems with the provision of advice by the Monitoring Officer to facilitate a decision within a reasonable timeframe without influencing the decision making process.

It was agreed that the training exercise had been very helpful. The Corporate Director confirmed that arrangements would be made for a similar exercise in the near future.

At the conclusion of this item, the Corporate Director reported on correspondence received from the Standards Board for England relating to the introduction of a review mechanism. Arrangements are now in place for decisions not to investigate allegations to be referred for review by the Board if the complainant is not satisfied with such decision.

185 THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee considered the report of the Corporate Director (Law, Planning and Administration) on the programme for the third Annual Assembly of Standards Committees and the appointment of delegates.

It was noted that, for this year, a specific conference had been arranged for Monitoring Officers.

Resolved

That three places be booked for Member delegates to attend the Third Annual Assembly of Standards Committees, the actual nominees to be determined at the next meeting of this Committee. (CD(LPA))

The Meeting closed at 9.10 pm

Chairman.....

Date.....