

Southend-on-Sea Borough Council

Corporate Director of Support Services

to

Standards Committee

on

31st March 2010

Report prepared by: John Williams,
Head of Legal & Democratic Services & Monitoring Officer

Agenda
Item No.

7

Monitoring Officer's Annual Report

A Part 1 Public Agenda Item

1. Purpose of Report

To provide the Committee with an update on ethical issues.

2. Recommendation

That the report be noted.

3. Background

3.1 New Independent Member

Following the resignation of Valerie Farrell in August 2009 when she moved to another part of the country, an advert was placed for a new independent member on the Standards Committee.

Following interviews conducted by the Chairman of the Standards Committee and the Monitoring Officer, Jane Morgan was selected to fill the vacancy.

The appointment was confirmed at Council on 5th November 2009.

3.2 Minor Changes to the Constitution in connection with the Standards Committee

On 5th November 2009 the Council agreed two minor amendments to Article 9 of the Constitution in respect of the Standards Committee. These amendments were recommended in an Internal Audit report on Cabinet, Committees and the Standards Committee and are consistent with Standards for England guidance.

The amendments are as follows:

(a) New clause 9.02(b)

“Independent members

- Shall normally be appointed at the Special Council meeting following Annual Council for a term of 4 years. Where an appointment is made during the municipal year, the term shall expire at the end of the municipal year following the third anniversary of the appointment;
- May serve for 2 terms, or 3 terms in exceptional circumstances; and
- Shall be entitled to vote at meetings”

(b) At the end of 9.01 add:

“The Committee should meet at least twice in each municipal year.”

3.3 Registration of Interests

A public register is kept by the Monitoring Officer of interests registered by Members, including gifts / hospitality worth more than £25, pursuant to paragraph 13 of the Members’ Code of Conduct and S.81(1) of the Local Government Act 2000.

All new Members must complete the Register and each year all Members have to confirm in writing that their registered interests are still correct or to amend them as required.

The Register is currently up to date and is often inspected.

3.4 Training

There are two dimensions to the issue of training.

(a) Training for members of Standards Committee

Over to the last year such training has been focussed on Committee members who sit on the Sub-Committees dealing with the Assessment and Hearing of Complaints. The Sub-Committees have met on a number of occasions (see 3.5 below) and training from the Monitoring Officer has preceded such meetings.

DVDs produced by Standards for England on Assessment, Investigations and Hearings have been a useful tool. If any Members want to see the DVDs please contact the Monitoring Officer.

In terms of other training for members of the Standards Committee:

- Independent members have attended the Independent Members Forum organised by Castle Point Borough Council.
- Independent members have attended training events organised by Castle Point Borough Council.

The Committee is asked for ideas on what training it would like for 2010 / 2011.

(b) The training of all Members of the Council on the Code of Conduct and ethical matters

Such training is provided in a number of ways:

- Induction for new Members covers the subject – and will be included in the 2010 programme.
- Planning Training for Members, in particular the event on 18th January 2010, included ethical issues.
- Guidance letters sent by Monitoring Officer to all Members on issues as they arise: e.g. Southend Airport planning application; e.g. Southend United FC planning application; e.g. Election Purdah.

The Committee is asked for ideas on what training it would like to see for all Members in 2010 / 2011.

3.5 Complaints received since 8th May 2008 when the new Local Assessment regime was introduced

Regulation 8(5)(c) of the Standards Committee (England) Regulations 2008 requires a summary to be made available of all cases considered by the Assessment Sub-Committee (“ASC”) or the Review Sub-Committee (“RSC”). In the case of decisions of the Hearing Sub-Committee (“HSC”) a summary will be included in the relevant Minute in the usual way.

Set out below is a table of such cases which have been completed. The substantive business at each of the meetings was conducted with the Press and public formally excluded under paragraph 7C of Schedule 12A to the Local Government Act 1972.

Ref:	Nature of Complaint	Decision
01/08	Remarks made to a member of the public.	ASC on 22/12/08 – Referred for Action Other than Investigation
01/09	Remarks made to a member of the public.	ASC on 01/06/09 – No Action
02/09	Sending an inappropriate e-mail	Complaint withdrawn with agreement of ASC on 01/06/09
03/09 04/09 05/09	Sending an inappropriate e-mail	ASC on 01/06/09 – Referred for Investigation HSC on 22/03/10 – Breach of Code – Sanction: Censure
06/09 07/09	Non-compliance with Waste Legislation	Complaints in reality were against the Council, so not proceeded with. (Paragraph 1.2 of Complaints against Members Rules)
10/09	Derogatory comments in letter and on website	ASC on 10/09/09 – No Action RSC on 2/2/10 – No Action
11/09	Making untrue statements about re-siting of bus stop.	ASC on 10/09/09 – No Action RSC on 2/2/10 – No Action
02/10	Sending inappropriate e-mail	ASC on 2/2/10 – No Action

3.6 Confidential Reporting Policy

The Monitoring Officer has not received any reports in respect of this Whistle Blowing Policy since the last meeting of the Committee.

3.7 The Members Code of Conduct and an Employees Code of Conduct

The Government is in the process of revising the Members' Code of Conduct as explained in Item 5 on the agenda. This will not be completed before the General Election

A model Employee Code of Conduct has been promised by Government for a long time but has not yet emerged.

3.8 Members requests for dispensations

No requests have been received since the last meeting of the Committee.

4. **Background Papers**

None

8. **Appendices**

None