

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on 14th December 2004 commencing at 7 p.m.

Present: Mr. Riddell (Chairman)
Cllr. Mrs. Dunckley (Vice-Chairman)

Cllrs. Dibsdall, Loney and Tuke.

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

An apology for absence was received from Mr. Bootle (Independent Member).

472. MINUTES OF THE LAST MEETING

Resolved: That the minutes of the meeting of the Committee held on 15th January 2004 be agreed and signed by the Chairman as a correct record.

473. DECLARATIONS OF INTEREST

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

474. APPOINTMENT OF THE CHAIRMAN AND VICE-CHAIRMAN

Resolved: That Mr. Riddell be elected Chairman of the Committee for the ensuing municipal year.

Resolved: That Cllr. Mrs. Dunckley be elected Vice-Chairman of the Committee for the ensuing municipal year.

475. THE ADJUDICATION PANEL FOR ENGLAND – DECISION REF. APE 0159

The Head of Professional Services (also the Council's Monitoring Officer) advised that Cllr. Brammer of Ash cum Ridley Parish Council had been disqualified from being a parish councillor for a period of one year. Although the Adjudication Panel for England had taken into account Mrs. Brammer's good works for the community, it had also found that she had failed to disclose personal and prejudicial interests at a number of meetings and had failed to withdraw from the meetings. Confusion had arisen because Mrs. Brammer had been the member of a number of different local organisations and had been unaware that the dispensation under the previous legislation had lapsed. Unfortunately, there was a period when she was aware that Parish Council Members did not have the benefit of the dispensation. It was noted that Mrs. Brammer had resigned from the Parish Council before the year's disqualification had run its course.

The Monitoring Officer reported that she had since visited the Parish Council to give guidance on these matters.

It was noted that the APE had not passed down any recommendations for action for the District Council.

Members considered the action of the Adjudication Panel for England in disqualifying Mrs. Brammer for one year a harsh punishment particularly in light of her resignation especially as it appeared that her main mistake had been to be the member of too many local organisations.

Comment was made of the difficulty all local authorities had in finding good candidates willing to stand for election.

Resolved: That Members note the decision given by The Adjudication Panel for England and the action taken following the decision in respect of case reference APE 0159.

476. THE ADJUDICATION PANEL FOR ENGLAND – DECISION REF. APE 0199

The Monitoring Officer reported that this matter concerned Cllr. Armstrong of Halstead Parish Council who had been suspended by the Adjudication Panel for England for a period of six months from 1st October 2004. Cllr. Armstrong's misdemeanour had again been non-disclosure of a personal and prejudicial interest. There had been other allegations against this Councillor that had not been substantiated by the Panel. The Committee noted that the Panel had not been willing to take in account third party views on whether an interest was prejudicial in their investigation.

In addition to the six month suspension, the Panel had recommended that Cllr. Armstrong obtain training on the interpretation of the Code of Conduct and that that training should be offered to other Councillors.

The Monitoring Officer had been in contact with the Clerk to Halstead Parish Council who had agreed to undertake a training session at Halstead that would include a question and answer session. She had also discussed the possibility of a training course to the District Council's Training Manager. The consultants, Cathedral Consulting, had quoted £1,000 for two workshops in one day. One workshop on one day would cost £750.

It was noted that this case should focus councillors' minds and lessons should be learnt. The events at Chevening that had been the subject of a local determination hearing at the District Council had reportedly taught Chevening Parish Council a lesson that they would not forget.

Members felt that the Standards Board for England and the Adjudication Panel grossly underestimated the semi pressure cooker atmosphere present in most small local authorities such as parish and town councils and the effect it could have of the judgement of the councillors and public alike.

The fact that town and parish councils had no executive authority to make decisions was also not taken into account by the Board and the Panel. Some interest could seem very vague to a councillor and not vague to a member of the public. If all councillors who had a vague interest left meetings the meetings could easily become inquorate.

The Monitoring Officer was requested to write to all parish and town councils asking them for expressions of interest in training on the interpretation of the Code of Conduct and where they feel their problems lie with personal and prejudicial interest so that the training could be tailored. The Monitoring Officer agreed to undertake this research.

