

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **29th June 2009**

Present:

Mrs C Vant (Chairman);
Cllr. Mrs Hawes (Vice-Chairman);
Cllrs. Mrs Blanford, Mrs Laughton, Wood.

Mr D Lyward – Parish Council Representative.
Mr J Dowsey, Mr M Sharpe – Independent Members.

Apologies:

Cllr Honey.

Ms J Adams, Mr R Butcher.

Also present:

Monitoring Officer, Senior Member Services and Scrutiny Support Officer.

87 Election of Chairman

Resolved:

That Mrs C A Vant be elected as Chairman of the Standards Committee for the 2009/10 Municipal Year.

88 Minutes

Resolved:

That the Minutes of the meetings of this Committee held on the 12th and 22nd December 2008 be approved and confirmed as correct records.

89 Annual Report of the Monitoring Officer

The Monitoring Officer introduced his fourth annual report that would be presented to the Council on the 9th July 2009. The report gave an analysis of both Code of Conduct Complaint activity (Paragraphs 13-17) and Ombudsman Complaint activity (Paragraphs 18-23) for 2008/09.

With regard to Code of Conduct Complaints there had been 16 (fourteen related to Parish Councils and two to Borough Councillors). This was a significant number and did compare rather unfavourably with 2007/08 however, of the 16 complaints five

had not been valid at all whilst eight of the remaining 11 related to just two Parish Councillors and one series of events revolving around one controversial planning proposal in the Parish. An appendix to the report gave a further analysis of those complaints. It was worth noting that the cost in terms of Member and Senior Officer time in handling even the current level of complaints locally had been very significant (some 150 hours of Monitoring Officer and Deputy Monitoring Officer time - 50% of the chargeable time for each of them over a two month period). This had given a feel for the resource impact of the new filtering regime and whilst the point had been made to the Standards Board, there was little that could be done to alleviate the situation at present. He would continue to explore the possibilities of agreeing a scheme with Parish Councils for sensible sharing of some of the costs involved, at least where complaints were referred for investigation. However the legal basis for this was not clear and he considered it was more important to attempt to reduce down instances of complaints by continuing to try and undertake training and suchlike with Parish Councils. Whilst there was a significant amount of activity at Parish Council level, he was satisfied that the Borough Council's Code of Conduct (and good practice protocol) were widely understood and observed.

Some Members expressed some concern about the possibility of Parish Councils meeting the cost of investigation of complaints, especially as they did not always come from other Councillors and they had no control over complaints from members of the public. Additionally they did not want people to be put off from complaining because of the potential costs. The Monitoring Officer said he understood the points being made but that at present the proposal was simply that the Council should continue to explore the possibility of agreeing a scheme with Parishes.

With regard to training for Parishes the Monitoring Officer explained that he had already run a session for Biddenden Parish Council and would be running a similar session in Rolvenden the following evening. A session on the Code of Conduct for all Parish Councils had also been held in the Council Chamber shortly after the 2007 Elections. He considered that sessions out in individual Parishes may be the best way forward. Holding events on the Parishes' own patch did seem to ensure a better attendance and allowed people to ask any questions they may have in a more private environment. The event at Biddenden had been well received and all Parish Councillors had attended. Other suggestions for potential training were an event specific to Parish Clerks; an address at the Rural Conference in October; and copies of the Standards Board's plain English summary of the Code of Conduct being made more widely available such as being placed on Parish Council websites.

In relation to the Ombudsman Complaints there had been 21 complaints against Ashford Borough Council this year compared with 16 in the previous year (although the 2007/08 figure did not include Premature Complaints, as the 2008/09 did, which would have also brought it up to 21). No complaints were ruled as maladministration by Ashford Borough Council and three had been determined by the Ombudsman as "Local Settlements". Further analysis was given in the appendix to the report and in the Ombudsman's annual letter.

The Monitoring Officer directed the Committee's attention to a letter from a Mrs Lewis which had been tabled. The Committee were given a few minutes to read it in full. The essence of the letter was that the summary of her complaint on page 9 of

the report was not accurate or fair; that she expected some reflection from the Planning Department on the way they handled applications and that they might seek to learn lessons for the future; and there was no mention in the summary about the fault of the Council or the true nature of the complaint. He commented that Mrs Lewis' complaint was referred to in two places within the report. Page 9 was a summary and a reference to the outcome of the complaint, whereas there was a fuller and more factual summary on page 15 of the report as part of the Ombudsman's letter. He therefore thought it was fair to say that all relevant information was before the Committee when read together. Perhaps in retrospect having two accounts of each complaint in the Annual Report was not particularly helpful and perhaps in future the summary appendix could be omitted altogether, a cross reference could be added or the summary from the Ombudsman's letter could be repeated again in full. In terms of Mrs Lewis' complaint about the handling of a planning application in Wittersham, the Monitoring Officer explained that the Planning Department had made a mistake and were at fault. This had been accepted but it had not been a case of there being fundamental flaws in their procedures. He had spoken to the Development Control Manager and as a result of this case all Officers were now aware of how they had to consider open space assessments in the future. He suggested that adding a "Lessons Learned" column for each complaint would be a good solution.

After discussion it was agreed that Appendix A of the Annual Report should be amended before it went to Council so that the Basis of Complaint and Outcome/Comment columns more fully reflected the wording from the Ombudsman's letter and a Lessons Learned column be added for each complaint.

Resolved:

That subject to the amendments to Appendix A of the report as detailed above, the Annual Report of the Monitoring Officer be received and noted.