

STANDARDS COMMITTEE

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **6TH JULY 2006**

PRESENT: Mrs C A Vant (Chairman);
Cllr. Wickham
Mr D Lyward – Parish Council Representative
Dr T Johnson – Independent Member

APOLOGIES: Cllrs Cooling, Davidson, Mrs Larkin

ALSO PRESENT: Monitoring Officer, Member Services and Scrutiny Support Officer.

117 ELECTION OF CHAIRMAN

Recommended:

That Mrs C A Vant be elected as Chairman of the Standards Committee for the 2006/2007 Municipal Year.

118 MINUTES

Resolved:

That the Minutes of the meetings of this Committee held on the 20th February and 12th April 2006 be approved and confirmed as correct records.

119 ANNUAL REPORT OF THE COUNCIL'S MONITORING OFFICER 2005/2006

The Monitoring Officer introduced his report and explained the Annual Report had been introduced to give the Standards Committee and the Council an opportunity (as required by CPA procedures) to review the effectiveness of current practices based on more robust data. Included was a table giving brief details of all formal complaints made to the Standards Board for England in 2005/2006. There had been a very low incidence of complaints and none made against any Ashford Borough Councillor had been deemed worthy of investigation. There had been difficulties with a small number of parishes that would be dealt with by way of training. An independent Audit Commission review and report that had been made earlier in the year regarding probity and the Planning Protocol also made positive findings. In response to questions, the Monitoring Officer advised that he would include comparative data in future Monitoring Officer Annual Reports if this was available.

The Chairman observed that at Liaison Group meetings the Council appeared no worse than others regarding the number of complaints. The Chairman referred to training being raised at the Standards Committee hearings and suggested that providing training might lead to a reduction in the resources required to hold hearings. The Monitoring Officer responded that he would be speaking at the request of the KAPC Ashford Area Committee to the Parish Forum on the 12th July 2006 about the Code of Conduct and would also speak to Parish Clerks about any training urgently required by particular Councils.

The Parish Council Representative advised that (in KAPC's opinion) training should be aimed as a first tier at Parish Clerks as they gave advice to Parish Councillors. The Monitoring Officer agreed that Clerks were an important part of the process and would be expressly invited to training as they were the first person from whom a Parish Councillor would request Code of Conduct advice and it was very important for Parish Clerks to understand the Code, although a few appeared not to. The timing of the training was raised given the Elections next year and a suggestion made that Parish Clerks if trained could then cascade the training, although the Monitoring Officer thought this might be a little unfair as Parish Clerks were not lawyers or legally trained. A Member pointed out that there was enough bureaucracy in voluntary life and Parish Clerks were paid. The Parish Council Representative suggested that all potential Parish Councillors should be made aware of the Code

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before they stood for election in May 2007. The Monitoring Officer was aware that potential Councillors were advised of the Code. He could not offer a dedicated service to all 39 parishes but could offer to train Councillors and Clerks in clusters. The Parish Council Representative asked on behalf of KAPC if there was a programme on the Internet that Parish Clerks or Parish Councillors could work their way through as a training model. The Monitoring Officer advised that the Standards Board for England had prepared a test along those lines, ie a self-training tool although this was not as good as a face to face question and answer sessions with a lawyer. The Chairman also suggested that a log was kept of those Clerks and Parish Councillors who had received training. The Monitoring Officer in response to further observations about the timing of training in relation to next year's Elections said that he would hope to have trained Parish Clerks before the Elections as well as those Parish Councillors in urgent cases.

The Parish Council Representative asked some questions about the Wye Parish reference 12705.05 Case for Investigation. The Monitoring Officer advised that the case had been dealt with by the Standards Board for England and not referred to the Standards Committee for determination. Generally if a person was no longer a Councillor it was difficult when a decision had been made, to identify what sanction could apply although if serious enough it was possible to disqualify a person from becoming a Councillor in future.

Recommended:

- That (i) all the factors set out in the Council's Monitoring Officer's report support the overall conclusion that the Council's Code of Conduct (and good practice protocol) are widely understood and observed by Borough Councillors.**
- (ii) further training be offered initially to Parish Clerks and to Parish Councillors in urgent cases with a concerted effort to train more widely across the Parishes following the May 2007 Elections.**

120 LOCAL GOVERNMENT OMBUDSMAN COMPLAINTS 1ST APRIL 2005 – 31ST MARCH 2006

The Monitoring Officer referred to several points from the report and said that response times had continued to improve and were 22 days on average for 2005/2006. There had been a small increase in the number of complaints, although the Ombudsman had expressed the view that the number remained small and did not represent a trend so there were no areas of concern. During the year, the Ombudsman had made decisions for five complaints that fell into the category of "local settlement". A Member observed there had been an increase from five to ten planning complaints and there was some discussion as to whether this was because more applications had been received. The Monitoring Officer agreed to keep these under review to see if a trend emerged although the Ombudsman had said that the figures were low given the number of planning applications and the number of enforcement complaints that the Council received. There had been no findings of maladministration. Comparative data was not available for the year under review, however, the Monitoring Officer did have figures for 2004/2005 and Ashford was average having 21 complaints with the average across Kent District Councils being 20 (excluding KCC and the Medway Unitary Authority). The Chairman wondered if the number of complaints was low because Council staff at a local level were handling complaints better. The Monitoring Officer said complaints had to be dealt with locally before the Ombudsman would consider them and he expected there to be a correlation between the quality and effectiveness of local complaints systems and those that progressed to the Ombudsman. It was inevitable that District Councils that did not have effective internal complaint systems would result in more Ombudsman complaints. The Monitoring Officer clarified that he was now responsible for handling Ombudsman complaints from the 1st January 2006.

Resolved:

That the report be received and noted.

(DJS/AEH/VS)
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