

STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on 2 August 2011 commencing at 7.00 pm

PRESENT:

Councillors:

Cllr. C Dibsdall, Cllr. M Dickins, Cllr. A Eyre, Cllr. Mrs D Morris and Cllr. J Underwood

Independent Members:

Mr A Riddell (Chairman), Mr J M Henderson, Mr K L Newman, Mr J Reece and Mr A Smith

Town/Parish Representatives:

Cllr. T Austin, Cllr. R Parry and Cllr. D Taylor

Apologies for absence: Cllr. Mrs E Bracken and Cllr. Mrs E Purves

1. TO ELECT A CHAIRMAN OF THE COMMITTEE FOR THE ENSUING MUNICIPAL YEAR.

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

2. TO ELECT A VICE-CHAIRMAN OF THE COMMITTEE FOR THE ENSUING MUNICIPAL YEAR.

Resolved: That Mr. Smith be appointed Vice-Chairman of the Committee for the ensuing municipal year.

3. DECLARATIONS OF INTEREST.

Cllr. Parry declared a personal interest in minute item 9 as he had been discussing the content of the Localism Bill with the Minister of State for Communities and Local Government. However these discussions mostly concerned the powers and finances for Councils, not Codes of Conduct or Standards Committees.

4. CHAIRMAN'S ANNOUNCEMENTS

The Chairman noted the significant change in membership of the Committee from the previous year. He welcomed the new Members and thanked those who had left.

5. MINUTES OF THE LAST MEETING

Resolved: That the Minutes of the meetings of the Committee held on 11 January 2011, the Assessment Sub-Committees held on 15 February and 12

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April 2011 and the Review Sub-Committee held on 15 February 2011 be approved and signed by the Chairman as a correct record.

6. APPOINTMENT OF SUB-COMMITTEES

The Monitoring Officer explained that no changes were proposed to the system at this time and that she believed the Sub-Committees were working well. She explained that the Democratic Services Team was in touch with Members each month to check whether they were available for Sub-Committee meetings.

A Member requested clarification on the definition of "Authority" in Appendix T to the constitution. He wanted to be sure which Authorities an Assessment Sub-Committee could receive complaints about. The Monitoring Officer indicated that Authority stood for the District Council as well as Parish and Town Councils. The Monitoring Officer agreed to check whether this definition was made clear in the Constitution.

Resolved: That the arrangements for sub-committees for the 2011/12 Municipal Year, as set out in the appendix to the report, be confirmed.

7. FORWARD WORK PROGRAMME

The Monitoring Officer informed Members that the work plan was similar to previous years but she highlighted that the Committee needed to prepare for the changes envisaged by the Localism Bill. The Committee agreed to discuss this further under The Localism Bill and Future Code of Conduct.

A Member enquired whether updating Members' Registers of Interest and Gifts and Hospitality on the website also involved publishing those interests registered at the Parish level. The Monitoring Officer stated that Parish and Town Council interests were not put on the Sevenoaks District Council (SDC) website. However, the District Council did send reminders to all Town and Parish Councils that SDC should be notified of any changes to a Member's Register of Interest within 28 days. At the District Level Members were encouraged to have their information put on the website. Only the paper register was compulsory but in practice only sensitive information was withheld from the website. The Parish and Town Councils could always choose to put their Members Register of Interests on their own website.

The Chairman expected that training would continue, for the moment, as it had in the past. A training programme would continue for Parish and Town Councils.

Resolved: That the Forward Work Programme be approved.

8. COMPLAINTS AND TRAINING

The Monitoring Officer said training and conciliation still had a strong role to play in maintaining standards within the District.

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The Monitoring Officer was pleased with the response to a session held at Brasted Parish Council on 14 March 2011. Although this had been a difficult meeting it allowed a lot of issues to be aired which the Clerk and many Members were thankful for. The number of complaints had subsided since the conciliation. There was no update about Horton Kirby and South Darenth Parish Council beyond the one in the report.

The Monitoring Officer thanked those Members who had attended the training and conciliation sessions at Town and Parish Councils.

Resolved: That the report be noted.

9. LOCALISM BILL AND FUTURE CODE OF CONDUCT

The Chairman informed the Committee that as Chair of the Kent and Medway Association of Independent Members of Standards Committees he had been asked to write letters to Lords Tope and Beecham as they had submitted amendment 96A to the Localism Bill to permit a national Model Code of Conduct. Though the amendment had been withdrawn the letters were to support the Lords' negotiations with the government. A copy of the letter was circulated to the meeting.

