

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **28th July 2008**

Present:

Mrs Vant (Chairman);
Cllr. Mrs Hawes (Vice-Chairman);

Cllrs. Mrs Blanford, Honey, Mrs Laughton

Ms J Adams, Mr R Butcher, Mr D Lyward – Parish Council Representatives
Mr M Sharpe – Independent Member.

Apologies:

Cllr Wood, Mr J Dowsey.

Also present:

Monitoring Officer, Member Services and Scrutiny Support Officer.

129 Election of Chairman

Resolved:

That Mrs C A Vant be elected as Chairman of the Standards Committee for the 2008/09 Municipal Year.

130 Minutes

Resolved:

That the Minutes of the meeting of this Committee held on the 6th February 2008 be approved and confirmed as a correct record.

131 Local Assessment of Complaints

The Monitoring Officer introduced his report that described the suggested new arrangements now that the Local Government and Public Involvement in Health Act 2007 required that all allegations against a Member (of the Council or Parish Council in the Borough) be assessed by a Sub-Committee of the Standards Committee. Page 8 of the report sought approval for three Sub-Committees or Panels, i.e. Assessment, Review and Hearings; a Monitoring Officer Protocol; an Assessment and Review Criteria for Allegations of Failure to Comply with Member Code of Conduct.

The Committee considered each page of the report and comments were made on the following:-

- Paragraph B3 – whilst there was “no statutory prohibition” on a Member sitting on a Hearings Panel when that Member had previously sat on an Assessment or Review Panel on the same matter the aspiration was to avoid this if reasonably practicable. The Monitoring Officer agreed to add some fresh wording to Appendix 1 – Notes on Administrative Arrangements.
- Paragraph B5 – the reference to the monthly diarised Assessment Panel meetings being held during the day be deleted and meetings be diarised at a time to be fixed as convenient to the Panel Members appointed.
- Paragraph E3 – the possibility of a challenge to not accepting anonymous complaints and the practicalities of accepting/not accepting such complaints was discussed after which it was agreed anonymous complaints would not be accepted and this would be made clear on all publicity and the website. The Monitoring Officer was, however, authorised to keep the identity of a complainant confidential in exceptional circumstances.
- Section H – referred to the Assessment and Review procedures for the Sub-Committees/Panels that the regulations allowed to be held in private. If not held in private it was possible that the complainant, but not the Member subject to the allegation, could attend. Another reason was that unmeritorious complaints would not be made public.
- Appendix 3 – would appear on the Council’s website and advise the public how to make a Member Code of Conduct complaint.
- Section N Financial Implications – suggested that recouping some of the costs from concurrent functions grants (for allegations against Parish Councillors) be further examined and discussed with interested parties. A Parish Council Representative commented that, whilst possibly cautioning Members to act more responsibly, Parish Councils may not be able to fulfil their duty to all of their residents because of a reduction in their concurrent functions money to contribute towards the cost of an investigation. A Working Group was looking at concurrent functions that currently covered only 50% of costs. An increase in precept was also suggested as a way of covering some of the costs of investigation. The Monitoring Officer had made approaches to government (without success) on cost issues now that the Standards Board for England no longer filtered complaints. Staff time spent on Standards Committee matters was electronically monitored, and currently there were several allegations under investigation both pre and post May 2008 when the new arrangements were introduced.
- Appendix 1(e) – the Monitoring Officer explained the origin and purpose of the new Standards Committee functions in relation to politically restricted posts referred to in paragraph B4.

Recommended:

- That**
- (i) the Standards Committee and Selection and Constitutional Review Committee agree the administrative arrangements and terms of reference for Assessment, Review and Hearings Panels as set out in Appendix 1 to the report in relation to allegations made to the Standards Committee after the 8th May 2008, retaining alongside them the existing procedures and structures for as long as they are needed to dispose of allegations made to the Standards Board for England prior to that date.**
 - (ii) monthly meetings of the Assessment Panel be diarised to be held at a times of day convenient to the appointed Panel, and to be held only if there is business to be transacted.**
 - (iii) the Monitoring Officer Protocol in Appendix 2 to the report be agreed and adopted by the Standards Committee.**
 - (iv) the Standards Committee agrees to not entertain anonymous complaints, but that the Monitoring Officer be authorised to keep the identity of the complainant confidential where and for as long as he/she is satisfied that it is in the public interest to do so.**
 - (v) meetings of the Assessment and Review Panels be held in camera unless the relevant Panel determines otherwise in any particular case.**
 - (vi) the Standards Committee adopts the Assessment Criteria in Appendix 3 to the report which Assessment and Review Panels will take into account when assessing complaints.**
 - (vii) the Monitoring Officer examines options for spreading the cost of complaints and investigations handling on the basis set out in the report.**

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Queries concerning this agenda? Please contact Diana Sawyer:
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