



AGENDA ITEM: 11

STANDARDS COMMITTEE:

14 July 2009

Report of: Council Secretary and Solicitor

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SUBJECT: CODE OF CONDUCT – MEMBERS’ TRAINING - MONITORING

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To consider further how Members should be trained in the requirements of the Code of Conduct and evaluate the effectiveness of the training undertaken to date.

2.0 RECOMMENDATION

- 2.1 That the training undertaken and the evaluation of it be noted.
- 2.2 That a Seminar/Workshop on the Code of Conduct, for all District and Parish Councillors, be held in October/November 2009. This to comprise a presentation followed by case studies in Workshop format, at a venue to be selected by the Council Secretary and Solicitor in consultation with the Chairman of the Committee.
- 2.3 That a refresher training workshop be provided to Standards Committee Members on the initial assessment, review and hearing processes in August/September 2009.

3.0 BACKGROUND

- 3.1 One of the key roles of the Standards Committee is to ensure that Members are properly trained in the requirements of the Code of Conduct. Section 54 of the Local Government Act 2000 says the Committee is responsible for:

- (a) promoting and maintaining high standards of conduct by the Members and co-opted Members of the Authority;

(b) assisting Members and co-opted Members of the Authority to observe the Authority's Code of Conduct;

(c) monitoring the operation of the Authority's Code of Conduct;

(d) advising, training or arranging to train Members and co-opted Members of the Authority on matters relating to the Authority's Code of Conduct.

3.2 A report presented to the Committee on 5th February 2002 suggested a training programme for the introduction of the Code. It was noted that it was essential that **all** Members receive training (including co-opted Members). A further report was presented on 25th June 2003 considering future training requirements and evaluating the training conducted to that date. Annual updates on training have been provided to the Committee since then, with extra training being included when the revised Code of Conduct was introduced in 2007.

4.0 TRAINING REQUIREMENT

4.1 There seem to be four main aspects to the Code where Members require training:-

- background
- general obligations
- declarations of interest (probably the most complex area)
- the need to notify the Monitoring Officer of financial and other entries in the Register of Interests which also includes gifts and hospitality

4.2 Background

4.2.1 This would cover the national structure for dealing with complaints and include the roles of:-

- the Monitoring Officer
- the Council's Standards Committee
- the Standards Board and the Adjudication Panel

4.3 General Obligations

4.3.1 This would cover:-

- general principles governing conduct (ten principles)
- when the code applies (outside bodies, private life etc)
- the duty of confidentiality
- bringing the authority into disrepute
- taking personal advantage

4.4 Declarations of Interest

4.4.1 Historically, the most difficult area for Members has been to understand when interests need to be declared, and, in particular, to recognise what type of interest is involved.

4.4.2 This will include:-

- when does the duty to disclose arise? How much detail must be given?
- what is a personal interest?
- when does a personal interest become prejudicial?
- when do you have to leave a meeting?
- the different rules for Cabinet and Overview and Scrutiny
- how/when to apply for a dispensation

4.5 **The Register of Members' Personal Interests**

4.5.1 This will cover:-

- what has to be declared to the Monitoring Officer
- when it has to be done
- rights of public inspection

4.6 **Equality Enactments**

4.6.1 Separate training on equalities is organised via Human Resources.

5.0 **DELIVERY OF TRAINING**

5.1 The first training on the Code was delivered using North West Employers and comprised 2 seminars with Workshop Sessions held in February and April 2002, with a refresher workshop on the 8th July 2002. The training was well received, particularly the April session at the Skelmersdale Arts Centre at which there was a good attendance from Parish Councils.

5.2 A further seminar/workshop session was held at Ormskirk School on Thursday the 20 November 2003. The seminar was delivered using North West Employers and the workshop session was organised "in house" using cases from the Standards Board website. Feedback was extremely positive with requests being made for longer workshop sessions.

5.3 New Councillors were introduced to the Code at the Induction Sessions held in May 2003, June 2004 and have been each May since, except when there is no District Council election. Courses entitled "Ethics and Standards" run by North West Employers in Manchester to complement this training have also been attended.

5.4 The induction training briefly refers to the Planning Protocol (on which there was specific training on 7 October 2003, 15 July 2004 and 19 February 2009, which will continue) and the Protocol on Member/Officer Relations, as local guidance supporting but not forming part of the Code. A Protocol in relation to Members Interests and LSVT was the subject of detailed briefings by Trowers and Hamblins Solicitors in December 2004/January 2005 but is no longer relevant.

