



**STANDARDS COMMITTEE:
19 SEPTEMBER 2017**

Report of: Borough Solicitor

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SUBJECT: ANNUAL MONITORING OF TRAINING 2016/17

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider and evaluate the effectiveness of the training undertaken to date in relation to the Code of Conduct and standards.

2.0 RECOMMENDATIONS

2.1 That the training undertaken and the evaluation of it be noted.

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. The Council, as part of the Localism Act 2011 (Section 27), has a statutory role to promote and maintain high standards of conduct for its elected and co-opted Members. Article 9 of the Constitution sets out the responsibilities of the Committee that includes:

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members and operating the “Standards regime – arrangements” as appropriate;
- (b) assisting councillors and co-opted members to observe the Members’ Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members’ Code of Conduct;

- (d) monitoring the operation and effectiveness of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from the monitoring officer on any matter which is referred to the monitoring officer;
- (h) setting up procedures for the initial assessment of alleged breaches of the Codes of Conduct for Members;
- (i) setting up procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- (j) the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (k) advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- (l) advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- (m) advising the Council on the adoption and subsequent review of the Council's Whistleblowing Code;

3.2 It is essential that **all** Members receive training (including Parish and Co-opted Members) on the Code of Conduct.

4.0 TRAINING REQUIREMENT

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

- Background – statutory role (Localism Act 2011 (Section 27)
- General obligations.
- Registration and disclosure of interests: Disclosable Pecuniary Interests (DPIs) (probably the most complex area), Pecuniary and Non-Pecuniary Interests.
- The need to notify the Monitoring Officer of changes to the Register including notification of gifts and hospitality.

These aspects are considered further below.

4.2 Background

4.2.1 This would cover the framework for receiving complaints, the local code, dealing with sanctions and include the roles of:-

- the Monitoring Officer
- the Independent Person and Reserve Independent Person
- the Standards Committee

4.3 **General Obligations**

4.3.1 This would cover:-

- general principles governing conduct (seven principles)
- when the code applies (when acting as a representative of the Council)
- the duty not to disclose
- access to information
- bringing the authority into disrepute
- improperly conferring an advantage or disadvantage
- legal obligations
- use of resources
- publicity
- advice of Statutory Officers
- reasons for decisions

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 are disclosable pecuniary interests?
- what is a pecuniary interest?
- what is a non-pecuniary interest?
- when does a non-pecuniary interest become a pecuniary interest?
- 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' Disclosable Pecuniary Interests (DPIs) and notifiable non-pecuniary 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, including publication on the Council's web-site.

4.6 **Equality Enactments**

4.6.1 A course entitled "Equality and Diversity for Councillors" is available to all Members via the Emerge E-Learning Portal.

5.0 DELIVERY OF TRAINING

5.1 Code of Conduct

5.1.1 From the adoption of the first Code of Conduct in 2002 and subsequently those adopted in 2007 and 2012, training sessions have been held regularly either by external providers North West Employers', Bevan Brittan and Weightmans Solicitors or in-house. With the introduction of the revised Code of Conduct in 2007 we moved to an Annual Seminar/Workshop. These were useful case study sessions with model answers which has continued to be a successful mode of training.

5.1.2 Code of Conduct training this year will take place on 20 September 2017. This will be facilitated by Geldards LLP and will provide an interactive training experience which is to include – Standards Quiz, Background to the law regulating Member conduct, WLBC Code of Conduct and a practical exercise providing an opportunity for participants to apply their understanding of the law in relation to Member conduct in a practical context. All Members and Parish Councillors/Clerks, Standards Committee Independent Person, Reserve Independent Person, Heads of Service, Legal & Members Services Officers will be expected to attend this session. An assessment of the training report will be prepared for the Committee's consideration following the event.

5.2 Induction and other methods/training

5.2.1 Newly elected Councillors are introduced to the Code at the Induction Sessions. Induction training also refers to the Protocol on Member/Officer Relations, the Protocol on Member/Officer Relations and other training offered including specific training in relation to Planning and Licensing. Relevant materials are also provided on the Council website and Intranet.

5.2.2 Members may also attend external training on the Code should they so wish and any other relevant training to assist them in their role. Following the elections in 2017, one newly elected Borough Councillor attended the Local Government Association (LGA) facilitated training event 'Hitting the Ground Running' on 13 June 2017 at County Hall in Preston.

5.3 Guidance

5.3.1 Guidance to Members and Parishes on the Code has been issued by the Monitoring Officer at regular intervals. Members are advised by email annually about the need to keep their Register up-to-date, usually following the May elections. An annual letter is also sent, via email, to Parish Clerks for them to remind their Parish Councillors of their obligations under the Code to keep their Register up-to-date.

6.0 MONITORING

6.1 Details are kept of attendance at training sessions, so the Standards Committee are able to monitor the take up of the training.

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 IDENTIFICATION OF TRAINING NEEDS AND TRAINING PLANS

7.1 Training offered and undertaken by each Borough Councillor is recorded on their individual Training Plan. Members new to the Council are issued with an Identification of Training Needs (ITN) questionnaire, through the induction process, to identify their learning and development needs. This can be followed up with ‘one to one’ if preferred. The Independent Person and Reserve Independent Person are also included in this exercise.

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 is provided 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.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

None.