

Standards Committee – 11 January 2011

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on 11 January 2011 at 7pm

Present: Independent Member: Mr Smith (Vice-Chairman in the Chair)

Cllrs. Dibsdall, Harrod, Mrs Morris, Ryan and Waller.

Independent Members: Mr Henderson, Mr Newman and Mr Reece.

Town/Parish Representatives: Mr Austin, Mr Clarke, Mr London and Mrs Wallach.

Apologies for absence were received from Mr Riddell and Mr Taylor.

11. DECLARATIONS OF INTEREST

Cllr. Harrod declared a personal interest in Item 3 as an ex Member of Swanley Town Council and as such was acquainted with the Town Councillors involved in the matter discussed.

12. MINUTES OF THE LAST MEETING

Resolved: That the Minutes of the Committee held on 13 July 2010 and 9 November 2010, minutes of the Assessment Sub-Committee held on 17 August 2010, 13 October 2010, 18 October 2010 and 21 December 2010 and the Review Sub-Committee held on 17 August 2010 be approved and signed by the Chairman as correct records.

13. MONITORING OFFICER'S ANNUAL REPORT (Report No. 3)

The Monitoring Officer informed Members that this was the sixth Monitoring Officer's Annual Report. She hoped it would not be the last, but was uncertain due to the proposed abolition of the current Standards Regime.

The Monitoring Officer advised that the number of complaints of misconduct against Members had risen over the last year. However, nine of the complaints were from one Parish Council. The Vice-Chairman and the Monitoring Officer had undertaken conciliation at the Parish Council concerned and were pleased to announce that it had been successful and relations had improved, despite initial concerns.

The Monitoring Officer also highlighted that recommended conciliation in relation to a Swanley Town Council matter had been put on hold until a police investigation had been carried out. The Town Clerk had suggested that conciliation be postponed until after the May 2011 elections.

It was clarified that the Monitoring Officer's Annual Report would also be considered by the Performance and Governance Committee before it was presented to full Council in February 2011.

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The Vice-Chairman thanked the Monitoring Officer for her work on the Report.

Resolved: a) That the Monitoring Officer's Annual Report be noted by the Committee; and

b) full Council be recommended to note the Monitoring Officer's Annual Report.

14. STANDARDS FOR ENGLAND CASE REVIEW 2010 (Report No. 4)

The Monitoring Officer explained that due to the size of the Review completed by Standards for England she had only highlighted in the report matters which had previously been discussed by the Council's Standards Assessment Sub-Committees. She recommended that Members view the Review in its entirety on the Standards for England website.

Following a query the Committee discussed in detail how an act of bullying could be considered to be of a "minor nature". It was clarified that any complaint of bullying would be taken seriously and considered on its own merits according to the severity of the incident.

In response to a query the Monitoring Officer reported that complaints of misconduct had been dealt with within the recommended time scale.

Resolved: That the report be noted.

15. SELF-REGULATION FOLLOWING THE ABOLITION OF THE STANDARDS REGIME (Report No. 5)

The new Localism Bill sought to abolish the current Standards Regime. However, it was expected that this would not take place until March 2012.

The Monitoring Officer explained that the Chairman had met with the Leader and Chief Executive of the Council who had expressed a desire to maintain a standards function. It was thought that this would be possible through the 1972 Local Government Act which provided councils with the ability to form committees of their choosing. However, the Monitoring Officer advised that any new standards function would not have the same powers as currently provided.

Relevant sections of the Localism Bill had been tabled for Members' attention. It was explained that the situation was not completely clear and gaps in the Bill were due to be filled by regulations announced by the Secretary of State.

Under the Bill Local Authorities would be able to choose whether to maintain the current Code of Conduct, revise it or remove it completely. Members were concerned that this would cause inconsistency and confusion. One Member felt that the Regime was bureaucratic and the abolition of it was favourable.

It was explained that once the expected regulations had been announced and the situation was more clear, the Council might ask the Standards Committee what type of self-regulation could work for the future.

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The Committee discussed the arrangements that had been in place at the Council before the current Standards Regime.

It was noted that under the new Localism Bill a local authority could only take courses of action to protect itself. Punishments would be applied through the legal system with failure by a Member to declare an interest being a matter for the criminal court.

Resolved: That the report be noted.

THE MEETING WAS CONCLUDED AT 7.55 p.m.

Chairman

