

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on
28th June 2005 commencing at 7 p.m.

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

Cllrs. Loney and Tuke.

Independent Member: Mr. Hobbs.

Town/Parish Representative: Mr. London.

Apologies for absence were received from Mr. Bootle (Independent Member),
Cllr. Dibsall and Mr. Taylor (Parish Representative).

98. 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.

99. APPOINTMENT OF INDEPENDENT MEMBER

Resolved: That Mr. Hobbs be appointed as an Independent Member of the
Committee.

100. TOWN/PARISH REPRESENTATIVES

The Monitoring Officer reported that one of the Town/Parish Representatives, Mr. Taylor
wished to resign from the Committee but was prepared to remain a Member pending the
appointment of a replacement.

101. MINUTES OF THE LAST MEETING

Resolved: That the minutes of the meeting of the Committee held on 14th
December 2004 be agreed and signed by the Chairman as a correct record.

102. DECLARATIONS OF INTEREST

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

103. STANDARDS BOARD FOR ENGLAND ROADSHOW 2005

The Chairman said that he had attended the Roadshow along with the Vice-Chairman and the
Monitoring Officer.

The Monitoring Officer reported in detail on matters raised at the Roadshow. She said that it
appeared that the Government would be concentrating on ethical standards and that would be

a key item in the next round of CPA inspections. The Standards Board would wish to get to a position where half of all cases were referred for investigation to local standards committees whilst the Board would examine the more serious complaints. The Board would promote best practice and more could be done in mediation and training particularly at local level. At present 25% of case were referred for investigation. The previous year the figure had been 33%. The turn round time on handling cases had been 24 days last year and was now 10 days.

Regulations relating to investigations had been introduced last November and the Standards Board was minded to refer as many cases as possible for local investigation. The idea was to refer the majority of work to a local level.

It was felt that attendance at the Standards Board Conference would be extremely beneficial and Members were encouraged to attend.

Particular points raised by delegates at the Roadshow included:

- Whether a training video could be produced to show how a Determination Hearing could be conducted.
- There is no statutory power of mediation and the Board was asked to examine this.
- Training for Parish/Town Clerks on procedures as well as standards.
- The difficulty of deciding whether an interest was personal or prejudicial.
- There appeared to be a tendency to over-regulate.
- Concern that Members must report where they perceive the Code to have broken.
- Local Members often felt disenfranchised. They may have been elected on a local issue but then could not participate as they had a personal and prejudicial interest.

Resolved: That the report be noted.

104. REVIEW OF THE CODE OF CONDUCT

The Monitoring Officer referred to her report and said that, although the deadline for responses had been 17th June, the Standards Board would accept a late submission. She would respond following the present meeting.

The Chairman circulated a paper setting out a response from the Kent and Medway Independent Members Group to the 29 questions raised in the consultation. The Committee's response to the 29 questions is set out in an Appendix to these Minutes.

Resolved: That the response to consultation on the Code of Conduct as set out in the Appendix to these Minutes be approved.

105. COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Monitoring Officer reported that this matter had been debated at the Roadshow. The key question seemed to centre around whether the Standards Board should be the initial filter for

complaints or whether these should first go to the Monitoring Officer or Standards Committee. The Committee on Standards in Public Life felt that primary responsibility should rest with Standards Committees. That would mean all but the most serious complaints would be handled locally. However the matter was still to be decided.

Resolved: That the report be noted.

106. TRAINING AND DEVELOPMENT

The Monitoring Officer referred to her report setting out the training that had already taken place. She said that she hoped shortly to be getting a Deputy Monitoring Officer.

She considered that Development Control was a particular area where training was needed and the Chairman felt that training should be offered to all Councillors.

Resolved: That the report be noted.

THE MEETING WAS CONCLUDED AT 8.40 P.M.

Chairman

APPENDIX

REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

**COMMENTS FROM THE STANDARDS COMMITTEE AT
SEVENOAKS DISTRICT COUNCIL**

1. Should the ten general principles be incorporated as a preamble to the Code of Conduct?

No comment.

2. Are there any other principles which should be included in the Code of Conduct?

No comment.

3. Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?

Yes. A broad test should be retained.

4. Should the Code of Conduct include a specific provision on bullying? If so, is the Acas definition of bullying quoted in the full consultation paper appropriate for this?

No comment.

5. Should the Code of Conduct contain an explicit public interest defence for members who believe they have acted in the public interest by disclosing confidential information?

No. There should not be an explicit public interest defence.

6. Do you think the Code of Conduct should cover only information which is in law “exempt” or “confidential”, to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully?

It should not be a breach to disclose any information that an authority had withheld unlawfully.

7. Should the provision relating to disrepute be limited to activities undertaken in a member’s official capacity or should it continue to apply to certain activities in a member’s private life?

It should be left as it is.

8. If the latter, should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged?

Retain broad provision.

9. We believe that the Code should prohibit breaches of the publicity code, breaches of any local protocols, and misuse of resources for inappropriate political purposes. Do you agree?

The existing Code is clear and understandable and so no additions.

10. If so, how could we define “inappropriate political purposes?”
No comment necessary.
11. Is the Code of Conduct right not to distinguish between physical and electronic resources?
Yes.
12. Should the provision of the Code of Conduct that requires members to report breaches of the Code by fellow members be retained in full, removed altogether, or somehow narrowed?
No comment.
13. If you believe the provision should be narrowed, how would you define it? For example, should it apply only to misconduct in a member’s public capacity, or only to significant breaches of the Code?
No comment.
14. Should there be a further provision about making false, malicious or politically-motivated allegations?
No comment.
15. Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately?
No comment.
16. Do you think the term ‘friend’ requires further definition in the Code of Conduct?
No comment.
17. Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an authority’s area?
Yes. It should be narrowed.
18. Should a new category of ‘public service interests’ be created, relating to service on other public bodies and which is subject to different rules of conduct?
We would like greater clarity in respect of paragraph 10(2) of the Code and its relationship to paragraph 10(1) in order to create simplicity and fairness and improve the drafting.
19. If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared at meetings?
No comment.

20. Do you think paragraph 10(2)(a-c), which provides limited exemption from the prejudicial interest rules for some members in certain circumstances, should be removed from the Code of Conduct?

No comment.

21. Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?

No comment.

22. Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?

No. They should not be allowed to address the meeting before withdrawing.

23. Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote?

No comment.

24. Should members employed in areas of sensitive employment, such as the security services, need to declare their occupation in the public register of interests?

People in sensitive occupations should be able to give their details privately to the Monitoring Officer.

25. Should members be required to register membership of private clubs and organisations? And if so, should it be limited to organisations within or near an authority's area.

Yes. Members should be required to register membership of private clubs and organisations.

26. Should the Code of Conduct require that the register of gifts and hospitality be made publicly available?

Yes. We agree that it should.

27. Should members also need to declare offers of gifts and hospitality that are declined?

No. They should not have to declare these.

28. Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration? How could we define this?

Yes, members should have to declare gifts, which individually are below the threshold but which over a period of 12 months come to more than the threshold.

29. Is £25 an appropriate threshold for the declaration of gifts and hospitality?

It would be appropriate to double this to £50.