

**REPORT OF THE  
MONITORING OFFICER  
2015**

## Introduction

This is the eleventh Annual Report of the Monitoring Officer for the period January 2015 to December 2015. The purpose of the report is not only to provide an overview of the work of the Monitoring Officer in the past year, but also to provide an opportunity to review and learn from experience. This report therefore sets out the Monitoring Officer's statutory responsibilities and summarises how these duties have been discharged from the last Monitoring Officer's Report for the period January 2014 to December 2014. The Report also highlights the work of the Standards Committee.

### 1. Recommendations

That the Standards Committee comments on and notes the Monitoring Officer's Annual Report.

That the Full Council notes the Monitoring Officer's Annual Report.

### 2. The Role of the Monitoring Officer

The role of the Monitoring Officer derives from the Local Government and Housing Act 1989. The Act requires local authorities to appoint a Monitoring Officer.

The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of Council decision making, ensuring compliance with Codes and Protocols and promoting good governance and high ethical standards.

A Summary of the Monitoring Officer's Functions is as follows:

<u>Description</u>	<u>Source</u>
Report on contraventions or likely contraventions of any enactment or rule of law	Local Government and Housing Act 1989
Report on any maladministration or injustice where the Ombudsman has carried out an investigation	Local Government and Housing Act 1989
Appoint a Deputy	Local Government and Housing Act 1989
Establish and maintain the Register of Members' interests.	The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 The Localism Act 2011 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Report on sufficiency of resources.	Local Government and Housing Act 1989

<u>Description</u>	<u>Source</u>
Maintain the Constitution	The Constitution
Promote and maintain high standards of conduct.	The Localism Act 2011
Grant Dispensations	The Localism Act 2011 and delegation from Council
Consulting with, supporting and advising the Head of Paid Service and s.151 Officer on issues of lawfulness and probity.	The Constitution
Appointing an Investigating Officer in relation to Member Complaints	The Localism Act 2011 and the Constitution
Advising the Standards Hearings Sub Committee in relation to allegations of breaches of the Code of Conduct and advising when matters are determined following an investigation	The Localism Act 2011 and the Constitution
Advise on whether executive decisions are within the Budget & Policy Framework.	The Constitution
Provide advice on vires issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.	The Constitution and s.5 of Local Government and Housing Act 1989
Legal Advice and Support to the authority	The Constitution
Considering whether certain Information is exempt from disclosure under the Freedom of Information Act.	Freedom of Information Act 2000

### **3. The Constitution**

The Constitution sets out how the Council operates and how decisions are made. It sets out the procedures which are followed to ensure that these decisions are efficient, transparent and that those who make the decisions are accountable to local people. The Monitoring Officer is responsible for ensuring that the Constitution operates efficiently, is properly maintained and is adhered to.

### 3.1 Constitutional Review and Revision

This Council continues to update its Constitution as and when necessary and reports to the Governance Committee of the Council in this respect.

On the 23<sup>rd</sup> April 2013 Council approved a proposed new governance structure following Members concerns with the previous structure in the following areas:

Perception of remoteness/inaccessibility of portfolios; feeling of disengagement from influence and decision-making; lack of training and development (succession planning for future Cabinet members); and the need to streamline the system to match the resource available.

The approval was subject to detailed mechanisms being brought back to the Annual Council in May 2013 to enable implementation of the structure with a review of the new governance arrangements being undertaken and reported back to Full Council by April 2014. In addition, options requiring more detailed consideration, such as the Committee System or a Hybrid Model requiring Secretary of State approval, were to be investigated during the next municipal year. The new governance structure was accordingly approved at Annual Council on the 14<sup>th</sup> May 2013.

The Governance Committee reviewed the new governance structure in 2014 with two Member Surveys being carried out during the year. The first survey had a response rate of 55% and the second 69%. The results from the surveys provided a range of information which helped with the review of the effectiveness of the new arrangements. Changes resulted whereby Membership of the Scrutiny Committee is now fixed with Members of the Committee being independent of the Cabinet Advisory Committees. Membership of the Advisory Committees increased to 12 Members and Members are now able to sit on more than 1 Cabinet Advisory Committee which facilitates greater Member involvement. The new Structure is now embedded and working well and promoted in a national publication entitled “Rethinking governance” produced by the Local Government Association.

