

STANDARDS COMMITTEE 29 JUNE 2010

*PART 1 – PUBLIC DOCUMENT	AGENDA ITEM No. 5
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TITLE OF REPORT: UPDATE ON PROGRESS AND WORK PROGRAMME

REPORT OF THE MONITORING OFFICER

1. SUMMARY

- 1.1 To update the Members on the Work Programme agreed by the Standards Committee at the meeting on 10 November 2009 and other outstanding matters.

2. FORWARD PLAN

- 2.1 This report does not contain matters referred to in the Forward Plan

3. BACKGROUND

- 3.1 Following the ongoing approval of the Work Programme by the Standards Committee at its last meeting, the Monitoring Officer considers it appropriate to ensure that the Committee continues to be updated on progress, changes in priority and matters outstanding.
- 3.2 Council had appointed the Corporate Legal Manager as Acting Monitoring Officer on 8 April 2009 pending the completion of the senior management restructure. Following the appointment of the Corporate Legal Manager on 10 May 2010, Annual Council confirmed at the meeting on 20 May 2010, the designation of the post of Corporate Legal Manager as the Council's Monitoring Officer.

4. ISSUES

4.1 Work Programme

- 4.1.1 Members will recall from the Committee meeting on 10 June 2009 a Report from the Acting Monitoring Officer attaching the ongoing work programme. The intention of this continues to be that it operates similar to the Forward Plan, to ensure that members are adequately able to monitor and review the work of the Monitoring Officer.
- 4.1.2 Members were advised that they would be requested to review and add to the work programme at each meeting of the Committee. This is attached duly amended and updated as Appendix 1.
- 4.1.3 The Standards Committee is requested to consider and approve this.

4.2 The role of Standards for England

- 4.2.1 As Members are aware Standards for England are the regulator for the local referrals process and it requires each Council to submit quarterly and annual returns. To date all quarterly and annual returns continue to have been submitted on time.
- 4.2.2 A copy of the Council's Annual Return for 1 April 2009 – 31 March 2010 is attached at Appendix 2. This contains confidential information and is issued as a Part 2 document.
- 4.2.3 A copy of the Council's quarterly return for January – March 2010 is attached as Appendix 3. This contains confidential information and is issued as a Part 2 document. The Committee may like to note that there are no outstanding or open files relating to any complaints under the Member's Code of Conduct.
- 4.2.4 The Monitoring Officer and Chair of the Committee have received a letter from the Chair of Standards for England dated 1 June 2010, concerning the recent Government announcement about the future of the local government standards framework. A copy is attached at Appendix 4. The future for the Standards regime remains unclear, a watching brief will remain regarding this and the Monitoring Officer will keep the Committee updated.

4.3 Requests for advice

- 4.3.1 The Monitoring Officer has previously given an annual overview in relation to the nature of the advice requested and given to Members and Parish Councils.
- 4.3.2 The Monitoring Officer retains a file in relation to advice requested on any matter relating to standards, Code of Conduct and declarations of interests, potential issues of bias or predetermination, or anything else that falls within the remit of the Monitoring Officer.
- 4.3.3 There is a legal advisor present at meetings of Council, Cabinet and certain committees including Licensing and Planning. The role of the legal advisor in these circumstances includes offering advice in relation to declarations of interest where this is required.

4.4 Training

- 4.4.1 The Monitoring Officer has been discussing joint training opportunities following the elections last month with the other Councils in Herts. Despite an initial encouraging response, Council's have opted to undertake their own internal training. The Monitoring Officer had reported that wide scale training would follow this years elections as part of an induction process and was to include Parish Councils. However given that no other Council has wanted to pursue a joint approach at this stage, the Monitoring Officer will be arranging internal training with new members only from July 2010. Further updates will be provided at the meeting.
- 4.4.2 The Monitoring Officer will also be continuing discussions with other Councils about the option for joint training for all members in relation to the Code of Conduct.
- 4.4.3 Members will recall that the Monitoring Officer advised that Standards for England were to be releasing another two training DVD's at the last meeting. It was proposed to show these DVD's, once received, at a future meeting of the Standards Committee

by way of a training session. It was also proposed to circulate those DVD's once received to Parish Councils. Those DVD's are still awaited.

- 4.4.4 The Committee may recall at the last meeting, a discussion about the possibility for officers to attend Parish Council meetings to train Parish Members on the Code of Conduct. The Committee suggested that the training could be targeted towards those Parishes that had experienced challenges with Code of Conduct issues. The Monitoring Officer has contacted other Councils to determine how they interact with their Parish Council's on Standards matters, and a verbal Report will be provided at the Meeting.

4.5 *Protocol for Appointment of Parish and Town Councillors*

- 4.5.1 The Protocol for Appointment of Parish and Town Councillors was approved at Annual Council on 20 May 2010.
- 4.5.2 The Monitoring Officer will proceed in due course to commence the recruitment to the vacancy on the Committee. Whilst it has always been the case that this should be pursued, there is not a pressing need due to the current absence of Code of Conduct complaints including any relating to Parish Councils.

4.6 *Revision of the Constitution*

- 4.6.1 The Monitoring Officer is the guardian of the Constitution and has to ensure that it adequately reflects the governance arrangements of the Council.
- 4.6.2 The Constitution Review was referred to Annual Council on 20 May 2010, and it is anticipated that the final amended version will be published by the end of July 2010.
- 4.6.3 It was reported and agreed at Annual Council that the Monitoring Officer would be undertaking a further Constitution Review during 2010/11. This is to address technical drafting issues relating to the functionality of the Constitution, to make it more user friendly, straightforward to cross reference and accessible.

4.7 *Update on Corporate Governance Website Work*

- 4.7.1 The Committee may recall that the Monitoring Officer reported at the last meeting that a new Corporate Governance web page had been published on the Council's intranet. It provides links to all the major governance and ethics areas which are looked after by the Monitoring Officer.
- 4.7.2 A similar page will be available on the Council's internet by the time of the meeting of the Standards Committee.

5. LEGAL IMPLICATIONS

- 5.1 There are no specific legal implications arising from this report. Legal implications will be dealt with when each of the work programme matters are brought back to the Committee.

6. FINANCIAL AND RISK IMPLICATIONS

- 6.1 None.

7. HUMAN RESOURCE AND EQUALITIES IMPLICATIONS

7.1 None.

8. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

8.1 None, although clerks of the parish councils will receive copies of this report.

9. RECOMMENDATIONS

9.1 That Members note the updates in this report and agree the work programme.

10. REASONS FOR RECOMMENDATIONS

10.1 To ensure good governance within the Council.

11. ALTERNATIVE OPTIONS CONSIDERED

11.1 None.

12. APPENDICES

12.1 Appendix 1: Work Programme **(TO BE TABLED AT THE MEETING)**

12.2 Appendix 2: Annual Return for 1 April 2009 – 31 March 2010

12.3 Appendix 3: Quarterly Return for 1 January – 31 March 2010

12.4 Appendix 4: Letter from Chair of Standards for England dated 1 June 2010

13. CONTACT OFFICERS

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