

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 5 June 2008

Report Title: CODE OF CONDUCT TRAINING

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Purpose of Report

To inform the Committee of the level of attendance of members at training on the Code of Conduct.

Recommendation(s)

1. That the report is noted.
2. That the Committee encourages Members and Co-opted members to attend the training planned for 1 July 2008.

Reasons for Recommendations

Training is important to support member understanding and compliance with the Code of Conduct.

Background

The need for training

1. Committee has requested a report on the attendance of members at training on the Code of Conduct.
2. Undoubtedly, understanding of the detail of a Code of Conduct is essential if members are to comply with the Code. Some members demonstrate a greater understanding than others, whilst most, if not all, show that they wish to comply with the Code.
3. This sometimes means that members are over-cautious and declare a personal interest in a situation, where an understanding of the wording of the Code would make it clear that there was no interest at all. An example of this is where members are considering a petition and often there is a declaration of a personal interest because "one of the petitioners is known to me". An examination of Paragraph 8 of the Code is necessary in order to see whether one has a personal interest. Paragraph 8(1)(a) sets out eleven circumstances where one has a personal interest, and these also have to find their way on to the register of interests. Then there are the personal interests that arise out of the effect on the well-being or financial position of the member or a relevant person being greater than on that of other council tax payers, ratepayers or inhabitants of the ward affected by the decision. A relevant person is defined by Paragraph 8 (2) to include:-

a member of your family or;

any person with whom you have a close association; or

any person who employs or has appointed such persons, any firm in which they are a partner, or a company of which they are directors; or

any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

any of the bodies described in Paragraph 8(1)(a)(i) or (ii) ie outside bodies of which you are a member or in a position of general control or management, either as a result of appointment or nomination by the Council or otherwise.

Close examination of this paragraph of the Code is likely to reveal that the person, who is merely an acquaintance, and an active councillor will have many such acquaintances, has no significance for the Code of Conduct and the member declaration of interest.

4. On the other hand, without knowledge of the detail of the Code of Conduct, even the most conscientious of members can inadvertently contravene the Code because they have not understood the significance of a relationship, for example, where a close friend's employer is the applicant on a planning application.



Attendance at training

5. Records on members attending training have been recorded from 2004. There have been recorded 3 training sessions since that time:-
27 July 2004 when 16 members of the Council attended;
29 May 2007 when 18 members attended. This was training on the revised Code of Conduct.
7 May 2008 when 4 members attended, 3 of whom were newly elected members. Of the remaining 13 members who were re-elected, one member attended the Code of Conduct training.

6. The invitation to training is not limited to members just elected or re-elected.

7. Officers have arranged training by an external trainer on 1 July 2008 and this is to be a full day of training. Peter Keith-Lucas is an acknowledged expert in standards issues and this is what he says about himself on his firm's website:-

"A former local authority Chief Executive and Head of Legal Services, I combine the practical experience of 25 years' working in local authorities with a nationally recognised expertise in the area of local authority decision-making and corporate governance. I was on the INLOGOV team which drafted the Modular Executive Constitutions for ODPM and regularly lecture and advise on effective executive government within local authorities. I have undertaken a number of high profile probity investigations for local authorities and wrote the model procedures for local investigation and local Standards Committee hearings on complaints of misconduct by Councillors, which have been recommended to all English authorities by the Standards Board for England. I have drafted local protocols on such matters as gifts and hospitality, outside interests and the use of ICT, and I am the author of "Monitoring Officer", the standard text book on the work of the chief legal officer in a local authority."

8. In order to assist with the cost of this training we have extended the invitation to join in this training to other East Sussex authorities and Brighton and Hove City Council. We hope to have maximum attendance from our own members and co-opted members on 1 July and Committee is requested to use its position to encourage as many as possible to attend.

Wards Affected

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Area(s) Affected

Central Hastings, East Hastings, North St. Leonards, South St. Leonards

Policy Implications

Please identify if this report contains any implications for the following:

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Equalities and Community Cohesiveness	Yes
Crime and Fear of Crime (Section 17)	No
Risk Management	Yes
Environmental Issues	No
Economic/Financial Implications	No
Human Rights Act	No
Organisational Consequences	Yes

Supporting Documents

None

Officer to Contact

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