



## AGENDA

### STANDARDS COMMITTEE MEETING

Date: Tuesday, 11 November 2014  
Time: 7.00 pm  
Venue: Committee Room - Swale House

#### Membership:

Councillors Barnicott, Lloyd Bowen (Vice-Chairman), Derek Conway, Duncan Dewar-Whalley (Chairman), Mark Ellen, Sue Gent, David Jones, Prescott, Ben Stokes, Nick Williams and Tony Winckless.

Quorum = 3

Independent Person (non-voting): Mrs Sally Pirie.

Kent Association of Local Councils representatives (non-voting): Mr Graham Addicott, Mr Ken Ingleton and Mr Peter Paige.

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	Pages
1. Apologies for Absence and Confirmation of Substitutes	
2. Minutes	
To approve the Minutes of the Meeting held on 12 November 2013 (Minute Nos. 387 - 390) as a correct record and to accept the Minutes of the Standards Hearings Sub-Committee held on 1 May 2014 (Minute Nos. 705 – 707).	
3. Declarations of Interest	
Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.	
The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:	
(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.	

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

**Advice to Members:** If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

#### **Part A Report for recommendation to Council**

4. Annual Monitoring Officer's Report 1 - 16

To consider the report of the Corporate Services Director/Monitoring Officer.

#### **Part B Report for the Standards Committee to decide**

5. Annual Report on Member Training and Development 17 - 20

To consider the annual report on progress with Member Training and Development.

#### **Issued on Monday, 3 November 2014**

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Director of Corporate Services, Swale Borough Council,  
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Standards Committee	
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<b>Meeting Date</b>	11 November 2014
<b>Report Title</b>	Annual Monitoring Officer Report
<b>Cabinet Member</b>	Not applicable for this report
<b>SMT Lead</b>	Director of Corporate Services as Monitoring Officer
<b>Head of Service</b>	Not applicable
<b>Lead Officer</b>	Director of Corporate Services
<b>Key Decision</b>	No
<b>Classification</b>	Open
<b>Forward Plan</b>	Not applicable

<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That the Standards Committee notes this report.</li> <li>2. That there be no further action to review the regime at the present time.</li> <li>3. Ongoing preparatory work on the induction programme for members post the election in May 2015 to continue.</li> </ol>
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## **Purpose of Report and Executive Summary**

1. This is my eighth annual report, as Monitoring Officer for Swale Borough Council. The purpose of the report is not only to provide an overview of Monitoring Officer work in the past year, but also to provide an opportunity to review and learn from experience and to provide a wider context to the importance of good ethical behaviour. This report therefore sets out the Monitoring Officer’s statutory responsibilities and summaries how several of these duties have been discharged since my last report. It draws Members’ attention to some of the more significant developments.

2. The report reflects upon a further year of the operation of the new standards provisions since the Localism Act 2011 became effective.

### **THE ROLE OF THE MONITORING OFFICER**

3. The role of the Monitoring Officer derives from the Local Government and Housing Act 1989. The Act requires local authorities to appoint a Monitoring Officer. The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of Council decision-making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards. A Summary of the Monitoring Officer’s functions is as follows:

<b>Description</b>	<b>Source</b>
Report on contraventions or likely contraventions of any enactment or rule of law	Local Government and Housing Act 1989
Report on any maladministration or injustice where the Ombudsman has carried out an investigation	Local Government and Housing Act 1989
Appoint a Deputy.	Local Government and Housing Act 1989
Report on sufficiency of resources	Local Government and Housing Act 1989
Maintain the Constitution	The Constitution
Consulting with, supporting and advising the Head of Paid Service and Chief Finance Officer on issues of lawfulness and probity.	The Constitution
Advice on whether executive decisions are within the budget and policy framework	The Constitution
Provide advice on vires issues, maladministration, financial impropriety, probity Budget and Policy Framework issues to all members.	The Constitution
Establish, publish and maintain the Register of Members' interests.	Localism Act 2011
Promote and maintain high standards of conduct.	Localism Act 2011
Undertake the assessment of complaints that a member may have breached the Code of Conduct.	Localism Act 2011
Legal Advisor to the Standards Committee when carrying out a local Determination Hearing	Localism Act 2011
Issuing Dispensations to Members regarding disclosable pecuniary interests	Localism Act 2011

## CONSTITUTIONAL REVIEW AND REVISION

4 The Constitution sets out how the Council operates and how decisions are made. It contains the procedures which are followed to ensure that these decisions are efficient, transparent and that those who make the decisions are accountable to local people. The Monitoring Officer is the guardian of the Council's Constitution and is responsible for ensuring that the Constitution operates efficiently, is properly maintained and is adhered to.