- 5.5 I understand from the Human Resources Manager that training has been undertaken in Diversity, Race, Impact Assessments, Background to the Race Relations Amendment Act and Equality issues.
- 5.6 The Standards Committee, at its meeting on 28th April 2004, gave consideration to training for both Standards Committee Members and for training for all Members, Co-opted Members and Parish Councillors and Clerks on the Code. Training sessions specifically for Standards Committee Members were held in July and August 2004 on the Code and local determination; and in September and November 2008 on the assessment and filter of complaints and hearings. Standards Committee Members have continued to attend Standards Board Roadshows and the Lancashire Standards Conference as well as the training for all Members.
- 5.7 Members agreed in 2004 that a full session for all District and Parish Councillors should be arranged for the Autumn following the format successfully adopted in previous years. A further Seminar/Workshop session was held at Hale Hall, Edge Hill on Wednesday, 24 November 2004 at 7.30 pm and over 80 people attended.
- 5.8 Members agreed that they wished to continue to organise the Seminar/Workshop Session on the Code of Conduct as an annual event. I was fortunate to secure the services of Peter Keith-Lucas of Bevan Brittan, Solicitors, an acknowledged expert on the Code to Conduct to present the 2005 Seminar on a cold windy night at Edge Hill. Members of the Standards Committee who attended the session at Wyre were very complimentary about the course he presented on that occasion and his presentation on Thursday, 24 November 2005 entitled 'The Code in Practice' was excellent. This has enabled us to move the training session we offer each year, on from that presented for a number of years by North West Employers. I feel that this has been a very successful approach and this was supported by the feedback forms, the only critical comment on that occasion being that perhaps the presentation was $\frac{1}{4}/\frac{1}{2}$ hour too long.
- 5.9 Due to the imminence of the New Code of Conduct we moved the Annual Seminar/Workshop to 29 March in 2007. The Seminar was presented by Graeme Creer of Weightmans Solicitors and he made an informative presentation which as the New Code was unfortunately only published on 4 April 2007 had, of necessity, to include those issues flagged up in the consultation version. An extremely useful case study session with model answers proved very successful. This format was repeated on 29 November 2007 and 2008 with an excellent turnout at Edge Hill and was well received.
- 5.10 Standards Committee Members John Cailles, Councillor Una Atherley and Ms. Joan Draper attended the Standards Board Conference in Birmingham on Monday 9th and Tuesday 10th June 2003 and Jacky Denning, Assistant Member Services Manager and myself attended Conference on Monday 13th and Tuesday 14th September 2004. In 2005 Terry Broderick, Legal Services Manager attended and as usual an update on the Conference was discussed at the Committee. Similarly, I and the Member Services Manager, Gary Martin attended the Conference in October 2006. I attended in October 2007 and Terry Broderick attended in October 2008. The Conference this year is being held on 12 and 13

October 2009 in Birmingham and Members are most welcome to attend. A copy of the 2 day programme for the conference is attached at Appendix 1.

- 5.11 I issue guidance to Members and Parishes on the Code at regular intervals, either through '7 Days' or by specific letters. The Board's website and the "Case Reviews" provide insight into the interpretation given to the Code by Ethical Standards Officers and the Adjudication Panel.
- 5.12 On receipt of the New Code an updated Training Pack was issued in May 2007 to all Standards Committee Members, District Councillors, Parish Clerks and Parish Councillors in West Lancashire comprising the New Code of Conduct, a set of notes and case studies with model answers. This was followed up with the Pocket Guide and Standards Board Guide on the Code. The Training Pack was then updated again in November 2007 and 2008 and similarly circulated. A review of the Planning Protocol was undertaken in the context of the New Code and it has been revised and re-issued with training held in February 2009.
- 5.13 The Standards Committee viewed a DVD available on local investigations and hearings which was useful. The earlier video on the Code having been used by many Members and Parishes.
- 5.14 Members are of course always able to attend external training on the Code should they so wish.

6.0 MONITORING

- 6.1 Details are kept of attendance at training sessions and reported, so the Standards Committee are able to monitor the take up of the training. Details of District and Parish Councillors and Clerks who attended the session on 20 November 2008 are attached as Appendix 2.
- 6.2 The success of the training is assessed each year by a customer satisfaction questionnaire after each training event and can be followed up by asking Members if they need further training on certain aspects, or a general "refresher".

7.0 PROPOSALS

- 7.1 I would propose that a further Seminar/Workshop on the Code of Conduct be held in October/November 2009 with a Presentation followed by Case Studies in workshop format. The venue at Edge Hill was good in terms of the workshop session. The venue and the presenter will be decided in consultation with the Chairman in due course.
- 7.2 I would also propose that specific refresher training is provided to Standards Committee Members in relation to the initial assessment, review and hearing processes in August/September 2009.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 The training provided will assist in promoting high ethical Standards which will in turn contribute to achievement of the Community Strategy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 The costs of providing training on standards is met from existing budget provision.

10.0 RISK ASSESSMENT

10.1 Training needs to be provided to comply with statutory obligations and to ensure Members are fully aware of the requirements placed upon them. This will enable them to avoid being in breach of the Code of Conduct with all the adverse consequences which would necessarily flow. Specific training for Standards Committee Members is provided to enable them to carry out their duties effectively.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Appendices

Appendix 1 – Day 1 & 2 of the Annual Standards Board Conference October 2009.

Appendix 2 – Attendance at Code of Conduct Seminar – 20 November 2008.