

## **STANDARDS COMMITTEE**

Minutes of a meeting of the Standards Committee held on  
15<sup>th</sup> January 2004 commencing at 7 p.m.

Present: Mr. Riddell (Chairman)

Cllrs. Dibsdall, Loney and Tuke.

Town/Parish Representatives: Mr. London and Mr. Taylor.

Cllr. Bruce was also present.

Apologies for absence were received from Mr. Bootle and Cllr. Mrs. Robinson.

### 558. MINUTES OF THE LAST MEETING

Resolved: That the minutes of the meeting of the Committee held on 1<sup>st</sup> October 2003 be confirmed and signed by the Chairman as a correct record.

### 559. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of any item discussed or voted on during the meeting.

### 560. ELECTION OF PARISH AND TOWN COUNCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE

The Monitoring Officer explained that a parish or town council representative must sit on the Standards Committee at all times when parish or town matters were being discussed.

Cllr. Dibsdall expressed grave reservations about having political representatives from parish and town councils on the Committee. The Head of Legal Services (and District Council Monitoring Office) explained that she had approached the Kent Association of Parish Councils (KAPC) for assistance in this matter and the matter had been referred to the Sevenoaks branch of the KAPC. She also advised that guidance from the Standards Board for England stated that a Standards Committee need not be politically balanced, as it should be seen as an independent body.

Cllr. Loney advised that he was a member of the KAPC (Sevenoaks) and all parish and town councils, even those not members of the KAPC, had been approached for nominations of which three had been received.

It was agreed that, in future, the Head of Legal Services would approach the town and parish councils for nominations to the Committee.

Mr. Taylor advised the Committee that he was independent and had no political allegiance.

Resolved: That Mr. J. F. London and Mr. G. W. Taylor be appointed as parish and town council representatives to the Standards Committee of Sevenoaks District

Council.

561. DETAILED PROCEDURE FOR LOCAL STANDARDS HEARINGS

Members considered the details of the procedure to be followed during Local Standards Hearings as set out in the report. The Head of Legal Services agreed to circulate the full version of the procedure to Members of the Committee as a matter of urgency.

Members were also advised that 2 cases had been referred down from the Standards Board for England which would both be considered at the Local Standards Hearing scheduled for Friday, 20<sup>th</sup> February 2004 at 10 a.m. Mr. Abraham, Legal Adviser and the Ethical Standards Officer from the Standards Board may be attending the hearing as would the Monitoring Officer from Wealden District Council. The attendance of the monitoring Officer from Wealden would enhance the separation of powers between the roles of the monitoring officer and the adviser to the Committee. The Head of Committee Services at Wealden had also requested to attend.

The Head of Legal Services also explained the procedure surrounding the written pre-hearing process.

The following comments were made of the procedure for Local Standards Hearings:

- The possible tape recording of proceedings at hearings was considered to be a good idea at least at the first few hearings. This would allow the Committee to consider lessons to be learned from each hearing.
- Members noted that three to five Members of the Committee should attend each hearing and this must include an independent Member. If a parish or town council matter was being considered, then a parish or town representative had to be present. It was agreed that all of the Committee should attend the first hearing and Members were asked to let the Head of Legal Services know if they were able to attend.
- It was agreed that a copy of the procedure should always be available at each hearing. Members were advised that the report from the Officer would include the relevant parts of the appropriate code of conduct.
- It was noted that although both the Committee and the Ethical Standards Officer could call witnesses, neither had the power to serve a witness summons.
- It was agreed that a pre-hearing briefing should be held half an hour before the hearing commenced to ensure that everything was set up correctly for the hearing.

Resolved: That the detailed “Procedure for Local Standards Hearings”, as set out in the report, be adopted with minor amendments.

562. REVIEW OF DISPENSATION GRANTED TO ASH-CUM-RIDLEY PARISH COUNCIL WHO ARE RESIDENTS OF NEW ASH GREEN

Further to Standards Committee (19.02.03). the Committee considered a report that explained that Members of Ash-cum-Ridley Parish Council had in the past been granted a dispensation

under Section 97(i) of the Local Government Act 1972 to enable Members of Ash-cum-Ridley Parish Council to take part in the consideration and discussion of and to vote on any question with respect to grants to the New Ash Green Village Association at meetings of the Parish Council even though such Members had a pecuniary interest. A similar dispensation had been sought under the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 to allow members of Ash-cum-Ridley to participate in the discussion and to vote on any question with respect to grants to the New Ash Green Village Association Limited and land in which the Association had an interest.

In the light of a recent investigation that had been undertaken by the Standards Board for England, the Board had recommended that this Committee should review the dispensation granted on the 19<sup>th</sup> February 2003 to the members of Ash-cum-Ridley Parish Council who are residents of New Ash Green.

Cllr. Bruce, one of the local Members for Ash explained the unique circumstances surrounding this request.

Although the Committee was reassured that the Parish Council could carry on normal business after the decision set out below was taken, it undertook to review the decision if any problems came to light. It was accepted that the Parish Council could at any time request a further dispensation and this Committee would then consider the matter urgently.

Resolved: That the dispensation granted to Cllrs. Brammer, Brown, Clark, Clucas, Evans, Farmer, Jahed, Martin, Mason and Wright on the 19<sup>th</sup> February 2003 be rescinded following recommendations made by the Standards Board for England.

563. INAUGURAL MEETING AT KENT AND MEDWAY INDEPENDENT STANDARDS COMMITTEE MEMBERS' LIAISON GROUP ON 21<sup>ST</sup> OCTOBER 2003

The Chairman advised that he had attended the Liaison Group and a report on its proceedings would be submitted to the Committee when appropriate. It was noted that Mr. Bootle would be eligible to attend future meetings.

Resolved: That the report be noted.

564. REVIEW OF START TIMES FOR STANDARDS COMMITTEE

It was noted that some concern had been expressed over the 6 p.m. start time for this meeting and the proposed start time of 10 a.m. for the determination hearing set for 20<sup>th</sup> February 2004. The Head of Legal Services explained that the Standards Board for England had recommended that determination hearings under the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003 take part during the day and that the Standards Committee of a local authority should endeavour to avoid a determination being part heard.

Many Members felt that a 7 p.m. start to meetings of the Committee would be most convenient.

Resolved: That the report be noted.

THE MEETING WAS CONCLUDED AT 7.52 P.M.

Chairman