

REPORT OF:	MONITORING OFFICER
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TO:	STANDARDS COMMITTEE
DATE:	18 TH SEPTEMBER 2005

AGENDA ITEM NO:		WARD(S) AFFECTED:	ALL
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SUBJECT:	MONITORING REPORT ON COMPLIANCE WITH THE CODE OF CONDUCT
PURPOSE OF THE REPORT:	TO REPORT UPON ISSUES RELATING TO COMPLIANCE WITH THE CODE OF CONDUCT
RECOMMENDATIONS:	
<ol style="list-style-type: none"> 1. To note the report 2. To consider any action in relation to non-attendance at training on the Code of Conduct. 	

Background

1. The Code of Conduct was adopted by Reigate and Banstead Borough Council on 18th April, 2002 with effect from 1st May, 2002 and was based on the national code. It has also been adopted by Horley Town Council and Salfords and Sidlow Parish Council again with effect from 1st May, 2002. This report seeks to evaluate the implementation of the Code of Conduct and other requirements upon Members of the Authorities and provides an opportunity to consider any additional measures required to ensure compliance or to raise general awareness amongst Councillors of their obligations.

Signing up to the Code of Conduct

2. All Councillors of the three Authorities referred to above are required to sign up to the Code of Conduct as part of their Declaration of Acceptance of Office.

Declarations of Registrable Interests

3. All Councillors are required to provide a declaration of financial interests, these include:
 - Details of employment or business carried out by them
 - The name of their employer
 - Details of Directorships
 - Contracts between themselves/their company and the Council
 - Interests in land in their area

This Register is open to public inspection.

All Councillors have complied with this requirement and are reminded annually of the need to ensure that their registration is up to date.

Code of Practice on Local Authority Accountability - Related Party Transactions

4. Councillors and Directors are required to declare what are termed 'related party transactions' with the Council. These need to be disclosed in the council's accounts at the end of each financial year.
5. A 'related party' includes Members and Chief Officers, and also their partners, members of their close families and members of the same household. It includes partnerships, companies, trusts or other bodies in which you, or your partner or close family member/household member holds a position of influence.
6. The type of transaction involved is likely to be where a 'related party' has supplied goods or services or has bought, sold or leased an asset from or to the Borough Council during the financial year or the individual or organisation has received grant aid from the Council.
7. Where transactions are common to all individuals, they need not be declared, e.g. payments of council tax, rent or housing benefit. Similarly, where payment is made under a statutory scheme or where eligibility is based on established criteria e.g. for renovation grants, no declaration is required.
8. **All Members have complied with this requirement as part of the audit process.**

Training on the Code of Conduct

9. Since the adoption of the Code regular training has been provided for Members of Reigate and Banstead Borough Council. Training has also been provided for members of the Town and Parish Councils and is available on request. The Monitoring Officer has attended two sessions at Horley Town Council over the past 18 months at the request of the Town Clerk.
10. So far as the Borough Council is concerned records indicated that a number of Members have not attended a training session on the code. This potentially leaves Members open to potential breaches of the Code. It is **recommended that the Monitoring Officer be asked to write to all Members urging them to attend one of the sessions scheduled for the current Municipal Year.**

Declaration of Interests

11. Democratic and Legal Officers monitor the declaration of interests at meetings of the Council and its Committees and as far as can be ascertained consider that Members are making appropriate declarations. Many Members particularly in relation to planning matters routinely seek advice from the Monitoring Officer. Some of the matters are complex and as the Standards Board considers more cases, clearer indications and boundaries will become available. This will be an area for close monitoring and will be the subject of further training in the future.

Complaints to the Standards Board

12. A summary of complaints to the Standards Board for the last two years is set out below:

Standards Board Case No.	Authority	Allegation	Outcome
SBE915.02	Horley Town Council & Reigate and Banstead Borough Council	A Member improperly secured an advantage from another person. The Ethical Standards Officer also considered whether the Member failed to disclose a personal interest.	Under Section 59(4)(b) of the Local Government Act 2000, the Officer found that no action needs to be taken.
SBE917.02	Reigate and Banstead Borough Council	A Member improperly secured an advantage for himself.	Under Section 59(4)(b) of the Local Government Act 2000, the Officer found that no action needs to be taken.
SBE3978.03	Horley Town Council	A Member failed to treat another person with respect and brought Authority into disrepute.	The Ethical Standards Officer found that no action needs to be taken.
SBE5804.03 and SBE5805.03	Reigate and Banstead Borough Council	Members failed to withdraw from a meeting when a matter in which prejudicial interest was discussed.	The Ethical Standards Officer found no evidence of any failure of Code of Conduct.
SBE7069.04	Reigate and Banstead Borough Council & Horley Town Council	A Member failed to withdraw from a meeting when a matter in which prejudicial interest was discussed and brought his office or authority into disrepute.	The Ethical Standards Officer found that no action needs to be taken.

It can be seen from the above that no action has been required against any Member in respect of a breach of the Code of Conduct.

Registration of Gifts and Hospitality – Members

Members are required to give notification of any gift or hospitality received by them with a value over £25. There is a specific form for notification and these are made

available on request. Notifications are entered into a Register. Members appear to be complying with the requirements on gifts and hospitality.

Resource Implications

13. There are no specific resource implications arising from this report.

Conclusions

14. To be completed

Background Papers: Published documents