

Body: **AUDIT AND GOVERNANCE COMMITTEE**

Date: **5 December 2012**

Subject: **Members and Standards: an update**

Report Of: **LAWYER TO THE COUNCIL AND MONITORING OFFICER**

Ward(s) All

Purpose To assist the Audit and Governance Committee in fulfilling its obligations in relation to member standards.

Recommendations: That the Committee note the following:

- An oral update on the member training sessions held on this and related topics during the course of this year, and the positive feedback received regarding both
- The data provided with regard member complaints received in thus far during this current financial year
- That a working group, made up of Committee members and an Independent Person, has been formulated in principle in accordance with the decision of this Committee's last meeting
- The Monitoring Officer's proposal to provide occasional email updates and briefings to all members of Eastbourne Borough Council on matters relating to the Standards regime which she considers relevant.

Contact: Victoria Simpson, Lawyer to the Council and Monitoring Officer, Telephone 01323 415018 or internally on extension 5018. E-mail address: Victoria.Simpson@eastbourne.gov.uk

1.0 Background

- 1.1 Members will recall the Reports put before full Council on 9 May 2012 and 18 July 2012 regarding this authority's arrangements in relation to Standards and Member Conduct.
- 1.2 The decision made at this Committee's first meeting to invite regular updates from the Monitoring Officer on Standards-related matters reflects this Committee's desire to put into place arrangements which will enable it to lead on Standards matters in this authority.

2.0 Member training on Standards-related matters

- 2.1 Training on Standards matters is an important feature of the member development programme. With the over-arching remit of equipping members to execute their roles lawfully, effectively and ethically, the following sessions have been held in the last quarter of the year:

Planning Committee training - 17 October 2012. This session was held in conjunction with Planning Officers and was of particular relevance to members of Planning Committee. The training aimed amongst other things to ensure clarity about the Planning Committee decision-making process and individual members' roles in that process as well as the legal framework in which planning decisions are made.

Standards: Declaring Interests, Decision-making and Pre-determination - 23 October 2012. This session aimed to build on the training provided in June of this year on the new regime and to develop in a practical way members' awareness and understanding in a range of difficult areas relating to decision-making.

The session on 23 October benefited from the presence of the three Independent Persons who were able to introduce themselves to members and participate with them in the exercises. On a related matter, the Independent Persons will by the time of this Committee meeting have attended an additional session on their particular role in the complaints process with the Monitoring Officer at the end of November 2012.

The figures for member attendance at the two sessions has been noted and may be fed back to Group Leaders if this Committee so wishes. The session materials have been placed on the Member-only section of Insite. Member feedback from both courses was notably favourable.

3.0 Data relating to complaints received in regarding member conduct

3.1 The Committee will be pleased to note that no new formal member conduct complaints have at time of writing been received in by the Monitoring Officer during this financial year.

4.0 The Audit and Governance Committee's Working Group on standards

4.1 Two members of Audit and Governance Committee – Councillors Tester and Cooke – have volunteered to participate in a working group should one be convened in the future. All three of the Independent Persons volunteered to participate and it has been decided that Mr Trevor Elliott will be asked first, if available, with the others given the opportunity in order of familiarity with Eastbourne and its arrangements. The Monitoring Officer will moreover contribute to any working group which is convened at a future point by the direction of this Committee.

4.2 Convening a working group to consider a particular Standards-related topic and to report back to the Committee remains one tool which this Committee may use to use. For the avoidance of doubt, there is currently no recommendation in these terms before the Committee.

5.0 Monitoring Officer briefings to members

5.1 This committee is asked to note that in recent times the Monitoring Officer has considered it useful to provide email briefings to members where Standards-related matters arise which are of practical relevance to members

of the authority. In the week prior to finalisation of this Report, this has included email advice on the obtaining of dispensations under the new Standards regime (a new process, which is of potential interest to all members) and also advice on DPIs. It is considered that advice of this sort will be especially useful to members in the coming months as the new regime beds down. This Committee is asked to note and if minded to do so approve the Monitoring Officer's practice in this regard.

6.1 Consultation

6.1 There has been no consultation.

7.0 Resource Implications

7.1 None.

8.0 Financial

8.1 None.

9.0 Staffing

9.1 None.

10.0 Conclusion

10.1 The requirement to monitor member conduct and to promote good standards in decision-making remains in place in the new Standards regime. This report notes the processes in place to enable this Committee to discharge its responsibility for overseeing the standards and ethics of Eastbourne Borough Council's members, and help members perform their duties in the most effective way.

Victoria Simpson
LAWYER TO THE COUNCIL AND MONITORING OFFICER

Appendices

None.

Background Papers:

The Terms of Reference of the Audit and Governance Committee, the Reports to full Council of 9 May and 18 July 2012 including appendices, Eastbourne Borough Council's Code of Conduct, the Localism Act and related legislation.