

## STANDARDS COMMITTEE

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **7<sup>th</sup> MARCH 2007**

**PRESENT:** Mrs C A Vant (Chairman);  
Cllr Davidson (Vice-Chairman);  
Cllrs. Elliff, Wickham  
Mr D Lyward – Parish Council Representative  
Mr M Sharpe – Independent Member

In accordance with Procedure Rule 1.2(iii) Councillor Elliff attended as Substitute Member for Councillor Mrs Larkin.

**APOLOGIES:** Cllrs Cooling, Mrs Larkin.

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

### 524 MINUTES

#### **Resolved:**

**That the Minutes of the meetings of this Committee held on the 6<sup>th</sup> July 2006 be approved and confirmed as a correct record, subject to it being noted that Councillor Yeo and not Councillor Mrs Larkin had apologised.**

### 525 DRAFT REVISED CODE OF CONDUCT

The Chairman thanked the Monitoring Officer for the report and suggested that the Committee considered each of the questions in Appendix 1 and the draft Comments in Appendix 2.

*Q1. Does the proposed text on the disclosure of confidential information strike an appropriate balance between the need to treat certain information as confidential, but to allow some information to be made public in defined circumstances when to do so would be in the public interest?*

Appendix 2 Comments 11 and 12 – Agreed.

*Q2. Subject to powers being available to us to refer in the Code to actions by Members in their private capacity beyond actions which are directly relevant to the office of the Member, is the proposed text which limits the proscription of activities in Members' private capacity to those activities which have already been found to be unlawful by the courts, appropriate?*

Appendix 2 Comments 13 and 14 – Agreed. The Monitoring Officer explained the difficulties created by the recent Livingstone case.

*Q3. Is the Code of Recommended Practice on Local Authority Publicity serving a useful purpose? If the Publicity Code is abolished, do consultees think some or all of its provisions should be promulgated in a different way, eg via guidance issued by local government representative bodies, or should authorities be left to make their own decisions in this area without any central guidance? Should authorities not currently subject to the Publicity Code be required to follow it, or should the current position with regard to them be maintained?*

Appendix 2 did not refer specifically to this question and the Monitoring Officer agreed to add a comment about retention of the Publicity Code.

*Q4. Does the proposed text with regard to gifts and hospitality adequately combine the need for transparency as well as proportionality in making public information with regard to personal interests?*

Appendix 2 Comment 24 Agreed subject to the first sentence being deleted. The Committee also agreed with the Parish Council Representative's comments about the Register of Gifts and Hospitality being made publicly available but remaining separate from the Register of Member Interests.

*Q5. Does the proposed text relating to friends, family and those with a close personal association adequately cover the breadth of relationships which ought to be covered, to identify the most likely people who might benefit from decisions made by a Member, including family, friends, business associates and personal acquaintances?*

Appendix 2 Comments 27 and 31 Agreed.

*Q6. Would it be appropriate for new exceptions to be included in the text as additions to the list of items which are not to be regarded as prejudicial?*

The Committee agreed with the approach in the draft Code.

*Q7. Is the proposed text, relaxing the rules to allow increased representation at meetings, including where Members attend to make representations, answer questions or give evidence, appropriate?*

Appendix 2 Comment 41 Agreed subject to minor amendments. A discussion ensued about Members who wished to make a planning application being disadvantaged compared with other applicants who were able to speak at the Planning Committee for three minutes. Members were generally advised to use an Agent representing an additional cost and a financial disadvantage. The Richardson case was referred to and the Monitoring Officer referred to Appendix 1 Participation in Relation to Prejudicial Interests paragraph 19 which suggested that Councillors would be able (at the invitation of a Committee) to speak even where they had a prejudicial interest.

*Q8. Is there a better, more user-friendly way of ensuring the text is gender neutral, for example, would consultees consider that amending the wording to say 'you' instead of 'he or she' or 'him or her' would result in a clearer and more accessible code for Members?*

The Committee expressed no view on this.

A Member suggested one or two changes in detailed wording before submission of Appendix 2 to government and it was agreed in Comment 4(f) to delete "is lazy and"; and in Comment 24 to delete first sentence. Discussion ensued about allegations being determined in accordance with the Code in force at the time of the alleged event or if this should be the Code in force at the time when an allegation was made. The Monitoring Officer advised the latter suggestion was unusual and in his view fundamentally unfair.

**Resolved:**

**That subject to the Committee's decisions and discussions the comments set out in Appendix 2 to the report be submitted by the Monitoring Officer to the Government by the 9<sup>th</sup> March 2007.**

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(DJS/AEH/VS)  
MINS:STD0710