Investigation into future Governance arrangements in general is taking place, to allow the newly elected administration in 2015 to consider future governance with further research planned to take place via the Governance Committee for reporting to Annual Council in 2016.

### 3.2 Fitness for Purpose

The Constitution sets out in clear terms how the Council operates and how decisions are made. Some of these processes are required by law, while others are a matter for the Council to choose. The purpose of the Constitution is to:

- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- support the active involvement of local people in local authority decision making;
- help Members represent local people more effectively;

- enable decisions to be taken efficiently and effectively; and
- hold decision makers to public account.

### 3.3 Managing the Constitution

Any significant changes to the Council's decision making arrangements and Committee structure need to be approved by full Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Governance Committee ensures that this takes place.

## 4. Lawfulness and Maladministration

The Monitoring Officer is the Council's lead adviser on issues of lawfulness and the Council's powers and in consultation with the Head of Paid Service and the Chief Finance Officer (s.151 Officer), advises on compliance with the Budget and Policy Framework. Part of this role involves monitoring Committee reports, agendas and decisions to ensure compliance with legislation and the Constitution. The Monitoring Officer ensures that agendas, reports and minutes of all Council meetings are made publicly available unless there is a reason for exemption under the Local Government Act 1972. In addition, Portfolio Holder decisions are also made publicly available subject to the same caveat as are all planning and licensing decisions made by Officers including other Officer delegated decisions as required by the new legislation entitled "The Openness of Local Government Bodies Regulations 2014". All such decisions can be viewed by members of the public through the Council's website: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk).

If the Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration she must report to the full Council or where appropriate the Cabinet after first consulting with the Head of Paid Service and the Chief Finance Officer (s.151 Officer). Any proposal or decision that is subject to such a report cannot be implemented until the report has been considered.

The sound governance arrangements operated by the Council ensure that the power to report potentially unlawful decision making is rarely used and the Monitoring Officer has not had to issue such a report throughout 2015.

### 4.1 Reports from the Local Government Ombudsman

In 2014/15 the annual letter from the Local Government Ombudsman reported 18 complaints and enquiries received.

Four complaints related to benefits & tax, two related to corporate & other services, one environmental services & public protection, one for housing and ten for Planning & Development.

Of these complaints the following decisions were made by the Local Government Ombudsman:

Two were closed after initial enquiries. Six were referred back for local resolution. Two were incomplete/invalid. Four were not upheld and one was upheld.

It is worth noting that some customers are signposted back to the Council but may never contact us, hence the discrepancy in the number of complaints received by the Local Government Ombudsman compared to the decisions made.

It should be further noted that in relation to the one complaint that was upheld this was because there had been delay in agreeing a Disabled Facilities Grant. There were reasons for the delay. The matter was resolved by a meeting of all the parties to try and identify any barriers to starting the work and to agree solutions. Progress has now been taken in meeting the complainant's needs.

No compensation payments have been made during 2014/15 and no complaints have resulted in maladministration.

### **5. Report of the Chief Surveillance Commissioner**

On the 19<sup>th</sup> June 2013 the Council was inspected by the Office of the Surveillance Commissioner (OSC). These inspections are carried out on a 3 yearly basis with the next inspection due to take place in June 2016

The Regulations of Investigatory Powers Act 2000 (RIPA) introduced a statutory framework for those carrying out surveillance as part of an investigation. The Protection of Freedoms Act 2012 (2012 Act) amended RIPA to provide additional controls. The internal authorisation process is now followed by external authorisation from a Justice of the Peace.

In practice the District Council seeks to carry out surveillance activity by overt means whereby it is not necessary to engage the provisions of RIPA.

On the 10<sup>th</sup> September 2013 the Audit Committee considered a report recommending the adoption of a revised surveillance policy and the approval of reporting arrangements to Elected Members following the Commissioner's inspection.