Resolved: (a) That Members note the decision given by The Adjudication Panel for England and the action taken following the decision in respect of case reference APE 0199;

(b) that the training set out in the report be agreed and that the Monitoring Officer pursue training suggestions for parish and town councils as set out above ;

(c) that this report plus the minutes of the meeting of this Standards Committee be submitted to the Standards Board for England to comply with the requirements of the Local Government Act 2000.

477. LOBBY GROUPS, DUAL-HATTED MEMBERS AND THE CODE OF CONDUCT

The report presented a summary of the most recent guidance produced by the Standards Board for England on Lobby Groups, Dual-Hatted Members and The Code of Conduct. The Guidance covered difficult areas of the Code of Conduct, particularly interests arising from being a member of a lobby group, being on another public body or being appointed by the council to an external group. The Monitoring Officer advised that she would be shortly publishing advice on this issue to all Members of the District Council and to clerks of parish and town councils in the District.

Members noted that many dual-hatted councillors announced a personal interest in all issues being considered by both authorities i.e. planning applications. The Committee was also advised to verbally declare a personal and/or prejudicial interest at any meetings they attend and not to rely on a “rolling” list.

Resolved: That the report be noted.

478. THIRD ASSEMBLY OF STANDARDS COMMITTEE – 13TH/14TH SEPTEMBER 2004

The Third Assembly of the Standards Committee took place in Birmingham on 13th and 14th September 2004. Next year’s Assembly would take place on 5th and 6th September 2005 and Members who were interested in attending were asked to contact the Monitoring Officer direct.

Many who attended the Assembly felt disappointed that the promised new regulations had not been published in time to be considered and discussed at the Assembly.

Delegates had been given a large amount of statistical information concerning allegations received by the Standards Board for England, the most serious allegations concerning bullying, dishonesty and violent behaviour. About a third on the 3,500 allegations received had been referred for investigation.

The Monitoring Officer suggested that she invite the District Auditor to address a future meeting of the Committee. The Committee did not consider this plan of action appropriate at this time.

The Chairman informed Members that he attended the Kent Independent Standards Committee and he had stated that it was not the District Council’s wish to expand its role in Standards work.

Resolved: That the report be noted.

479. THE LOCAL AUTHORITY (CODE OF CONDUCT)(LOCAL DETERMINATION) (AMENDMENTS) REGULATIONS 2004

The Committee was advised that the new regulations had come into effect on 4th November 2004 and a neighbouring local authority had received its first investigation referral last week.

The Monitoring Officer referred Members to page 3 of the Guidance that stated under the

paragraph entitled “Conducting your Investigation” – we will publish a separate guide to conducting investigations at a later date. She had e-mailed the Standards Board for England regarding the wisdom of referring investigations before this guidance was available but as yet had not received a reply. She brought Members’ attention to the local investigation guidance produced by Peter Keith-Lucas. It was suggested that the Committee adopt the Peter Keith-Lucas guidance as an interim measure just in case the Standards Board referred any investigations to the District Council. It was also suggested that when the Guidance was published, that a report be submitted to the Committee for consideration.

The Committee noted that the Monitoring Officer did not have a Deputy Monitoring Officer or a nominated Officer to undertake investigations under the Regulations. It was also noted that the investigation process could have financial implications for the District Council.

- Resolved:
- (a) That the report be noted;
 - (b) that the local investigation guidance produced by Peter Keith-Lucas be adopted for use while the District Council awaited the publications of the official guidance; and
 - (c) that, when appropriate, a report on the official guidance be submitted for consideration to the Standards Committee.

480. POSSIBLE REVISIONS TO THE CODE OF CONDUCT

Members note that revisions to the Code of Conduct had been contemplated and had been mentioned in the Standards Committee News Bulletin No. 3. The questions that would be asked were:

- To what extent should the Code of Conduct apply in a private capacity?
- Should the Code of Conduct continue to include a whistle-blowing provision?
- How can the Code of Conduct strike a balance between Members representing their communities and protecting the integrity of decision-making?
- Should Members be allowed the same rights as the public when making representations on issues in which they had a prejudicial interest?
- Should there be a public interest defence to the disclosure of confidential information?

The Monitoring Officer stated that she would write to the Committee in the New Year when she received further information on this subject. She also invited Members to submit their views on the above question to her in writing.

THE MEETING WAS CONCLUDED AT 8.45 P.M.

Chairman