

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on 13 November 2008 at 7 pm

Present: Independent Member: Mr. Riddell (Chairman)
Cllrs. Loney, Mrs. Morris and Mrs. Parkin.
Independent Members: Mr. Painter, Mr. Reece and Mr. Smith
Town/Parish Representatives: Mr. Austin, Mr. Clarke, Mr. London,
Mr. Taylor and Mrs. Wallach.

Apologies for absence were received from Cllr. Mrs. Dyball, Mr. Hobbs and Cllr. Ryan.

419. MINUTES OF THE LAST MEETING

Resolved: That the minutes of the meeting of the Committee held on 12 August 2008 be agreed and signed by the Chairman as a correct record.

420. DECLARATIONS OF INTEREST

Mr. London declared a personal interest as a dual-hatted member of Kent County Council and Sevenoaks District Council Standards Committee.

Mr. Taylor declared a personal interest in Item No. 8 (see minute 426) as it referred to him directly.

421. REPORT OF THE MONITORING OFFICER 2008 (Report No. 3)

The Monitoring Officer felt it was useful for the Committee to have a copy of the Monitoring Officer's Report so that members were familiar with her role within the authority. The report highlighted different activities that had taken place within the Council during the last year.

The secretary to the Monitoring Officer maintained the Register of Members' Interests. District Councillors had profile pages on the Council's website and a link had recently been uploaded showing the last date that each Member had signed the Register.

The Chairman noted that the Council had a Code of Conduct for employees.

The number of cases of misconduct reported to the Standards Board had been gradually reducing. There had been 16 cases reported in 2006, ten in 2007 and six in 2008.

The Committee discussed Member training and development and it was noted that the best efforts were made to train all District and parish/town Councillors on standards issues. The Monitoring Officer felt that the current training was going well with more sessions being arranged.

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Conciliation training had been undertaken for Hextable Parish Council while Swanley Town Council would receive training in the new year. In response to a query, the Monitoring Officer explained that if it was not possible to undertake training, a report would need to be written to the Standards Board for England.

The Council had a duty to carry out training. However, there was not an identified budget for the purpose. The Chairman felt that the District Council offered more training than most other authorities in Kent.

Resolved: That the Monitoring Officer's Report 2008 be noted and passed to full Council for endorsement.

422. CONSULTATION – COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER – CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES (Report No. 4)

The Committee discussed the questions outlined in Annex A of the Consultation and the following comments were made:

Questions 1 – 5

Questions 1 – 5 related to conduct of Members in their non-official capacity. The definition of this was set out in Chapter 2 of the Consultation. The Committee felt that it would be difficult to impose sanctions for conduct during non-official business. The Committee discussed in detail what could be classified as a non-official situation.

It was clarified that if a criminal investigation were to be undertaken in respect of allegations of misconduct, the Standards Committee would not be able to review the alleged misconduct until any criminal trial had been completed.

Question 6

Parish councils had recently been required to include in their standing orders the section of the Code of Conduct which related to provisions for Members to speak on matters for which they had a prejudicial interest.

Questions 7 & 8

The Chairman requested that Committee members inform the Monitoring Officer should they have any suggestions in response to these questions.

Question 9

The Committee considered the proposed timescale of two months to be reasonable.

Questions 13 – 22

The Committee discussed whether a mandatory code of conduct for local government employees was necessary as it would take precedence over any individual codes already in place.

Resolved: That the report be noted.

423. PROCEDURE FOR REFERRALS TO THE MONITORING OFFICER FOR INVESTIGATION AND DETERMINATION (Report No. 5)

The Monitoring Officer explained that guidance was now available from the Standards Board for England that set out how the new locally-based assessment system for complaints of councillor misconduct would operate.

The Procedure for Referrals to the Monitoring Officer for Investigation and Determination and the amended sanctions that could be imposed on Members found to have breached the Code of Conduct were set out in the Appendix to the report.

The new Procedure stated that Members must be notified of any allegations made against them but a summary of those allegations could not be given before the complaint was reviewed by the first assessment panel.

