

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on 23 April 2009 at 7 pm

Present: Independent Member: Mr. Riddell (Chairman)

Cllrs. Dibsdall, Harrod, Loney and Mrs. Parkin .

Independent Members: Mr. Hobbs, Painter, Mr. Reece and
Mr. Smith

Town/Parish Representatives: Mr. Austin, Mr. Clarke, Mr. London
and Mr. Taylor

Apologies for absence were received from Cllrs. Mrs Morris and Ryan.

721. MINUTES OF THE LAST MEETING

Resolved: That the minutes of the meeting of the Committee held on 13 November 2008, notes of the Assessment Sub-Committee meetings on 18 November 2008, 3 March 2009 and 7 April 2009 and notes of the Review Sub-Committee meeting on 7 April 2009 be agreed and signed by the Chairman as a correct record.

722. DECLARATIONS OF INTEREST

Mr. Austin declared a personal interest as a previous Member of Swanley Town Council (Minute 728). Cllr. Harrod declared a personal interest as a former Member of Swanley Town Council (Minute 728).

723. ASSESSMENT/ REVIEW SUB-COMMITTEES ROTA ARRANGEMENTS (Report No. 3)

The Democratic Services Manager corrected the report as follows:

The first sentence of the "Risk Assessment" section should have read "If the Council does not have a properly (...)".

The Democratic Services Manager reported that complaints would now be sent out 5 clear days prior to a Sub-committee meeting if available. However, some complaints would be received after that time and would still need to be considered.

A Member cited other local authorities' arrangements for 'borrowing' Standards Committee Members by neighbouring authorities. The Monitoring Officer did not feel that Sevenoaks would need such an arrangement because the Standards Committee's size should ensure that a quorum would always be met.

Resolved: That the proposed arrangements for the Standards Committee Assessment and Review Sub-committees during the 2009/10 municipal year as outlined in the report be noted.

Standards Committee – 23 April 2009

724. THE STANDARDS COMMITTEE (FURTHER PROVISIONS) REGULATIONS 2009 (Report No. 4)

The Monitoring Officer introduced her report, which summarised the new legislation due to come into force in May 2009. She stated that although the new legislation would allow for the creation of Joint Standards Committees this may detract from the benefits of deciding matters locally. The Chairman asked whether this had been suggested to reduce costs. The Monitoring Officer stated that authorities may need to undertake a cost-benefit analysis to ascertain whether this would lead to savings.

The Monitoring Officer discussed dispensation arrangements. She stated that this could be granted if the political balance was affected. The political balance might now only be affected when voting takes place due to the new rules on prejudicial interests. The new legislation would tidy up this problem. The new legislation would also allow for the suspension of the Council's Assessment function. The Monitoring Officer could not visualise this affecting our Council.

Resolved: That the report be noted.

725. STANDARDS BULLETIN (Report No. 5)

The Monitoring Officer said that she had produced a bulletin for the convenience of Members instead of individual reports on each matter. In respect of the new Code of Conduct, Members discussed Dr Robert Chilton's comment on the role of Standards Committees in setting up an Officers' Code. The Chairman did not feel that the Officers' Code was something that the Standards Committee felt was necessary as the Council already had such a Code. The Monitoring Officer said she would check this point.

The Monitoring Officer recommended that Members read the Case Review 2007 publication. The Chair suggested that a few cases could be discussed at future meetings if the Committee's workload allowed.

In response to a Member asking about the number of Councillors registering gifts (par. 22, p.3 of the report) two Members confirmed that they had made such declarations. The Member continued by asking whether Mayors and Chairmen of Councils were regularly declaring gifts. The Monitoring Officer explained that there was a debate in the legal profession on whether Mayors and Chairmen needed to make such declarations. Her advice to Members was that it was better to declare.

The Annual Assembly – this will take place on 12th and 13th October this year, only one Member attending this time.

The Case Tribunal (England) Regulations 2008 – These increase the range of sanctions that the Adjudication Panel for England can make use of.

Recent cases – The Monitoring Officer thought the recent cases issued by the Board's Press Office and set out in the report would be of interest.

Resolved: That the report be noted.

726. TERMS OF REFERENCE FOR THE STANDARDS COMMITTEE
(Report No. 6)

The Monitoring Officer reported that the Standards Board was suggesting that Standards Committees might wish to widen their terms of reference. However, she believed that Sevenoaks District Council's other committees already dealt with many of these matters adequately;

The Monitoring Officer suggested that the Committee might want to add responsibility for ensuring that the Constitution was designed to reduce the opportunity for misconduct and promote effective governance. The Monitoring Officer felt that this was a function that the Committee was already undertaking. The Chairman said that this could be undertaken during the next review of the constitution.