5. A review of the Constitution was concluded and the updates to the Constitution were issued in May 2014, this incorporated all the points mentioned in my report last year. By far the most significant was the update to the overview and scrutiny procedure rules. In August 2014 revised Council Procedure Rules were issued, these were aimed at making the decision making run more smoothly. In addition, the advent of new regulations on openness and transparency of council proceedings has meant the council's rules on recording of meetings have been superseded. Arrangements and a new system have been put in place to record meetings with a view ultimately of webcasting meetings. Initially this has been run as a pilot to understand lessons learnt before potentially launching full webcasting.

6. In terms of good governance the following concepts remain valid in making sure that the Constitution is designed to promote:

- taking informed, transparent decisions and managing risk
- engaging stakeholders and making accountability real
- members & officers working together to achieve a common purpose with clearly defined functions and roles
- effective leadership throughout the Council and being clear about the executive, non-executive and scrutiny functions and the respective roles and responsibilities
- positive relationships between members and the local community including the voluntary and community sector must be clear so each knows what to expect of each other and what to do when things go wrong
- the Council's culture is open and outward facing with a clear focus on the needs of local communities
- Good, fair, decision making on merit and not influenced by personal or private interests

7. Equally it is important for there to be some external validation of the governance arrangements. I would draw attention to the following reports.

8. In September 2014, the Council's external auditors Grant Thornton provided its Audit Findings for Swale Borough Council. This was considered in detail by the Audit Committee. The Council again received an unqualified audit and value for money opinion. The external auditors commented:

“the financial statements have been produced to a high standard”

and

“we are satisfied that in all significant respects the Council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year end 31 March 2014.”

9. In the overview of Audit Findings the external auditors use a red, amber, green categorisation, in every aspect of this analysis it was scored green. This reflects extremely well on the organisation’s governance procedures.

10. At a national level The Committee on Standards in Public Life have produced two relatively recent reports:

- Standards matter – a review of best practice in promoting good behaviour in public life
- Ethics in Practice – promoting ethical conduct in Public life

11. The first report made a number of interesting comments about our key institutions and inappropriate behaviour continues to be revealed. It acknowledges that much of the basic infrastructure to support high standards is now in place but emphasises that these mechanisms by themselves are not enough. High standards of behaviour need to be understood as a matter of personal responsibility, embedded in organisational processes and actively and consistently demonstrated, especially by those in leadership positions.

12. The report suggests that some of the incidents imply that those in leadership positions in the organisations concerned have yet to internalise the principles of public life fully. The Committee concluded that there have been deliberate attempts to get around codes of practice and conduct. Their view in 2013 was that there was significant and consistent decline in public trust and confidence, despite improvements in standards of behaviour.

13. The report emphasised the following:

- The need for a set of broadly expressed principles which should be aspirational rooted in the core purpose and values of the organisation. The seven principles of public life fulfil that purpose and some of the descriptors for the principles have been revised.
- The need for a Code of Conduct to elaborate on the principles imply in the specific circumstances of the particular organisation. The existence of a code ensures everyone knows what is expected of them and so do those holding them to account. They should be detailed but not over elaborate.
- The need for active governance to embed ethical principles in the policies, practices and culture of the organisation, reinforced by peer pressure. High standards cultures convey the message that behaving ethically is essential and failing to live up to the principles is unacceptable. Interestingly the Committee’s focus groups were informed of the importance which people attach to the

imposition of timely and effective sanctions for poor behaviour and their belief that this rarely happens. Members will be aware of the nature of sanctions currently available.

- Active governance requires robust and effective leadership. It is the leaders of any organisation who are best placed to set an appropriate tone and promote the right culture. Although the Committee points out that this conclusion should not take away the principle that the maintenance of high standards is primarily the personal responsibility of individuals. However, individuals need to be supported and guided by the organisation and their leadership.

