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## **ESSENTIAL TRAINING FOR MEMBERS OF THE STANDARDS COMMITTEE**

To: **Constitutional Review Working Party, 23 February 2009**

By: **Glenn Back, Democratic Services and Scrutiny Manager**

Classification: **Unrestricted**

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**Summary:** **Standards Committee has recommended that only members trained in the local assessment of complaints should become full members of the Standards Committee. On 18 December 2008 Council referred the matter to this Working Party for consideration.**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 Assessment of complaints that a member may have breached the Code of Conduct has been a function of local Standards Committees from May 2008. It was previously undertaken centrally by the Standards Board for England.
- 1.2 As a prelude to this, Thanet District Council's Standards Committee was one of a few councils which took part in the "Local Filter Pilot", in order to help prepare for the devolution of the complaints process to a local level.
- 1.3 The Monitoring Officer presented a paper to the Standards Committee in March 2008 outlining the changes that would occur from May 2008. The report was presented to the Constitutional Review Working Party on 10 April, setting out the Council's response to the proposed changes. Annual Council in May 2008 agreed to the establishment of a Standards Referrals and Hearings Sub-Committee and a Standards Appeals Sub-Committee and expanded the membership of the Standards Committee.
- 1.4 The Local Government Act 2000 extended the role of the monitoring officer to include managing the Council's "ethical framework"; including all processes relating to local Standards Committees.

#### **2.0 The Current Situation**

- 2.1 Not all members of the Standards Committee have attended training on the Code of Conduct which covers the Local Assessment of Complaints.
- 2.2 Minute R32, 9 September 2008, of the Standards Committee states:

The Committee requested the Monitoring Officer to draft a report to go to 9 October council with a recommendation that Standards Committee Members who have not completed training on the Code of Conduct should no longer sit on the Standards Committee. Any Member of the Committee who has not undertaken training by 1 May 2009 would be unable to continue as a Committee Member. This recommendation would apply to any new Member of the Committee and be written into the Constitution for ratification at the Annual Meeting of the Council in May 2009.

- 2.3 A paper was presented to the December 2008 meeting of Council, with the following recommendations from the Standards Committee:

- a. That Members who have not completed training on the Code of Conduct that includes coverage of the local assessment of complaints should not be able to serve on the Standards Committee after the Annual Council meeting on 21 May 2009.
- b. The Chairman of the Standards Committee has suggested that, as far as any new Member of the Committee is concerned, Council may wish to consider allowing a three month grace period, from the first appointment to the Committee, so that a Member can undertake relevant training. Council may wish to agree that whilst undergoing such training, a Member may serve on the Standards Committee but not any Sub-Committee of the Standards Committee.
- c. If at the end of that three month period, a Member of the Standards Committee has not attended relevant training, that Member will be withdrawn from membership of the Committee and a replacement member of the Committee agreed at the next meeting of Council.
- d. For the above purposes, Council may wish to agree that “relevant training” means at least two day’s training on the standards regime which must include the local assessment and hearing processes.
- e. If Council adopts the recommendations above, they would be written into the Constitution.

2.4 Council referred the matter to the Constitutional Review Working Party for further consideration.

### **3.0 Corporate Implications**

#### **3.1 Financial**

3.1.1 Provision is made in the budget for Member training.

#### **3.2 Legal**

3.2.1 There is no legal requirement for training to be a precondition of serving on a Standards Committee. However it is recommended as best practice.

#### **3.3 Corporate**

3.3.1 The 2007/08 Internal Audit Review of the Members’ Code of Conduct, Disclosures of Interest and Standards Arrangements categorised Member training on the Code of Conduct as ‘Reasonable’ indicating that while most of the necessary controls of the system are in place, there is scope for improvement, resulting in a marginal level of risk to achievement of the system objectives.

#### **3.4 Equity and Equalities**

3.4.1 None

### **4.0 Recommendation(s)**

The views of the Constitutional Review Working Party are sought.

### **5.0 Decision Making Process**

5.1 Constitutional changes would usually proceed via the Constitutional Review Working Party to Standards Committee before being presented to Council. However, as the recommendations contained in section 2.3 emerge directly from the Standards Committee, it is suggested that the recommendations of the Working Party be reported directly to Council.

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Reporting to: Miles Smith, Interim Monitoring Officer and Interim Head of Legal and  
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***Annex List***

None

***Background Papers***

<b>Title</b>	<b>Details of where to access copy</b>
The 2007/08 Internal Audit Review of the Members Code of Conduct	The Monitoring Officer

***Corporate Consultation Undertaken***

Finance	Sarah Martin, Financial Services Manager
Legal	Miles Smith, Interim Head of Legal & Democratic Services