He explained that some elements of the Localism Bill were likely to remain, such as the abolition of Standards for England and that standards matters would be resolved at a local level.

It was not yet clear whether there would be a national Code of Conduct but he expected that many bodies and private legal firms would offer one. Kent County Council had already offered. A Member, who was in the Kent Association of Local Councils, informed the group that the National Association of Local Councils would produce a Model Code. Members agreed it was inefficient for all Councils to devise their own Codes of Conduct and that this would make it difficult to have a consistent level of transparency.

The Monitoring Officer brought Members' attention to the questions raised in paragraph 10 of the report and the Chairman suggested that a working group could form some recommendations on them.

The Chairman asked for direction from the Committee on how to proceed.

In response to a question the Chairman clarified that, as the Bill stood, Independent Members would lose voting rights. Some Members of the Kent and Medway Association of Independent Members of Standards Committees had been concerned by this situation. However he felt Independent Members had no locus to lobby for changes to this. The SDC leadership had made it clear to him they wanted to keep Independent Members involved in the standards process. Independent Members could still work in an advisory capacity and the Chairman felt this would work so long as there was a proper mechanism in place for considering those recommendations and that there

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was a good working relationship between Independent Members and Councillors.

A Member, who had discussed the Localism Bill with the Minister for State, suggested that many of these matters would be dealt with under regulations rather than the Bill directly. If the Committee wanted to suggest amendments to these regulations then they should submit their views promptly.

Members discussed whether SDC would continue to have a role providing support to Town and Parish Councils when there was no longer an obligation to do so. Members accepted that Town and Parish Councils would be expected to pay for any support they received after the Bill had passed.

The Chairman felt SDC would have to show Town and Parish Councils that it was providing a valuable service. The final decision would be one for Town and Parish Councils but he believed the clerks appreciated their relationship with the Monitoring Officer. The Monitoring Officer added that the Bill would still oblige Councils to maintain high standards of conduct and that failure to register an interest would be a criminal offence, which was more draconian than under existing arrangements.

In response to a question the Monitoring Officer stated that the Committee dealt with approximately 17 complaints last year and only a couple each year tended to relate to District Councillors. A large number of complaints were dismissed at first instance.

The Committee thought more information would be needed on the possible cost of the District Council providing a service in relation to complaint handling for Town and Parish Councils once the changes set out in the Bill had become law. There was a concern that if Councils were charged a fixed sum then they might pay for services they did not use. If costs were based on use then Councils possibly faced insurmountable bills if problems escalated or if they faced a series of vexatious complaints, as had sometimes happened in the past. Some Members favoured some sort of fixed fee which would equate to insurance protection. This would help budgeting requirements.

The Committee agreed that the Monitoring Officer should notify Town and Parish Councils soon of the changes expected and invite comments on both the future of the SDC Standards Committee and whether they would be interested in Sevenoaks' Standards Committee providing a service for them in the future. The letter was to be circulated to Members of the Committee and the Portfolio Holder for Safe Community for comment before it was sent out. The letter should make it clear that, following the Localism Bill, Councils could be charged for services they had received for free. The Committee expected responses to this letter, from Town and Parish Councils, by the end of September.

Members agreed a task and finish group should be formed to consider the matters raised in the report, consisting of about 6 volunteers. Membership would be agreed later by email.

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A Member felt it would be inappropriate for the Committee to put forward suggestions without full consultation first with Sevenoaks District Council. The Chairman agreed he would have a discussion with the Leader and Portfolio Holder for Safe Community in early September before a task and finish group was formed.

The Monitoring Officer agreed to keep the Committee informed of further information she received about the timetable of the Localism Bill.

Resolved: That:

- (a) the Monitoring Officer notify Town and Parish Councils of the changes currently expected from the Localism Bill and invite consultation responses on whether they would be interested in the Standards Committee at Sevenoaks providing a chargeable training and complaint handling service;
- (b) the Chairman discuss with the Leader of Sevenoaks District Council and the Portfolio Holder for Safe Community their interest in the Standards Committee proposing new simplified structures following the abolition of the existing standards regime; and
- (c) pending such discussions, a task and finish group be formed to investigate recommendations to Sevenoaks District Council following the abolition of the existing standards regime.

The meeting closed at 8.18 pm

Chairman