Training on RIPA for officers of this Council took place on the 11<sup>th</sup> November 2013 with an emphasis on allowing delegates to do their job whilst respecting the law. Delegates worked through a number of real life case studies and exercises in order to discuss issues that commonly arise.

Council on the 1<sup>st</sup> October 2013 noted the Chief Surveillance Commissioner's report and adopted a revised Surveillance Policy. During 2015 there has been no instance of covert monitoring requiring the need for a RIPA authorisation.

### **6. Good Governance**

The Monitoring Officer has a pro-active role in promoting good practice, good procedures and good governance. This involves networking, collaboration and joined-up working practices and decision making as well as ensuring standing orders, codes of practice, procedures are kept under review and up to date.

Collaborative working entails regular weekly meetings with the Chief Executive, the Chief Finance Officer (s.151 officer), Chief Officers/Senior Management Team as well as working in partnership with other departments to develop and disseminate policies and procedures. There is also the work undertaken in partnership with other authorities.

On the last day of 2015 the Council stepped up its efforts to bring further economic growth to the District by establishing a Trading Company wholly owned by the Council so as to exercise the power to trade contained in the Local Government Act 2003 and the Localism Act 2011. The establishment of the Company builds on the direction of travel set out in the Corporate Plan for the Council to move towards a more financially self sufficient position.

In 2015 the Council has invested in income earning assets including a petrol station and supermarket in Swanley and officer accommodation in Sevenoaks Town. The Council has continued through the planning process to lay the foundations for continued employment use of the Fort Halstead site in preparation for the departure of DSTC.

The Council has acquired land adjacent to its existing land holdings in Swanley and has started to develop a master plan for the regeneration of the Town Centre.

During the year the Council has run many business support and networking events for local businesses and these have been very well attended. In addition, the Council has consulted on and approved a new Economic Development Strategy which set out a strategic direction for business growth, skills and jobs for the future.

New anti-social behaviour legislation has now been introduced which provides tools to enable us to deal with anti-social behaviour. Working with our community safety partners we have continued to see low levels of crime.

The Council has been taking part in the new Health and Wellbeing Boards designed to focus on local needs and increase input from democratically elected Members. The Council continues to work with our partner organisations and our Leisure Centres to improve the health and well being of our residents.

Our voluntary sector continues to make an important contribution to the lives of the most vulnerable people in our communities. The District Council has maintained its grant funding for local voluntary activity and in 2015 it introduced a New Community Awards Scheme to honour volunteers who have made outstanding contributions to their communities.

### **7. The Ethical Framework and Work of the Standards Committee**

The New Standards Committee which was introduced on the 24<sup>th</sup> July 2012 comprises 7 Members in accordance with the political balance rules.

The new rules allow for the appointment of Independent Persons who have a statutory role under the Localism Act 2011 to assist any Member who has been accused of breaching the Code of Conduct. Sevenoaks District Council has

appointed two Independent Persons who are not Members of the Standards Committee although they are given details of the Committee's meeting date in order that they may attend.

The Independent Persons also assist the Monitoring Officer in considering complaints and will also be consulted by the Monitoring Officer following investigations to help decide what action to take.

The Standards Committee has a key role in facilitating and promoting the Ethical Framework and in promoting and maintaining high standards of conduct within the Authority. The terms of reference of the committee are set out within Part 3 of the Constitution entitled "Standards Committee".

Examples of the Standards Committee's work during 2015 are as follows:

- Receive the Annual Monitoring Officer's Report
- Looking at How Disclosable Pecuniary Interests are Interpreted
- Being on Standby to grant Dispensations in relation to Member Interests
- Being on Standby to carry out a Hearing following an investigation into an alleged breach of the Member's Code of Conduct

### 7.1 Maintaining a Register of Member Interests

The codes of conduct of relevant authorities must include provision for the registration and disclosure of "disclosable pecuniary interests", as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members with disclosable pecuniary interests in the business of their authorities are prohibited from participating in such business unless they have a dispensation. The Localism Act 2011 has introduced criminal offences relating to failure to register disclosable pecuniary interests. Members convicted of such offences are liable to a scale 5 fine and may also be disqualified from being a councillor for up to five years.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members at this Council through training have been made aware that even if a Member's interest does not amount to a disclosable pecuniary interest, if their interest in a matter would lead them to predetermine a decision, it would not be appropriate for that member to participate in the decision, If they did so the decision could be vulnerable to challenge.

