

Agenda Item No:

Report to: Standards Committee

Date of Meeting: 4 December 2008

Report Title: STANDARDS TRAINING

Report By: Jayne Butters
Borough Solicitor

Purpose of Report

To report to Committee the training on the Code of Conduct undertaken in the current municipal year and the levels of attendance by members

Recommendation(s)

1. that Committee notes the report.
2. that Committee considers what further training is required in the current year and exhorts members to attend standards and equalities training.

Reasons for Recommendations

All members are bound by the Code of Conduct and it is important that they understand the implications for them in the performance of their functions as councillors

Background

Training undertaken this municipal year

1. I reported to Committee on 5 June 2008 regarding the numbers of members attending for Code of Conduct training. Following that meeting the Chair wrote to political group leaders asking them to encourage attendance by group members, who had not attended training on the revised Code of Conduct, at training organised for 1 July 2008.
2. The training provided by Peter Keith-Lucas was comprehensive. He began by providing some very worthwhile guidance on the implications of being a member, including issues such as bias, predetermination and predisposition, corruption, and misfeasance in public office. He then went through the revised Code of Conduct

and in the afternoon session attendees broke out in to small groups to discuss various scenarios. This was particularly useful, not only because it was application of the Code to real case situations, but also because the training was attended by members and officers from other authorities and it was interesting and instructive to share experiences.

3. Notwithstanding that the date had been circulated to members well before and the Chair had asked all to attend if at all possible, only 19 out of 32 elected members attended. Of course, there are always entirely valid reasons why we are unable to attend events. However, there are 12 elected members who have not attended Code of Conduct training this municipal year.

Equalities Training

4. Paragraph 3(2)(a) of the revised Code of Conduct provides that

"You must not do anything which may cause your authority to breach any of the equality enactments (as defined by Section 33 of the Equality Act 2006)".

5. The equality enactments means the following:-

- a. the Equal Pay Act 1970
- b. the Sex Discrimination Act 1975
- c. the Race Relations Act 1976
- d. the Disability Discrimination Act 1995
- e. Part 2 of the Equality Act 2006 - discrimination on grounds of religion or belief
- f. regulations made under Part 3 of the 2006 Act - discrimination on grounds of sexual orientation
- g. the Employment Equality (Sexual Orientation) Regulations 2003
- h. the Employment Equality (Religion and Belief) Regulations 2003.

6. A member acting in an individual capacity, unless he is an executive member with individual decision-making delegation, is unlikely to be in a position where he or she could do anything to cause the authority to breach any of the equality enactments. However, the position of the member, as a member of Council, Cabinet, committee or sub-committee, which makes the decision, has to be considered. The Council might be legally challenged for the allegedly discriminatory decision. Standards Committee might be asked to consider the position of members of the body in question. Those voting against the proposal might avoid sanction, the position of those voting in favour or abstaining from voting could be different.
7. Quite apart from the ethical position, therefore, it is important that members are aware of when they might be in danger of conflict with any of the equality enactments.



8. Equalities training was arranged for members on 21 October and 22 members attended. Two had to apologise due to illness on the day. Another session is being organised for those who did not attend the October training.
9. The Committee is requested to send the message to members that equalities training is integral to their understanding of the Code of Conduct and to encourage them to attend the arranged training.

Further training on the Code

10. The Members' Training and Development Group have requested training on the declaration of interests. This is covered in training sessions on the Code and I have previously advised members generally on declarations. My report to this Committee on 11 October 2005 advised on the position under the "old" Code, though much of it is still relevant. More recently, on 12 March 2008 I sent an e-mail to all members with guidance on declaration of interest.
11. Nevertheless, there remains some confusion as to when a member has a personal interest and whether this should be declared. A training session on this particular area of the Code would be beneficial, and, subject to any further views Committee may have on what should be included in the training, I propose to arrange some training in the New Year, using staff from Legal and Democratic Services. In order to ensure maximum attendance, I would propose that we hold two sessions, one day time and one evening.

Wards Affected

None

Area(s) Affected

None

Policy Implications

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

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

Supporting Documents

None

Officer to Contact

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