It was agreed that the role of a Member of the committee would be more attractive and satisfying if the Committee expanded its remit and increased its workload. A Member highlighted that this would require a commitment to further training, particularly for the Independent Members. One Independent Member stated that there were advantages in just maintaining an outsiders' view-point.

A Member stated that none of the functions discussed in the report were currently covered by the Committee's terms of reference. The Member then asked whether all matters raised by the Board's Annual Return were contained within the Committee's terms of reference and the Monitoring Officer confirmed that the Committee's remit was wide as a result of paragraph (g) of the Committee's Terms of Reference. The Chairman stated that extra functions could be taken on by the Committee if it helped the governance of the Council. However, he did not believe that Councillor Remuneration should sit with the Standards Committee.

The Monitoring Officer informed Members that the Protocol on Councillor/Officer Relations was the Chief Executive's responsibility. The Monitoring Officer informed Members that she was tasked with an action learning set designed to improve Member/Officer Relations and was looking for an independent volunteer from the Committee to assist. In response to her request for a volunteer from the group Mr Hobbs and Mr Reece expressed an interest.

The Chairman confirmed, in response to an inquiry, that increasing the Committee's Terms of Reference was not compulsory.

Resolved: That the report and the comments made at the meeting be noted.

727. COMPLAINTS AND THE QUARTERLY RETURNS (Item No. 7)

The Monitoring Officer indicated that it had been quiet up to the end of 2008. The first quarter of 2009 had been a busy period with eight complaints relating to town and parish councils having been received.

The Monitoring Officer informed Members that the Standards Board had asked her to complete an Annual Return by 15 May 2009. The Monitoring Officer agreed to send Members the completed annual returns form for their comments prior to sending the return to the Board.

Resolved: That the rise in the number of complaints in the last two months as highlighted in the Officer's report be noted.

728. TRAINING AND DEVELOPMENT (Report No. 8)

A member raised concerns about the accuracy of Appendix 2. The Monitoring Officer confirmed that she would be informing the Standards Board that a mistake had been made and a Councillor had been incorrectly referred to in the Monitoring Officer's letter to the Board dated 18 March 2009. The Monitoring Officer could include her clarification letter in the next Standards Committee meeting agenda pack.

The Monitoring Officer reported the receipt of a complaint as to whether the correspondence with the Standards Board should be kept private and confidential. The Monitoring Officer reported that she had consulted with the Standards Board who had confirmed that all correspondence exhibited at Appendix 2 to Item No.8 of the Standards Committee Reports dated 23 April 2009 did not contain any private or confidential information. Furthermore the Board had confirmed that letters from the Standards Board were routinely marked as private and confidential. The Chairman felt that it would not be appropriate to keep a direction from the Standards Board confidential and the rest of the Committee agreed. The Monitoring Officer informed the Committee that she would be redacting all names in the letters as a matter of courtesy to the complainant.

A Member expressed his disquiet with the Monitoring Officer's letter dated 18 March 2009. He felt that important information was missing from paragraphs 3 and 4 and as a result, the letter had not given a full account of all the circumstances. In addition the Member was of the opinion that the Monitoring Officer had shown political bias. The Chairman pointed out that the nature of the letter was to provide a brief progress report on the Monitoring Officer's and the Standards Committee's efforts to comply with the Standards Board's Direction. The Chairman continued to state that the Standards Board had not requested, and it was not the intention of the letter to provide, a detailed account of discussions and comments during the sessions or underlying reasons for people's non-attendance.

The Monitoring Officer thanked Members for their valuable support in delivering training. Training of late had concentrated on Town/Parish Councils. In response to a Member's query, the Monitoring Officer said that, consideration would be given to offering training at town and parish council in the evenings. Members felt that this would help to increase the attendance rate.

Resolved: That the report be noted.

729. INDEPENDENT MEMBERS' GROUP IN KENT (Item No. 9)

The Chairman drew Independent Members' attention to the group for Independent Members in Kent. The Group met approximately three times a year. He said that he found these meetings invaluable for exchanging ideas and receiving training. The Chairman said that he would circulate the next notice of an upcoming meeting to all Independent Members.

THE MEETING WAS CONCLUDED AT 8.17 P.M.

Chairman