The Committee discussed appropriate action for imposing sanctions upon an uncooperative Member. Should a Member be found in breach of the Code, the Committee requested that the Monitoring Officer include a completion date in the letter sent to the Member confirming their sanction(s).

The Monitoring Officer undertook to investigate the use of the word 'compel' in para 7 of the Appendix and the implications of this.

The Committee discussed in detail paras 17 and 18 of the Appendix as well as the arrangements for cross-examination at Determination Hearings. The Committee felt that the wording should be changed to read, 'Cross-examination shall be permitted, in the interest of natural justice, at the discretion of the Chairman.'

Resolved: a) That, subject to the above amendment, the 'Procedure for Referrals to the Monitoring Officer for Investigation and Determination' set out in the Appendix to the report be recommended to full Council for adoption and incorporation into the Council's Constitution; and

b) That it be recommended to full Council that the Standards Committee be given delegated authority to make amendments to the 'Procedure for Referrals to the Monitoring Officer for Investigation and Determination' following any amendments to the Local Government and Public Involvement in Health Act 2007, Standards Committee (England) Regulations 2008 or the Guidance produced by the Standards Board for England.

424. REVIEW OF SANCTIONS (Report No. 6)

The new local standards framework from the Standards Committee (England) Regulations 2008 had come into effect in May 2008.

The Committee discussed whether it would be appropriate to request delegated authority from full Council to update the 'Guidance on Applying Appropriate Sanctions when a Member has breached the Code of Conduct' should there be any amendments to the Guidance received from the Standards Board for England.

In response to a query, the Monitoring Officer advised that training appeared to be the most popular sanction issued by other authorities.

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It was confirmed that, when deciding on appropriate sanctions for any individual case, the sub-committee would need to decide whether it was appropriate to include notification of a breach of the Code on the Council's website.

Resolved: That it be recommended to full Council that:

- a) the updated 'Guidance on Applying Appropriate Sanctions when a Member has breached the Code of Conduct' set out in the Appendix to the report be adopted and incorporated into the Council's Constitution; and
- b) the Standards Committee be given delegated authority to make amendments to the 'Guidance on Applying Appropriate Sanctions when a Member has breached the Code of Conduct' should any amendments to the Guidance be received from the Standards Board for England.

425. SETTING UP MEETINGS OF THE FILTER PANEL (Item No. 7)

The Committee discussed the current arrangements for the organisation of Filter Panel meetings and it was -

Resolved: That provisional meetings be arranged for the first Tuesday of every month with Standards Committee members being allocated to attend provisional meetings dates through a rota system. These arrangements to be reviewed at a later date.

426. COMPLAINTS (Report No. 8)

The Monitoring Officer drew the Committee's attention to the cases reported to the Standards Board from November 2007 to 8 May 2008. It was highlighted that the Ethical Standards Officer had not investigated any cases during this time and that the total number of allegations made was reducing from previous years.

A Member commented that, when declaring an interest, Councillors did not always state the nature of the interest or whether it was personal or prejudicial. It was clarified that it was the responsibility of the chairman to ensure that all Councillors clearly declared any interests. It was requested that, where necessary, Officers prompt chairmen to undertake this responsibility.

427. DELIVERING THE GOODS: LOCAL STANDARDS IN ACTION – SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES – OCTOBER 2008 (Report No. 9)

The Monitoring Officer and Mr. Clarke, one of the Town/Parish Representatives, had attended the Seventh Annual Assembly of Standards Committees.

A number of workshops had been offered and Mr. Clarke had found it interesting to hear the varying viewpoints of different authorities. Mr. Clarke undertook to provide Committee members with his notes of workshops that might be of interest.

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The opportunity to attend the Assembly had previously been offered to two members of the Standards Committee. It was requested that this continue as long as the budget would allow.

The Committee felt that it would be useful for presentations of this nature to be provided on an individual basis at local level. The Monitoring Officer undertook to contact the Standards Board for England to see if this would be possible.

THE MEETING WAS CONCLUDED AT 9.00 P.M.

Chairman

