

STANDARDS COMMITTEE

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held in Committee Room No. 2 (Bad Münstereifel Room), Civic Centre, Tannery Lane, Ashford on the **4th DECEMBER 2007**

PRESENT: Mrs C A Vant (Chairman);
Cllr Packham (Vice-Chairman);

Cllrs. Mrs Blanford, Wood
Mr D Lyward - Parish Council Representative, Mr A P Mobbs –
Substitute
Mr J Dowsey, Mr M V T Sharpe – Independent Members

APOLOGIES: Cllrs Honey, Mrs Laughton.

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

335 MINUTES

Resolved:

That the Minutes of the meeting of this Committee held on the 3rd October 2007 be approved and confirmed as a correct record.

336 **MATTER REFERRED FOR LOCAL INVESTIGATION CASE 172200.07 – MR ANDREW MACBEAN FORMER MEMBER OF ORLESTONE PARISH COUNCIL**

The Investigator's Notes of interviews were circulated during the meeting. The Monitoring Officer responded to questions about the Investigating Officer who was an external Solicitor who had taken approximately 15 hours to investigate the allegations and found there had been no breach of the Code of Conduct. If the Standards Committee was prepared to accept the findings there would be no requirement to hold a formal hearing. If the Committee was not prepared to accept the findings at this stage a formal hearing would be arranged. He drew attention to the "Report of the Investigator, Section 4, Evidence", and advised of two incidences since publication of the report in which the interviewees claimed that their comments had not been accurately recorded. These were half way through paragraph 2 when it was said that another Councillor had been incited by Mr MacBean to shout in Mandy Mount's face and paragraph 3 last sentence George Sparks claimed not to have said what had been recorded. The Monitoring Officer said the Report of the Investigating Officer was entirely consistent with the notes of interviews that had been conducted by phone. These discrepancies, however, did not affect the validity of the findings in his judgement. Clearly there was disagreement and the procedure would be revised for future investigations so that, even if the evidence was very straightforward, the statement would be formally agreed with the interviewee.

The Monitoring Officer confirmed that Mr MacBean had resigned from Orlestone Parish Council and that censure would have been the only sanction open to the Committee in any event. The Chairman advised that the general issue of costs involved with investigating/hearing matters where no effective sanction could be imposed had been taken up with the Standards Board for England (SBE). The Monitoring Officer suggested that following the introduction of local filtering of complaints the Standards Sub-Committee might exercise more judgement about which cases would proceed to investigation and hearings. He also advised, following a further question from the Chairman, that anyone might make a complaint to the SBE even if they had not been present at the original incident. The

Monitoring Officer explained that if the Committee accepted the findings in the Investigator's report Mr MacBean would have the option of agreeing to the insertion of a public notice in a local newspaper explaining the outcome.

Resolved:

That the Standards Committee accepts the findings in the Report of the Investigator that there had been no failure to comply with the Code of Conduct.

337 LOCAL FILTERING OF CODE OF CONDUCT COMPLAINTS – LOCAL GOVERNMENT ETC ACT 2007

The Monitoring Officer introduced the report and gave an update on implementation of the proposed new system. A proactive approach now, making a change to the composition of the Committee, would enable panels to be formed from the 1st April 2008 for local filtering of Code of Conduct complaints against Councillors. There would need to be some separation of functions between Panels dealing with filtering decisions, appeals and hearings. The report suggested that appointment of a third Parish Councillor would enable three separate Panels to be formed. When the Regulations were published further changes may be needed. KAPC Ashford Area Branch would be asked to nominate the third Parish Councillor. Following a discussion Mr Mobbs, Chairman of the Ashford Area Branch agreed that they would contact non KAPC parishes and invite nominations and the Branch would handle the selection. The Monitoring Officer referred to forthcoming training for the Committee and the Chairman suggested that the Leader and Chief Executive be invited to attend as well.

Recommended:

- That (i) the current position regarding the proposed introduction of local complaints handling be noted.**
- (ii) the Monitoring Officer makes a further report when the Regulations and Guidance become available.**
- (iii) the composition of the Standards Committee be revised to include three Parish Councillor representatives, with KAPC Ashford Area Branch (after consideration of non KAPC Parish Councillors) be invited to nominate one additional representative alongside the two existing nominations.**
- (iv) the Monitoring Officer arranges further training for relevant Officers and Members including all Members of the Standards Committee such training to be undertaken in early 2008 jointly with neighbouring authorities if practicable.**