

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on 14 July 2009 at 7 pm

Present: Independent Member: Mr. Riddell (Chairman)

Cllrs. Bracken, Dibsdall, Harrod, Loney, Mrs. Morris and Ryan.

Independent Members: Mr. Reece and Mr. Smith.

Town/Parish Representatives: Mr. London and Mrs. Wallach.

Apologies for absence were received from Mr. Austin, Mr. Hobbs, Mr. Painter and Mr. Taylor.

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Resolved: That Mr. Riddell be appointed as Chairman and Mr. Hobbs be appointed as Vice-Chairman for the 2009/10 Municipal Year.

2. MINUTES OF THE LAST MEETING

The Minutes of the Committee held on 23 April 2009 were amended under the section headed "declarations of interest". The first sentence in that section was amended to state that "Mr. Austin declared a personal interest as a member of Hextable Parish Council."

Resolved: That, subject to the above amendment, the minutes of the meeting of the Committee held on 23 April 2009, and the notes of the Assessment Sub-Committee meeting on 1 June 2009 be agreed and signed by the Chairman as correct records.

3. DECLARATIONS OF INTEREST

Cllr. Dibsdall declared a personal interest in Item 10 as a member of Crockenhill Parish Council.

Cllr. Harrod declared a personal interest in Item 10 as a former member of Swanley Town Council.

Cllr. Mrs. Morris declared a personal interest in Item 10 as a member of Hextable Parish Council.

4. APPOINTMENT OF SUB-COMMITTEES (Report No. 5)

Resolved: That the arrangements for Sub-Committees contained within the appendix to the report be approved for the 2009/10 Municipal Year.

5. MEMBERS' REGISTER OF INTEREST – ONLINE PUBLICATION (Report No. 6)

The Democratic Services Manager informed Members that it would not be possible to send this item to Council on 21 July 2009 because of timing issues but stated that, if

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Members were minded to recommend online publication, this would be considered by Council on 15 September 2009. He also reported that the proposal would mean that all District Councillors and all Members of the Standards Committee would have their Registers of Interest published, unless they decided to opt out. However, it was not the intention to publish the Registers of Interest for any other town/parish councillors.

A Member stated that the Council should be looking to publish the Register of Interests for parish councillors online as well. The Democratic Services Manager stated that there would be some administrative difficulties in publishing town and parish councillors Registers of Interest at this time. He also stated that it might be preferable for any town/parish council that wanted to publish their Members' Registers of Interest to make this available on their own websites.

Members agreed that as long as individual Members could opt out, it was a positive move to make the Register of Interests available online. They noted that all Members' Register of Interest forms would continue to be open for public inspection at the Council offices. Members also agreed that whilst it might not be appropriate to publish the Registers of Interest of town and parish councils on Sevenoaks District Council's website, those Councils should be asked to consider publishing these on their own websites.

Resolved: That Council be recommended to agree the online publication of all District Councillors' and Standards Committee Members' Register of Interest forms, subject to any individual Councillor or Standards Committee member being able to opt out.

6. THE ROLE OF COUNCIL COMMITTEES (Report No. 7)

The Democratic Services Manager stated that the report had only been produced to make the non-District Councillor members of the Committee aware of the work that the other Council committees undertook.

Resolved: That the report be noted.

7. FORWARD WORK PROGRAMME (Report No. 8)

The Monitoring Officer informed Members that the Forward Programme had been prepared to help the Committee plan its upcoming work. She stated that it was good practice for Standards Committees to maintain such work programmes.

Members discussed whether the Committee's Chairman should meet with the leaders of the two opposition groups, as well as the Leader of the Council and the Chief Executive. The Chairman stated that he was happy to meet with both opposition group leaders, although he thought it might be better to meet them individually as this might encourage a franker discussion.

Members also queried why no financial implications had been identified as a result of the activities highlighted in the report. The Monitoring Officer explained that whilst there might be financial implications for each of the various items, there were no financial implications in drawing up the work programme.

Members also discussed when would be the most appropriate time to consider the Monitoring Officer's Annual Return to the Standards Board. The Chairman in particular was surprised at how early the matter was being considered. The

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Monitoring Officer informed Members that the Standards Board now considered it best practice for the Annual Return to be presented to Full Council. With this in mind, the Annual Return would be presented to Full Council together with the Monitoring Officer's Report. Unfortunately, due to the timing of meetings, this meant that December was the latest meeting of the Standards Committee that the report could be prepared for.

Resolved: That the Forward Work Programme, as at 14 July 2009, be approved.

8. STANDARDS BULLETIN NO. 2 (Item No. 9)

The Monitoring Officer informed Members that the Standards Board had issued guidance on the issue of the enforceability of "other action" recommended by Assessment Sub-Committees in lieu of investigation. However, she stated that in her opinion, the guidance did not completely resolve the issue. The Standards Board was recommending that Assessment Sub-Committees adjourn, so that the Member who was the subject of the complaint could be asked whether or not he/she would accept the other action being suggested. However, there would be nothing preventing a Member from indicating that they would accept the other action, and then refusing to co-operate at a later date. Also, adjourning the meeting would significantly increase the risk of failing to respond to complaints within the 20 working day time period.

Members felt there were problems with recommending other action at the Assessment Sub-Committee stage anyway, as it was hard for the Member not to feel that they had been found guilty without the opportunity to defend themselves. Members expressed their dissatisfaction with the arrangements.

Resolved: That the report be noted.

9. COMPLAINTS, TRAINING AND DEVELOPMENT (Report No. 10)

The Monitoring Officer reported that the Standards Committee had recently received six complaints which related to Swanley Town Council. She stated that the Assessment Committee which had considered the complaints had referred them to the Standards Board, which had agreed to carry out the investigations.

The Monitoring Officer reported that she had had a very positive session with Edenbridge Town Council.

The Chairman reported that he and the Monitoring Officer had hosted a second session at Swanley Town Council in February, which on this occasion was attended by Labour members. He stated that the Town Clerk had agreed to try to arrange a follow-up meeting between the Conservative and Labour Group leaders. He felt that many of the problems at Swanley Town Council related to the issue of treating others with respect. The Chairman said that he and the Monitoring Officer would continue to do what they could to help take matters forward at Swanley..

Resolved: That the report be noted.

10. PROGRESS ON CORPORATE EQUALITIES (Item No. 11)

A Member asked what happened if members of the public left the Council's offices feeling that they had suffered discrimination. The Monitoring Officer reported that

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such information was given to the relevant Director who could take action if appropriate.

The Monitoring Officer informed Members that once the Equalities Bill had become law, it would bring all the equalities legislation under one Act.

A member drew the Committee's attention to the judgement in Malcolm v London Borough of Lewisham. He stated that this judgement had implications for both employment and equalities law.

Resolved: That the report be noted.

11. PROBITY IN PLANNING – THE ROLE OF COUNCILLORS (Report No. 12)

The Monitoring Officer informed Members that this was a long awaited document from the Local Government Association. She stated that members of the Standards Committee would need to have regard to it when considering complaints that related to the planning process.

Members discussed the document in relation to the Cabinet Review of Development Services and contrary views were expressed by Members about the impact this would have on ethical standards. However, the Committee agreed that it was essential for all Members to be properly trained before sitting on the Development Control Committee.

THE MEETING WAS CONCLUDED AT 8.32 P.M.

Chairman