

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **18th December 2009**

Present:

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

Mr R Butcher – Parish Council Representative.
Mr M Sharpe – Independent Member.

Apologies:

Cllrs. Mrs Blanford, Honey, Wood.

Ms J Adams, Mr J Dowsey, Mr D Lyward.

Also present:

Monitoring Officer, Deputy Monitoring Officer, Senior Member Services & Scrutiny Support Officer.

368 Minutes

Resolved:

That the Minutes of the meeting of this Committee held on the 29th June 2009 be approved and confirmed as a correct record.

369 Standards Committee Assessment Panel – 7th and 25th August 2009

(a) Standards Committee Assessment Panel 7th August 2009

The Monitoring Officer updated on recommendation (ii) (a) of Minute No.171 and said that the training session referred to had been scheduled to take place on the 14th December but due to an unavoidable clash had been rescheduled for the 29th January 2010.

On the subject of training the Monitoring Officer updated the Committee on Code of Conduct training that had recently been undertaken for both Biddenden and Rolvenden Parish Councils following recent decisions of the Standards Committee Assessment Panel to take other actions short of a formal investigation. Attendance levels at both had been very good and he was pleased to report that there had been no further complaints from either Parish since those sessions had taken place.

An Independent Member sought clarification of how such “other action” should be reported back to the Committee. The Monitoring Officer explained that technically the Regulations did require a written report and that was something he could produce if that was the wish of the Committee, although he was not sure what that would achieve above and beyond this reference that would appear in the Minutes. The Chairman agreed that a very concise note should be prepared for a future meeting detailing the fact that these sessions took place including date, time, venue and if possible a list of attendees.

Resolved:

That the Minutes of the meeting of the Standards Committee Assessment Panel held on the 7th August 2009 be approved and confirmed as a correct record.

(b) Standards Committee Assessment Panel 25th August 2009

The Independent Member who chaired this Panel proposed an amendment to strike out the resolution in Minute No.177 as in his view the Panel did not formally resolve to exclude the public. The Deputy Monitoring Officer said that at the meeting he had agreed that the Local Government Act 1972 did not apply but that the Panel did still have discretion whether to hold the meeting in public or not and should make a decision on the matter. The Chairman of the Panel said that they had not made a resolution as there were no members of the public present. The Committee therefore agreed to amend the wording of the resolution in Minute No.177.

Resolved:

That the Minutes of the meeting of the Standards Committee Assessment Panel held on the 25th August 2009 be approved and confirmed as a correct record subject to the resolution in Minute No.177 being amended to read: - “No decision was made on this matter as no members of the public were present”.

370 Standards Committee Review Panel – 9th September 2009

Resolved:

That the Minutes of the meeting of the Standards Committee Review Panel held on the 9th September 2009 be approved and confirmed as a correct record.

371 Review of Procedures

The Chairman introduced the position paper from Mr Sharpe and the report of the Monitoring Officer. She explained that earlier in the year following his experience of chairing an Assessment Panel Mr Sharpe had drafted a paper and it was discussed at a meeting at the end of September involving the three Independent Members, the Monitoring Officer and Deputy Monitoring Officer and the former Deputy Chair of the

Standards Board for England (Patricia Hughes). Following that meeting it was agreed to discuss the paper at a future Standards Committee alongside a report from the Monitoring Officer.

Mr Sharpe said he was pleased that the papers were in the public domain and that everybody could see the issues. He said Committee Members had received good training initially but there was a need to update that training. He was encouraged that the new system of dealing with Code of Conduct complaints was up and running and his interest was in helping members cope with the process of Panel meetings and to make sure that the Council were holding such meetings in accordance with the law. He made reference to the development of the history of public access to Local Authority meetings and the principles of openness and accountability. As Assessment Panels were different from full Committees, Hearings, Reviews etc. he had wondered if it would be preferable to have a quicker look at complaints at that stage with minimal reports rather than the fuller ones that were being produced on occasions at present.

