

## **Standards Committee**

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **30<sup>th</sup> September 2008**

### **Present:**

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

Cllrs. Mrs Blanford, Wedgbury.

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

In accordance with Procedure Rule 1.2(iii) Cllr Wedgbury attended as Substitute Member for Cllr Honey.

### **Apologies:**

Cllrs Honey, Mrs Laughton, Wood.

Mr Dowsey.

### **Also present:**

Monitoring Officer, Deputy Monitoring Officer, Member Services and Scrutiny Support Officer.

## **202 Minutes**

### **Resolved:**

**That the Minutes of the meeting of this Committee held on the 28<sup>th</sup> July 2008 be approved and confirmed as a correct record.**

## **203 Annual Report of the Monitoring Officer**

The Monitoring Officer introduced his third annual report that would be presented to the Council on the 9<sup>th</sup> October 2008. The report was the first to be based in part on the new Code of Conduct that had been adopted in May 2007. Paragraphs 11 -15 gave an analysis of Code of Conduct Complaints of which there had been 13 (twelve related to Parish Councils and one to a former Borough Councillor). Paragraph 13 referred to the year comparing unfavourably with the previous year (when there had been 11 formal complaints) and the increased numbers largely arose in relation to two Parish Council issues. Some of these complaints may not have arisen under the new Code of Conduct so the number would have been less. An appendix to the report gave a further analysis of these complaints.

In relation to the Ombudsman Complaints there had been fewer this year compared with the previous year, with no formal findings against the Council. This gave a strong indication of good levels of probity and robust procedures within the Council. Further analysis was given in the appendix to the report.

The Monitoring Officer responded to a question arising from the Local Government Ombudsman's (LGO) Annual Letter (paragraph 13) that an electronic complaints system had been set up by the LGO and when invited to provide feedback on this he had reported that this was a little inconsistent. The Monitoring Officer in response to another question arising from the LGO's letter and response times, said that he was aware of this and expressed the view that the complexity of complaints was increasing (although not the volume) and this was relevant to the slight dip in response times although it was not expected that the average time should exceed the current levels of 28 – 30 days.

**Resolved:**

**That the report be received and noted.**

## **204 Matter Referred for Local Investigation – Case SBE 18927.07**

The Monitoring Officer explained that the investigation of Case SBE 18927.07 had been carried out under the old rules ie prior to the local filtering regime, so had been referred to the Committee instead of a new Assessment Panel. The investigation had been undertaken by an external investigator. The Investigator had found no breach of the relevant Code of Conduct.

Paragraph 5 of the Monitoring Officer's report referred to a letter received from the complainant (shortly after the Investigator's draft report had been presented to the parties) seeking to withdraw the complaint for medical reasons.

## **205 Exclusion of the Public**

A discussion ensued about the efficacy of excluding the press and public from meetings when the Committee considered the Investigator's findings about an allegation of a breach of the Code of Conduct. The Monitoring Officer provided his reasons for suggesting the pre-hearing stage ie the Committee deciding whether or not to proceed to a full hearing, be held in private to protect the identity and sensitive personal details of individuals concerned. (Where a case proceeded to a full hearing there was an expectation of this being held in public.)

**Resolved:**

**That pursuant to Section 100A(4) of the Local Government Act 1972 as amended the public be excluded from the meeting during consideration of the following item namely Matter Referred for Local Investigation – Case SBE 18927.07 as it is likely in view of the nature of the business to be transacted or the nature of the proceeding that if members of the public were present there**

would be disclosure of exempt information herein after specified by reference to Paragraph 7c of Schedule 12A of the Act (as modified in relation to the Local Determination by the Standards Committee).

## **206 Matter Referred for Local Investigation – Case SBE 18927.07 (Continued)**

The Committee had to decide:-

- a) Whether it accepted the Investigator's findings that there had been no failure to comply with the relevant Code of Conduct or whether the matter should be considered at a Hearing of the Standards Committee.
- b) Whether it accepted the recommendations as set out in paragraph 4 of the Investigator's report.

The Monitoring Officer brought the key points in the report to the attention of the Committee. The Committee discussed the issues, gave their observations on the investigation and contents of the exempt report.

### **Resolved:**

**That the Standards Committee accepts the findings in the Investigator's report that there had been no failure to comply with the relevant Code of Conduct on the basis that there was insufficient evidence of such a failure.**

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Queries concerning these minutes? Please contact Diana Sawyer:  
Telephone: 01233 330499 Email: [diana.sawyer@ashford.gov.uk](mailto:diana.sawyer@ashford.gov.uk)  
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