The prohibitions on councillors participating in any discussion or vote on an item of Council business in which they have a disclosable pecuniary interest ensures that Councillors cannot put their private financial interests before the public interest. However, where a Councillor has a disclosable pecuniary interest but stand to make no personal financial gain by participating in a discussion or vote on Council business related to that interest, they can apply for a dispensation, under section



33 of the Localism Act 2011. The grounds for granting a dispensation will depend on the circumstances.

## **8. Code of Conduct for Employees**

The Code is based on an original draft published by the IDeA and has been updated since being implemented in 2006. The Code forms part of the employers' terms and conditions of employment. The Code is well publicised on the Council's internal intranet and is introduced to employees through the induction process.

Under the Code employees must declare any non-financial or financial interests that they or members of their family have which they consider could conflict with the Council's interests. Chief Officers and the Chief Executive declarations of non-financial or financial interests are declared to the Monitoring Officer.

All relationships of a business or private nature with external contractors, or potential contractors should be made known to the employees' Managers and Chief Officers. All hospitality received and given should be appropriate, necessary and must, wherever possible, have the prior sanction of the relevant Chief Officer and must be recorded in the Hospitality book kept by the Chief Executive's Secretary. There is a Protocol on Corruption, Gifts and Hospitality contained within the Staff Code of Conduct.

## **9. Whistle Blowing**

Sevenoaks Council is committed to having effective whistleblowing arrangements, in order to safeguard individuals who have genuine cause for raising concerns in the work place and to promote good governance and safeguard the public interest. The Council's Whistle Blowing Policy sets out how to raise concerns within the organisation and is designed to give statutory protection to employees who "blow the whistle" on their employer's malpractice. In addition, the Council aims to mitigate the risk of inappropriate behaviour by those undertaking work on behalf of the Council and the Council refers to this Policy in contracts with suppliers and service providers, in the Procurement Guide and in its partnership arrangements.

The Council takes seriously and will investigate all reports of improper activities. The Policy aims to ensure that when concerns are raised, the Council will address the concerns and protect the person raising the concern.

The Council is committed to the highest possible standards of openness, probity and accountability and in line with this commitment the Council reviewed and updated its Whistleblowing Policy in January 2015 to incorporate the requirements of the new Statutory Code of Practice recommended by the Whistleblowing Commission. It is recommended that the new Whistleblowing Policy will be subject to annual review by the Audit Committee with the review taking into consideration the views of users of the Policy and any relevant professional or regulatory changes. To this effect, the policy will be reviewed by the Audit Committee during the 2016 calendar year.

The new Code of Practice makes whistleblowing more effective within organisations and provides practical guidance to employers, workers and their

representatives and sets out recommendations for raising, handling, training and reviewing whistleblowing in the work place.

In the last calendar year no concerns have been raised under the Council's current Whistle Blowing Policy.

## **10. Human Resources**

Human resources plays a vital role in developing the organisation through the development of its people and in planning and delivering the changes required by the Council.

Human resources adds value to the organisation by ensuring that we take account of, and plan for, future changes in the wider environment which are likely to have a major impact. It is recognised that both Members and Officers are integral to achieving these aims, through working together in an open, honest and co-operative way.

All the Council's Human Resources policies are available on "Insite" or direct from the Human Resources Team on request and new employees to the organisation are made aware of the numerous policies that exist.

## **11. New Standards**

The Localism Act 2011 and subordinate legislation made extensive changes to the Standards regime which had previously applied under the Local Government Act 2000 and subordinate legislation. The changes are to achieve high standards of conduct and to put in place an appropriate regime.

Under the new regime Councils have been obliged to adopt a Code of Conduct for their Members and Co-opted Members as part of their duty to promote and maintain high standards of conduct. These include provisions relating to the registration and disclosure of interests although, unlike the arrangements under the previous legislation, authorities were no longer required to adopt codes based on a national model. However, most authorities have chosen to adopt codes which reflect models suggested by various recognised organisations. Sevenoaks District Council chose the text published by the Department for Communities and Local Government (DCLG).