14. The second report revisited the subject of ethics in induction to stress and reinforce the Nolan Principles and to review induction programmes. It is essential that ethics are covered in induction to new members. This is something which will be an important part of the member induction process in May 2015 and is being actively discussed through the Member Development Working Group as well as on-going training. The induction programme should cover the code and the principles on which it is based, any compliance requirements such as registering interests and how to raise and deal with any ethical issues. Ethical standards should not be an optional extra for those in public life and the importance of effective member induction on embedding ethical standards should not be overlooked.

## **LAWFULNESS AND MALADMINISTRATION**

15. The Monitoring Officer is the Council's lead adviser on issues of lawfulness and the Council's powers and in consultation with the Head of Paid Service and Chief Financial Officer advises on compliance with the Budget and Policy Framework. Part of this role involves monitoring reports, agendas and decisions to ensure compliance with legislation and the Constitution. At the heart of this work is the agenda of and reports to the Cabinet. Cabinet reports and decisions are made publicly available for Councillors either electronically or by way of a paper version. Cabinet decisions can also be viewed by Members of the public through the Council's website:[www.swale.gov.uk](http://www.swale.gov.uk)

16. The Cabinet has met on 11 occasions since November 2013. In each case the Strategic Management Team has reviewed the agenda and associated draft reports. This clearance process is an important part of ensuring corporate working in an effective Council and provides a vital opportunity to discuss aspects of reports or decisions that require 'buy-in' from, or have implications across, services.

17. All Heads of Service receive draft agendas and Finance, HR and Legal officers have the opportunity to contribute to reports under 'Implications'. Strategic Management Team now reviews the Forward Plan as a standing item on its agenda and seeks advice from the Head of Human Resources, Head of Finance and the Head of Legal as appropriate. This enables Strategic Management Team to review early in the process reports to be presented to the Cabinet. This has enhanced earlier input and through informal working with the Cabinet has ensured that a clear set of recommendations are presented to the Cabinet for consideration and decision.

18. Ultimately, if the Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration a report must be submitted to the Full Council or, where appropriate, the Cabinet after first consulting with the Head of Paid Service and Chief Financial

Officer. Any proposal or decision that is subject to such a report cannot be implemented until the report has been considered.

19. The sound governance arrangements, processes and procedures operated by the Council ensure that the power to report potentially unlawful decision-making is rarely, if ever, used. The Monitoring Officer has not had to issue such a report.

## **GOOD GOVERNANCE AND CODE OF CONDUCT**

### **National Context**

20. The tragic cases in Rotherham have only served to illustrate what happens when governance is bad. The Jay report is a very sobering moment for local government governance. It refers to a macho and sexist culture with quotes such as “it was a grubby environment in which to work” and “you women are only fit for cooking, washing and darning”. It is little surprise that the report’s author says

*“the existence of such a culture is likely to have impeded the Council from providing an effective, corporate response to such a highly sensitive problem as child sexual exploitation”*

21. There have been a number of high profile cases; in particular one in Wigan, where a member used council provided equipment amongst other things to call sex lines, which hit the national papers where the shortcomings of the sanction regime have been highlighted. The Chair of their Standards Committee is quoted:

*“I don’t think it’s wrong to say that we are limited in what we can do because the sanctions have already been exhausted previously”.*

22. Interestingly this particular member was well known to Standards for England having been previously suspended and disqualified. The latter did not prevent him from being elected once his period of disqualification (under the old sanctions regime) was served and it would appear that he had no regard to the reputational damage done to the Council. Irrespective of which regime is in place, it serves to illustrate that it is very difficult to deal effectively with that tiny group of members who behave in this way. Part of the debate after the matter had been considered was whether legislation might be introduced for “recall for councillors” in the same way that such provision is being considered for MPs. Another case reported nationally that a shamed councillor refused to quit despite a benefit fiddle on his own council. The Councillor and his wife who swindled £25,000 of taxpayers’ money in a two year benefit fraud avoided jail and therefore were not automatically disqualified from office.

23. The advent of social media has probably moved at a faster pace than the legislation and has given rise to much debate on whether matters on social media fall outside the Code of Conduct and this is a matter which will need to be kept under review. There are those who suggest that such matters are outside the Code but I would suggest that each case would need to be considered on its merits particularly the capacity in which the social media was being used.