The Monitoring Officer introduced his report which dealt with the three main points raised by Mr Sharpe. Firstly training which to some extent he hoped would be covered by the showing of the Standards for England DVD. Secondly, with regard to public access, it had been recognised that the Local Government Act 1972 did not apply to Assessment and Review Panel meetings but Standards Board guidance on the matter was unclear. He recommended that as the Panels still had discretion whether to hold the meetings in public or not, they should therefore formally make a decision on the matter at the outset of meetings. Thirdly with regard to suggestions for efficiency, these were always welcomed. There had been comments about the length of reports submitted to Panels, but he was pleased that both Patricia Hughes and a Standards Board Director had been complimentary of the style and thoroughness of the Ashford reports. The danger of only supplying Panels with 'minimal' reports (i.e. just photocopying letters of complaint etc) was that it could lead to weaker and more challengeable decisions being made and ultimately more work in terms of reviews and investigations. The Monitoring Officer did not consider any changes needed to be made to the style of reports. In terms of replacing the Minutes with a written summary, the Monitoring Officer explained that procedures were already in place to produce both which consumed minimal staff resources so there would be no material benefit from changing the system just for these meetings.

The following points were made in discussion: -

- Members were reluctant for the Assessment Panel reports to be shortened. Just providing the minimum amount of information may lead to the loss of material facts and to more challengeable decisions and that would place everybody concerned in a difficult situation. It was agreed preferable to have a more stringent assessment than risk spending more time on future investigations which could have been avoided. The Chairman said she had been happy with the amount of information provided at the assessment stage and felt the Panels had made good decisions.
- There was general agreement that there was a need for some up to date training. The Deputy Monitoring Officer explained that Standards for England

were currently working on a whole new suite of training materials that were up to date and the Committee considered it should wait until that had been produced and then proceed with some training for all Committee Members. Standards for England had confirmed some materials on their website were out of date but the DVD that had been produced was up to date and it was hoped that this would clarify some issues.

- The number of Code of Conduct complaints showed little sign of decreasing. There were a number of cases that would be put before Assessment Panels in the New Year. The allegations were relatively straightforward so the Monitoring Officer said it may be possible to produce shorter reports for these.
- There was no default position in the Council's Constitution about public access to Assessment Panel meetings. The Local Government Act did not apply and the common law position was that each meeting could decide. Discretion rested with the Panel. There was nothing set down in law and the Monitoring Officer's advice would normally be to exclude the public as holding such meetings in public would rarely, if ever, be appropriate. An Independent Member said he considered a default position of excluding the public was wrong and there was only a need to make a resolution if members of the public were actually present. Other members however agreed that a formal decision had to be made at the start of the meetings as members of the public could potentially arrive during the proceedings. The Monitoring Officer further explained that the provision of confidential information was only one reason for excluding the public. Exclusion also allowed for open and frank discussions over the merits of a case and the options available. The wording on Panel Agendas had already been amended to exclude reference to the Local Government Act 1972.

The Committee said that it had hoped to view the Standards for England DVD following this meeting but as there were so few members present it was agreed best to arrange an extra session where a majority of the Committee could attend, view the DVD and discuss its contents. An Independent Member said he was concerned about waiting as Assessment Panels were already happening and complaints were being received regularly. It was agreed that a date would be sought early in the New Year and members would be asked to confirm their availability in advance. In the meantime any members who wished to loan the DVD to watch in their own time could do so.

Resolved:

That the papers of both Mr Sharpe and the Monitoring Officer be received and noted and the discussions above form the basis of the way forward for the Standards Committee and its Panels including: -

- (i) **With regard to training, an opportunity for members to watch the Standards for England DVD be arranged early in the New Year and future events will be arranged when Standards for England have updated their training materials.**

- (ii) **The existing procedure of making decisions on public access at the beginning of each Panel be maintained.**
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Queries concerning these minutes? Please contact Danny Sheppard:
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