Town and Parish Councils will have adopted their own Codes although they must be based on the seven Nolan principles laid down in the Localism Act 2011. The District Council encouraged Town and Parishes to adopt the Sevenoaks District Council Code, although it is known that some have adopted the National Association of Local Council's model.

Councils in England are no longer required to have the statutory Standards committee which was established under the provisions of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008. However, the majority of Councils did choose to retain such a committee including Sevenoaks District Council. The new standards committee is an ordinary committee of the

council which means that it is politically balanced and subject to the usual requirements relating to access to information.

Under the Localism Act 2011 authorities are not obliged to include provisions in their arrangements for members to be able to appeal against findings that they have breached the code of conduct of their authorities. This Council decided not to include appeal provisions in their arrangements although for procedural irregularity a complaint can always be made to the Ombudsman.

The Localism Act 2011 makes no provision for sanctions against Members who are found to have breached the codes of conduct of their authorities. However, authorities are able to censure members, to publicise breaches of their codes of conduct, to report to their Councils and to recommend that members are removed from positions on committees and outside bodies. This Council decided to include provisions for the Monitoring Officer to be instructed to arrange training for the Member and/or conciliation, if appropriate, which is a useful practical measure for improving member conduct.

### 11.1 Complaints against Members

The current Standard Regime, set up under the Localism Act 2011, was implemented by this Council in July 2012.

Allegations of Member Misconduct received under this regime, up to December 2012, numbered 15. All of these related to Parish/Town Council Members and no complaints related to District Council Members. 11 of these complaints related to one Parish Council. None of these complaints went to formal investigation.

Three complaints were received between January and December 2013. Two of these related to Parish/Town Council Members and one to a District Councillor. None of the complaints went to formal investigation. One of the Parish/Town Council complaints was subject to Informal Resolution with the help of the Independent Person.

Six complaints were received between January and December 2014. All of these related to Parish/Town Council Members. Two of these complaints were subsequently withdrawn as they would not have met the Initial Intake Test. None of the other four complaints went to formal investigation. One of the complaints was subject to attempted Informal Resolution.

Six complaints have been received between January and December 2015

	Subject Member	Complainant	Received	Assessed	Result
15/01	Parish/Town	Member of the Public	January 15	February 15	No Further Action
15/02	Parish/Town	Member of the	July 15	August 15	No Further

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		Public			Action
15/03	District Council	Member of the Public	July 15	August 15	No Further Action
15/04	Parish/Town	Member of the Public	August 15	October 15	No Further Action
15/05	Parish/Town	Member of the Public	November 15	Withdrawn	
15/06	Parish/Town	Member of the Public	December 15	Awaiting Assessment	No Further Action

The first complaint in the table above related really to a service issue; the second complaint related to a member who, at the time, was acting in a private capacity - it did not relate to the Parish Council as such.

The third and fourth complaints both related to a particular planning application and related to Parish Council procedures and finances which do not fall within the remit of the District Council. On this basis the complaint did not pass the Initial Intake Test and was subsequently withdrawn.

The sixth complaint is, was considered not to be a breach of the Code of Conduct.

Given that May 2015 saw both District Council and Town and Parish Council elections it was expected that the number of complaints would increase prior to the election. Clearly this did not happen and there were no major issues raised during the year. There are no lessons to be learnt from operating the procedures this year requiring amendment to any of our procedures. It did prove extremely useful to have the Independent Person involved in mediation/conciliation work and I must thank the Independent Persons for all their hard work through the year.

### **12. Equalities and the Public Sector Equality Duty under the Equality Act 2010**

As a community leader, service provider and employer Sevenoaks District Council recognises that everyone has a contribution to make to our society and a right to access services without being discriminated against or disadvantaged.

Sevenoaks District Council is part of the West Kent Equality Partnership which also includes Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council.