24. Other cases of note have considered human rights legislation particularly the right to freedom of expression. The standards regime in Wales remains the old one and so there have been a number of cases which have sought to clarify the position. It is clear that political comments benefit from a high degree of protection, mere personal abuse does not. In one case a sarcastic and mocking blog ridiculing fellow councillors over a long period was disrepute but there was no breach, it was not seen to be personal abuse and politicians should have thick skins. In another case comments made on a blog about a particular community were found to be an unjustified and a personal attack on a section of the public and there was no protection under human rights. One final case involving the Leader of Clwyd County Council highlighted again that politicians have to have thick skins but there must be a mutual bond of trust and confidence between officers and members.

## **Local Context**

25. The Monitoring Officer has continued his pro-active role in ensuring good practice, good procedures and good governance. Where I have seen evidence which tests the boundary of good governance I have sought to engage both the individual Member and Group Leaders to ensure that there is some discussion and shared ownership of where the correct threshold of acceptable or appropriate conduct or good governance lies. This dialogue will continue and I remain grateful for the support of Group Leaders in discussions on these issues. I am also pleased to record once again that the occasions where I have sought to do this have been very few.

26. There have again been a number of issues relating to planning which is not surprising given the quasi-judicial nature of the work. Matters raised by Members tend to relate to declaration of interests.

27. The Head of Planning has reviewed planning committee procedures and provided updated training for planning members and further improvements continue to be considered. I have also given individual advice to members on predisposition, predetermination or bias and the Code and the implications of the Localism Act, the nature of interests to be declared and representation on outside bodies. The impact of the 2014 Openness of Local Government Bodies 2014 which enables members of the public to record meetings has also been under consideration.

28. I have provided informal advice to parish councillors on potential conflicts of interests and the nature and extent of disclosable and non-disclosable pecuniary interests. I have also explained further the remit of the Monitoring Officer in relation to parish councils. Often matters are raised which relate to how the parish council conducts its business as opposed to individual behaviour and conduct of members.

29. Good governance involves providing procedure notes, guidance, developing and implementing protocols and providing briefings and enabling effective support to Councillors in their different roles including Member training. The purpose of these briefing notes is to provide readily accessible reference materials for members. I have issued general advice to members on media issues and defamation.

30. The Council adopted its new Code of Conduct in May 2012, effective from 1 July 2012 and this included revised arrangements for the Standards Committee, registration and disclosure of interests and dispensations. It is fair to say that the framework is

working well but there is still concern over the lack of sanctions and a debate over when a member is acting in an official or private capacity, (see national context above).

31. Within the spirit of the lighter touch approach, the Council has sought to have as consistent and proportionate approach across the Borough's parish and town councils as possible. The lateness of the publication of the regulations covering the declaration of disposable pecuniary interests meant some parish councils choose to adopt a Code prepared by the National Association of Local Councils (NALC). From an administrative point of view this is manageable within the resources available to me; however, I do appreciate that each authority can agree its own code and what other interests to be included in the register as well as Disclosable pecuniary Interests.

32. The Registers of Interests required have been established and maintained. This includes all parish or town councils within the authority's area. The lack of a standard definition of 'interests other than pecuniary interests' and the degree of local discretion, if not confusing, created scope for considerable local variation. In introducing the new arrangements, I sought to minimise variation but this did not always prove possible. One of the key issues raised has been the requirements for publication of the registers on the Councils website.

33. The Department for Communities and Local Government issued guidance on openness and transparency on personal interests in March 2013. Key points for noting were:

- Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- The registration of personal interests by a councillor should be guided by this principle.
- Confirmation that spouse's or civil partner's name does not need to appear on the register of Interests – for the purposes of the register, an interest of a spouse or civil partner is the councillor's disclosable and non-disclosable pecuniary interest.

34. Further guidance was issued in September 2013. The guidance was revised to make it clear that councillors should treat Trade Union membership as a disclosable non-pecuniary interest. For Swale Borough Council and those parish councils which adopted the Swale Code or the NALC Code, this merely reflected the existing position. For one parish council, which adopted a 'passive' approach to the registration of such interests, I drew the new guidance to their attention and asked that they consider amending their code to reflect the new guidance.

35. During the period end October 2013- October 2014, there have been a number of matters that have been considered that could potentially have come within the standards framework.

36. The analysis of matters follows and includes anonymous details in the Table below.

<b>Nature of Complaint</b>	<b>Action</b>	<b>Commentary</b>
Conduct of member in dealing with Parish Clerk	Discussed with Independent Person – referred for investigation	Hearing held. No breach Para 9 of the Code. Breach of Para 10 of Code, recommendations made to PC for training of all parish members and Clerk. Followed up with meeting with Chairman and Clerk.
Conduct of parish council meeting in relation to representations made on a planning application by partner of one of the parish councillors who was alleged to influence the response given.	Discussed with Independent Person, Monitoring Officer filter applied to seek informal resolution	Potential breach of Code of Conduct. Monitoring Officer and his Deputy attended a meeting of the Parish Council to provide training on the need to ensure that the processes adopted in future were open and transparent and improvements were suggested on how to record the meeting. The Parish Council agreed to write to the complainant advising that they had reviewed and improved procedures to ensure matters of this type would not be subject to future complaints.
Multiple complaints received in relation to issues surrounding members who had moved from the Swale Area	Discussed with Independent Person	Private decision not covered by Code of Conduct. No breach.
Complaint regarding alleged abusive behaviour of member at Planning meeting	Discussed with Independent Person, Monitoring Officer filter applied to seek informal resolution	Public apology given.
Questioning decision relating to co-option of parish councillor	Monitoring Officer filter applied	Complaint not within remit of Standards regime: related to parish council as a whole and how it dealt with its administrative functions.  This matter has been very

		<p>time consuming as on numerous occasions the complainant refused to respond to Monitoring Officer's reasonable request for clarification of the nature of the alleged complaint and potential breach of the Code of Conduct. Instead he chose to circulate statements to members, MP and the press that Monitoring Officer was "doing nothing".</p> <p>He also complained to the Local Government Ombudsman that the Monitoring Officer had refused to investigate his complaint against a member of a parish council. The Ombudsman confirmed that she will not be investigating the complaint as she saw no evidence of fault in the way the Monitoring Officer made his decision.</p>
<p>Councillor alleged to have not dealt with representations fairly, appropriately and impartially, not treating people with respect.</p>	<p>Discussed with Independent Person – referred for investigation</p>	<p>Investigating Officer report awaited.</p>
<p>Multiple complaints following a Planning meeting to discuss SBC response as a consultee on a KCC planning application.</p>	<p>Complaint initially dealt with through Council's complaint system as alleged breach of Code was a minor part of the complaints raised.</p> <p>Those complainants who referred the matter on through the formal Code of Conduct process were asked whether informal resolution possible.</p>	<p>Public apology issued. (This was another resource intensive case)</p>

## **CODE OF CONDUCT FOR EMPLOYEES**

37. The Constitution includes a Code for Employees, which has been recently updated and aligns closely with the register of interest requirements under the old members Code of Conduct. Our arrangements were subject to an internal audit which received a substantial level of assurance and I do not propose to take any further action on this subject at the present time.

## **OVERSEEING REGISTRATION OF OFFICER INTERESTS**

38. The Monitoring Officer writes to Councillors, Officers of the Management Team or officers on certain salary grades, or appointed by statute, each year and asks them to complete and sign an annual declaration on related party transactions. This captures transactions between the individual; members of the individual's close family or the individual's household; or partnerships, companies, trusts or any entities (e.g. charities) in which the individual or their close family of same household has a controlling interest. This declaration is asked for in accordance with FRS9 (Related Party Transactions), as contained within the Code of Practice on Local Authority Accounting in Great Britain 1998.

## **WHISTLE BLOWING (Protected Disclosure Policy)**

39. The whistle blowing policy of the Council is publicised throughout the organisation on the internal Intranet. As a first step, concerns should be raised with the employee's immediate manager or their superior. This depends however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. If this is not practical or appropriate then they can be raised with the Monitoring Officer or the Head of Audit. Where appropriate, the matters raised maybe investigated internally, be referred to the external auditor or form the subject of an independent inquiry. The Monitoring Officer has overall responsibility for the maintenance and operation of this policy.

## **CORPORATE COMPLIANCE WITH LEGISLATION**

40. Legal updates, including details of new legislation, are circulated to relevant officers within the organisation. Those officers then circulate legal updates including new legislation to Members when they consider this to be appropriate. All reports have a compulsory heading in which the author has to consider legal implications and if there are likely to be legal implications the author has to seek comments from the Head of Legal. The same procedure follows for any financial implications (the Head of Finance) and human resources (The Head of Organisational Development).