The Partnership sets out its aims and commitments for 2012-16 and reviews its progress against its aims and commitments. An annual report for Sevenoaks District Council was considered by the Legal & Democratic Services Advisory Committee on 2 July 2015 and can be accessed via the following link <http://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=325&MId=1970&Ver=4>

The Council has reviewed its aims and commitments for the period commencing 1 April 2016. To inform this review, at the request of the Portfolio Holder for Legal & Democratic Services, a Members Workshop took place on 26 January 2016. The findings of which will be incorporated in a report to Cabinet at their March meeting.

### **13. Support to Councillors, Cabinet, Scrutiny and Committee Meetings**

The distribution and publication of committee reports, agendas and decisions is central to meeting the requirements of a key deliverable. It is the Monitoring Officer's responsibility to oversee the process and ensure that these documents comply with statutory and constitutional requirements.

This includes:

- Distributing and publishing all agendas within five clear working days of the meeting taking place and ensuring that all agendas are compliant with the access to information rules and exempt information is marked up accordingly.
- Advertising public meetings five clear days before the meeting date.
- Ensuring that papers are made available to the public.
- Drafting minutes for publication within nine working days.
- Publishing a record of all decisions including key decisions taken by Cabinet within 48 hours (2 working days) of the meeting.
- Ensuring that petitions are handled in accordance with the Council's Constitution including e-petitioning.
- Ensuring that meetings are accessible.
- Complying with the requirements of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- The Openness of Local Government Bodies Regulations 2014.

#### **13.1 Statutory Meeting Analysis**

One of the explicit aims of the Council has been to try and streamline the decision making process to allow Council to focus on service delivery.

The size of the Cabinet increased by two Members in May 2015, and therefore there were two additional Advisory Committees and some name changes. There were also some scheduled meetings cancelled.

Between the 1<sup>st</sup> January 2015 and 31<sup>st</sup> December 2015 the following were serviced:

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Full Council Meetings (including 1 annual meeting)	5
Cabinet	11
Audit Committee	4
Development Control Committee	16
Economic & Community Development Advisory Committee	4
Finance & Resources Advisory Committee (January - May)	2
Finance Advisory Committee (May - December)	3
Governance Committee	3
Health Liaison Board	5
Housing & Community Safety Advisory Committee (January - May)	2
Housing & Health Advisory Committee (May December)	3
Licensing Committee	4
Licensing Sub Committee Hearings	7
Local Planning & Environmental Advisory Committee (January - May)	2
Planning Advisory Committee	2
Scrutiny Committee	3
Sevenoaks Joint Transportation Board	4
Standards Committee	1

Strategy & Performance Advisory Committee	1
Policy & Performance Advisory Committee (May to December)	3
Direct & Trading Advisory Committee (May to December)	2
Legal & Democratic Services Advisory Committee (May to December)	2

As yet the CIL Board has not met.

The volume of meetings represents a substantial commitment of both Councillors' and Officers' time and resources. It is of great importance that meetings constitute an effective use of time and resources; that they add value to corporate effectiveness and help in meeting the aims and objectives of the Constitution and the Community Plan and Corporate Plan.

### 13.2 Notice of Key Decisions which replaces the Forward Plan

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 replaced the 2000 Executive Access to Information Regulations. The new regulations only apply to executive decisions. Previously there was a requirement to publish a rolling forward plan at least 14 days before the start of each month that set out details of all the key decisions which the authority anticipated making within the next four months. This has now been replaced by a requirement to publish a 28 clear days' notice of any intended key decision. This notice is available for inspection and is also published on the authority's website. If an urgent decision is required and it is impracticable to give the full notice, the key decision can still be taken if the authority gives at least five days' clear notice to the Scrutiny Committee of the authority which can then call in the decision to check that it was genuinely urgent. Where a key decision is so urgent there is not even time to give five clear days' notice, the authority can still take the decision if the Chairman of the Scrutiny Committee has agreed that the key decision is urgent and cannot reasonably be deferred.

This new requirement is being observed by the authority and by publishing the Notice of Key Decisions the public will be able to find out the expected timing of key decisions.

### 13.3 Call-In requests

There were no call-in requests within 2015.