## **PROTOCOL ON COUNCILLOR/OFFICER RELATIONS**

41. The Protocol on Councillor/Officer Relations is contained within the Constitution. This sets out what is expected of Officers and what is expected of Members. When the relationship between Members and Officers breaks down, or becomes strained, attempts should be made to resolve matters informally through conciliation by an

appropriate senior manager or Members. Officers will have recourse to the Council's Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances (as set out in the Constitution).

42. In the last period there have been no complaints of this type to the Monitoring Officer

### **SUPPORT TO COUNCIL, CABINET, SCRUTINY AND COMMITTEE MEETINGS**

43. The distribution and publication of committee reports, agendas and decisions is central to good governance. This includes:

- Distributing and publishing all agendas within five clear working days of the meeting taking place and ensuring that all agendas are compliant with the access to information rules and exempt information is marked up accordingly.
- Advertising public meetings at least five clear days before the meeting date.
- Ensuring that papers are available to the public either through the website or from district offices and libraries.
- Publishing minutes as soon as possible after the meeting, in particular Cabinet Minutes are published within 3 clear days of the meeting.
- Ensuring that petitions are handled in accordance with the Council's constitution,
- Ensuring that meetings are accessible to the public.

44. One of the explicit aims of the Local Government Act 2000 was to streamline the decision making process to allow Council's to focus on service delivery.

45. From **1 November 2013 to 30 October 2014** the following meetings were serviced:

<b>Name of Meeting</b>	<b>No. of meetings</b>
Annual Council	2
Audit	4
Cabinet	11
Cabinet Delegated Decisions	7
Council	7
General Licensing Committee	1
General Purposes Committee	3
Licensing Act 2003 Committee	0
Licensing Sub-Committee	2
Local Development Framework Panel	5
Member Development Working Group	7
Planning	19
Planning Working Group	8
Policy Overview Committee	5
Policy Development and Review Committee	5

Rural Forum	4
Scrutiny Committee	10
Standards Committee	2
Standards Hearings Sub-Committee	1
Swale Joint Transportation Board	4
<b>Total</b>	<b>107</b>

46. This represents 107 meetings in total. This compares with 110 in the previous year and 115 the year before. The most notable difference for this period, compared to the same period last year is the increase in the number of Planning Committee meetings following a move to a three-weekly Committee cycle. The meeting numbers do not reflect the additional meetings administered by the Democratic Services Team including four external charities and the Youth Forum as well as pre meetings and agenda planning meetings. From June 2015 the administration of the South Thames Gateway Building Control Joint Committee will pass back to Swale to administer for the 2015/16 civic year. The volume of meetings represents a substantial commitment of both Councillors' and officers' time and resources. It is of great importance that meetings constitute an effective use of time and resources; that they add value to corporate effectiveness and help in meeting the aims and objectives of the Council.

## **MEMBER TRAINING AND DEVELOPMENT**

47. It is essential to good governance that Members are supported in their roles to make good decisions which underpin our corporate governance and reputation. The Council has established a cross-party Member Development Working Group with support from Democratic Services to develop the Member Training provision. Further information is provided in the annual report on Member Training and Development submitted to this Standards Committee.

## **USE OF COVERT SURVEILLANCE**

48. Since April 2010, in accordance with revised Codes of Practice I am obliged to report the number of occasions the authority has used covert surveillance. The Office of the Surveillance Commissioner (OSC) advised that it was appropriate to include such information within my Annual Monitoring Officer report to members. The Regulation and Investigatory Powers Act (RIPA) policy and guidance note has been updated to reflect recommendations of the OSC and the amendments occasioned by the Protection of Freedom Act 2012, in particular, the need to obtain judicial approval to carry out covert surveillance together with the restriction on the type of offence for which directed surveillance authorisations can be made; namely criminal conduct which would attract on conviction a maximum term of at least six months. The Policy is currently under review.

49. The Council were inspected by the OSC in June 2013 at which it was recognised that all previous recommendations had been discharged and that no further recommendations were needed. Since my last report no applications for directed surveillance have been authorised.

## CONCLUSIONS AND COMMENTS

50. The Monitoring Officer's role encompasses both proactive and reactive elements. The proactive role centres on raising standards, encouraging ethical behaviour, increasing awareness and utilisation of the elements of good governance and ensuring that robust procedures are in place across the whole of the Council.

51. The reactive role focuses on taking appropriate action to deal with issues and potential problems as they arise. The Monitoring Officer's effectiveness in this role is in turn dependent on effective systems and procedures being in place to identify problems and ensure that Members, Officers and public are aware of appropriate channels to raise concerns.

52. Given the changed role of the Committee there is no need to set out a formal work programme. Clearly, there will be a need to review the experience of the new standards framework but I am reluctant to do so quickly as it will need time to settle in. The table at Para.36 still does not provide sufficient or compelling experience of the new regime to warrant a review. I anticipate that I will discuss whether it is appropriate to consider a review of the framework after the all-out election in May 2015.

53. Ongoing preparatory work on the induction programme for member post the election in May 2015 will continue.

## 54. IMPLICATIONS

Issue	Implications
Corporate Plan	The role of the Monitoring Officer is pivotal to good governance and providing assurance.
Financial, Resource and Property	The role is part of the Corporate Services Director's duties; he has access to resources within the organisation to enable him to perform his statutory duties. The issue of costs of any investigation under the local arrangements remains a concern although reciprocal arrangements exist between the MKIP partners.
Legal and Statutory	These are set out in Para 2 of the report
Crime and Disorder	Not directly relevant to this annual report
Risk Management and Health and Safety	None directly arising from this annual report.
Equality and Diversity	The authority's governance framework is underpinned by the Corporate Equality and Diversity Policy and procedures



## **RECOMMENDATIONS**

55 That:

- The Standards Committee notes this report.
- There be no further action to review the regime at the present time.
- Ongoing preparatory work on the induction programme for members post the election in May 2015 to continue.

**Mark Radford**  
**Corporate Services Director & Monitoring Officer**

Date: November 2014

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<b>Standards Committee Meeting</b>	
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<b>Meeting Date</b>	11 November 2014
<b>Report Title</b>	Annual Report on Member Training and Development
<b>Portfolio Holder</b>	Cabinet Member for Performance
<b>SMT Lead</b>	Mark Radford, Corporate Services Director
<b>Lead Officer</b>	Joanne Hammond, Senior Democratic Services Officer
<b>Key Decision</b>	No
<b>Classification</b>	Open

<b>Recommendation</b>	1. To note the Annual Report on Member Training and Development.
	2. That Councillors are reminded of their statutory duties and their responsibility to attend appropriate training in relation to these duties throughout their term of office.

## 1 Purpose of Report and Executive Summary

- 1.1 The annual report is submitted to the Standards Committee in accordance with the Member Training and Development Strategy. The report provides an update on progress with Member Training and Development since November 2013, outlining actions taken by the Member Development Working Group to-date and their future work programme.

## 2 Background

### 2.1 Member Training and Development

2.1.1 The Council's cross-party Member Development Working Group (MDWG) monitors the Council's Member Training and Development Programme. The Working Group is supported by the Senior Democratic Services Officer and the Corporate Services Director. All Members are encouraged to feedback through their Councillor representative on the Working Group.

2.1.2 Since the last annual report the Member Development Working Group's work programme has included:

- Setting the 2014/15 Member Training Programme and monitoring progress;
- Monitoring the Councillor training budget and reviewing feedback from training sessions;
- Completing the Annual Review of the Member Training and Development Strategy;

- Receiving presentations from the Equalities Officer and the Community Services Officer on new projects related to Member Development;
- Designing three Member Development newsletters to keep all Councillors informed of progress;
- Meeting with the Learning and Development Officer to discuss opportunities to share training across the Mid-Kent HR Partnership;
- Producing the annual Evaluation of Member Training and Development Report for 2013/14.

## 2.2 Member Training Sessions and Attendance

2.2.1 A Member training programme is developed at the start of each civic year. The programme lists suggestions for training/briefings received from Councillors, the MDWG and Officers. Each session is given a priority rating (1-3) as this helps to plan the timings of the sessions throughout the year. The MDWG regularly review the training programme to ensure it is deliverable and within budget.

2.2.4 The table below sets out Councillor attendance at training and briefing sessions which have been arranged through the Democratic Services Team from November 2013 – October 2014.