### 13.4 Scrutiny Function

The Council is required by Law to discharge certain scrutiny functions. These

functions are an essential component of local democracy. A Scrutiny Committee is a powerful committee which principally holds the Executive to account for its decisions. Policy development used to take place within the Select Committees and this now takes place within the Cabinet Advisory Committees, this being part of the changes made by the Governance restructure which introduced the Hybrid Model of Governance which was further extended in 2015 to include two additional Cabinet Advisory Committees.

### 14. The Transparency Code

The Council has been under a duty to publish a range of data under the Local Government Transparency Code and associated Regulations since 2014.

It is the Government's stated desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. The Code has been issued to meet this desire. The Government has set out that "Transparency is the foundation of local accountability and the key that gives people the tools and information they need to enable them to play a bigger role in society. The availability of data can also open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets".

The Government published a revised and updated Code in 2015 and the Council remains committed to carrying forward the enhanced requirements of the new Transparency Code. The development of a new Council website in 2016 is aimed to provide improved access to Council information, including data sets required to be published by Government.

### 15. The Recording of Council Meetings

In March 2014 the Governance Committee of this Council considered a report recommending to Full Council that their meetings be recorded on a trial basis and if successful Full Council would ratify the roll out of recording all meetings of Full Council, Development Control Committee and Licensing Hearings. Following the successful recording of Full Council, as a pilot study, Full Council approved the earlier recommendation in November 2014. This approval coincided with the new Openness of Local Government Bodies Regulations 2014 allowing people the right to film, blog, tweet or use any other type of social media to report any public meetings of their local government bodies, including, committees, sub-committees and joint committees. In order to facilitate the public's new powers a Protocol on Recording Meetings was approved by Council to make sure that recording especially filming takes place safely and without obstructions to the meeting. Council also gave Officers the discretion with the Chairman's approval to record such other public meetings of Council, the Cabinet and their committees, sub-committees or joint committees as was seen fit.

The recording of meetings has gone well in 2015 and no problems have arisen in relation to the extended powers given to the public under the Openness of Local Government Bodies Regulations 2014.



## **16. Member Training and Development**

The Council delivered a comprehensive Induction for Members' following the 2015 Elections. Held on Monday 11 May, the first day after the completion of the election count Members were able to attend either a day time or evening induction session.

Members were provided with their own Members Handbook which provides a range of information about local government, Council services and officers that Members are able to contact for help and advice. The Handbook also provides advice and guidance on safeguarding and the use of social media. A Senior Officer Support scheme was provided for the very first time for new Councillors. This provided them with a dedicated contact for the first six months of their term to assist them with any queries they may have.

The Induction day, ensured that Members were able to complete their Acceptance of Office and record any interests they may have, with officers available throughout to assist and advise. A presentation from the Council's Strategic Management Team provided Members with information about the Council, its financial position, its achievements and objectives and challenges for the future. There was also an introduction to the District which was complemented by a Members' Tour of District which was held in October 2015.

To support Members gain further knowledge about Council services each of the first meetings of the Council's Advisory Committee meetings in 2015 had a presentation from Officers on the services that were in the Committee's responsibilities. In some cases there has been further information sessions on specific topics, for example risk management.

On the 8<sup>th</sup> September 2015 two training sessions on the Code of Conduct was delivered to both District Council Members and Parish/Town Council Clerks. Both sessions were well attended with over 70 persons receiving the training which covered the following areas:

- What does the law say and why is it important?
- What are Sevenoaks' local arrangements?
- Sevenoaks' Code - behaviours.
- Registering and declaring interests.

## **17. Conclusion**

The Monitoring Officer's role in conjunction with the Standards Committee encompasses both proactive and reactive elements. The proactive role centres on raising standards, encouraging ethical behaviour, increasing awareness and utilisation of the elements of good governance and ensuring that robust procedures are in place.

The reactive role focuses on taking appropriate action to deal with issues and potential problems as they arise. The Monitoring Officer together with the

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Standards Committee's effectiveness in this role is in turn dependent on effective systems and procedures being in place to identify problems and ensure that Members, Officers and Public are aware of appropriate channels to raise concerns.

Christine Nuttall  
Monitoring Officer