<b>Title of Training/Briefing session</b>	<b>Date</b>	<b>Number of Councillors in attendance</b>
Welfare Reform Update	7 November 2013	13
WW1 Commemoration Events and Sittingbourne Market	14 November 2013	15
Kent Police Briefing	28 November 2013	11
Switching Hats (1) – training for new and prospective Cabinet Members	2 December 2013	6
Planning Training – Gypsy and Travellers	12 December 2013	43 (16 Borough Cllrs and 27 Parish Cllrs)
Switching Hats (2) – training for new and prospective Cabinet Members	16 December 2013	6
Planning Training – Heritage and Conservation	6 February 2014	18 (16 Borough Cllrs and 2 Parish Cllrs)
Planning Training (annual training)	15 May 2014	19
Licensing and Gambling Act Training	27 August 2014	13 Cllrs and 2 Officers
ASB, Crime and Policing Act	11 September 2014	8
Peel Ports Briefing	2 October 2014	13
Welfare Reform Update	23 October 2014	12

## 2.3 Future Work

2.3.1 The Council has all-out Borough Elections in May 2015 and the MDWG's main focus over the coming months will be preparation for the post-election induction

programme. A “Becoming a Councillor Guide: Information for Prospective Candidates” has been produced, which is an up-dated and enhanced version of previous guides. Work will now be undertaken on producing an Induction Guide for new and re-elected Members and agreeing a programme of induction events and training sessions.

2.3.2 The MDWG are keen to increase the number and variety of learning opportunities available to Members, and following a meeting with the Learning and Development Officer, Swale will be sharing training dates with Maidstone and Tunbridge Wells Borough Councils.

2.3.3 The Council has recently procured a new Committee Administration System which will enable the Council to develop a member training intranet site and explore ways of accessing training on-line, at times more convenient to Members. This is a project which we hope to start post-elections next year.

### **3 Proposal**

3.1 The Standards Committee is asked to review and comment on the annual report.

3.2 The Member Development Working Group is keen to reinforce the need for Members to understand their statutory responsibilities; such as Health and Safety, Equality and Diversity and Safeguarding. These sessions will be covered within the Induction Programme following the Borough elections in May. It is recognised that some Members may receive relevant training through their paid or voluntary work, or their involvement in other organisations. However attendance figures at sessions related to statutory duties are often lower than average and the report therefore seeks the Standards Committee’s support and the support of Group Leaders in promoting the importance of these sessions to Councillors.

### **4 Alternative Options**

4.1 N/A

### **5 Consultation Undertaken or Proposed**

5.1 The report is submitted by officers on behalf of the Member Development Working Group, who have approved the content and recommendations.

### **6 Implications**

Issue	Implications
Corporate Plan	The Council's Corporate Plan has three priorities: Embracing Localism, Open for Business and Healthy Environment. Members need to be equipped with the skills and knowledge to help deliver these priorities and to effectively represent their ward constituents.

Financial, Resource and Property	Provision of £8,000 is made within the budget for Member Training and Development for 2014/15.
Legal and Statutory	<p>Local authorities are complicated organisations that are heavily regulated and must act lawfully when discharging their functions. They can only act where there is a legal power or duty and decisions taken by them must comply with administrative law principles. Members are often required to take complex decisions or to follow prescribed procedures and they can be challenged by individuals or organisations who disagree with decisions taken.</p> <p>Knowledge of the relevant legal frameworks is vital to support them in their roles as community leaders, advocates and policy makers. It also protects the Council from the costs and bad publicity that is likely to result from legal challenges.</p> <p>Members of the Planning and Licensing Committees sit in a quasi-judicial capacity and training is therefore a mandatory requirement. All Members should be fully aware of their statutory duties and the requirement to have sufficient knowledge on these matters to properly exercise their responsibilities in-line with legislation.</p>
Crime and Disorder	None specific to this report.
Sustainability	None specific to this report.
Health and Wellbeing	None specific to this report.
Risk Management & Health and Safety	None specific to this report.
Equality & Diversity	Each individual Member will have differing backgrounds, and a differing range of knowledge and experience that they bring to the role of Councillor. Members as Community Leaders have a role to help identify equality and diversity barriers that prevent the Council from building more cohesive communities.

## **7 Appendices**

7.1 None

## **8 Background Papers**

8.1 None