

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **30th June 2010**

Present:

Mrs C Vant (Chairman);
Cllr. Davidson (Vice-Chairman);
Cllrs. Mrs Blanford, Clarkson, Kemp, Mrs Laughton

Mrs J Allen, Mr D Lyward – Parish Council Representatives.
Mr M Sharpe, Mr J Dowsey – Independent Members.

Apology:

Mr R Butcher.

Also present:

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

83 Election of Chairman

Resolved:

That Mrs C A Vant be elected as Chairman of the Standards Committee for the 2010/11 Municipal Year.

84 Standards Committee – 18th December 2009

A Member was concerned that only one Elected Member had been present at the meeting. The Chairman advised that there had been a disappointing turnout overall. An Independent Member felt that the lack of attendance could be attributed to the adverse weather conditions that had been experienced at the end of 2009.

A Member advised that at the meeting of the Full Council when the Minutes were approved she had been asked by the then Vice-Chairman to move adoption of the minutes even though she had not been present at the meeting. The Monitoring Officer advised that it was not a requirement for Minutes to be moved by a Member that was present at the meeting however it was good practice; it was in some instances unavoidable and so Minutes could be moved by a Member who had not been present at the meeting in question.

Resolved:

That the Minutes of the Meeting of this Committee held on the 18th December 2009 be approved and confirmed as a correct record.

**85 Standards Committee Assessment Panel – 5th
February 2010**

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 5th February 2010 be approved and confirmed as a correct record.

**86 Annual Report of the Council's Monitoring Officer
2009/10**

The Monitoring Officer introduced his fifth annual report that would be presented to the Council on the 15th July 2010. The report gave an analysis of both Code of Conduct activity (Paragraphs 12-16) and Ombudsman Complaint activity (Paragraphs 17-22) for 2009/10.

With regard to Code of Conduct Complaints, there had been 14 (seven related to Borough Councillors and seven to Parish Councillors). The figures for 2009/10 showed a slightly reduced number of overall complaints compared to the preceding year (when there were 16 complaints) although the proportion of Borough Council complaints was significantly higher this year. Appendix 1 to the report gave further analysis of those complaints. To date no complaints under the local 'filtering' system had been referred for investigation, although six were undetermined (five relating to Borough Councillors and one to Parish Councillors). The cost in terms of Senior Officer time in handling the current level of complaints was significant.

In relation to the Ombudsman Complaints there had been 10 complaints against the Borough Council for 2009/10 which was 11 less than the previous year. The performance of the staff who dealt with Ombudsman complaints had been excellent and there was a marked decrease in the time taken by the Council to respond to first enquiries by the Ombudsman (from 24.7 days to 18 days). This improvement was pleasing and was the second consecutive year in which an improvement had been made. This was specifically noted in the Ombudsman's Annual Review letter which was contained at Appendix C to the report.

A Member drew attention to the high level of complaints that related to a specific village and enquired as to the reason for such a high number of complaints. The Monitoring Officer advised that the complaints had related to an issue surrounding street naming which was subject to an impending court hearing. One of the six outstanding complaints was also related to the same Parish Council and the street naming issue. The Monitoring Officer had agreed to attend a future Parish Council meeting, however this would be after the court hearing had taken place.

Members wished to congratulate the Monitoring Officer and his staff for their hard work and congratulated them on the reduction in time taken to deal with Ombudsman Complaints. The Monitoring Officer thanked the Committee and advised that he would pass on their comments to the Senior Scrutiny Officer who was primarily responsible for handling the Ombudsman Complaints.

There was discussion regarding the 6 outstanding complaints and the timeframe in which would be put before an Assessment Panel. The Monitoring Officer advised that the complaints had recently been received but, it was unlikely that they would reach an Assessment Panel within 20 days. However Assessment Panels would be set up to deal with the complaints as soon as possible. An Independent Member felt that it would be a measure of good performance for the Panel to meet soon and he felt that the complaints should be dealt with as soon as possible. The Chairman concluded by saying that whilst it was not always possible to put a complaint before an Assessment Panel within the timeframe, Officers made every effort to ensure that they did.

Resolved:

That the Annual Report of the Monitoring Officer 2009/10 be received and noted.

87 Referrals of Matters to Monitoring Officer for Steps Other Than an Investigation

The Monitoring Officer advised the Committee that under Regulation 13 of the Standards Committee (England) Regulations 2008 he was required to report in writing on steps taken by him to comply with directions by Assessment Panels to take action other than investigation on complaints. At the previous meeting of the Committee he had provided an oral update. This update included the various steps taken relating to each complaint.

An Independent Member drew attention to the Minutes of the Meeting of the Standards Committee held on the 18th December 2009, in particular to Minute Number 369, and quoted '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.' He had been concerned about a comment during the training session that had preceded the meeting that 'things could be dealt with behind closed doors'. The Deputy Monitoring Officer added that he had made the comment referred to by the Independent Member and advised that it had been used only in the context of informal complaints. He mentioned that it was reasonable and recognised by Standards for England, that informal resolution of matters by the Monitoring Officer had a part to play. Indeed the DVD members had watched prior to the meeting contained a scenario showing precisely that. However once a formal complaint had been made then the complaint was always dealt with by the Assessment Panel. There had been an occasion when a formal complaint had been resolved due to one party apologising to the other however even this had been brought before the Assessment Panel. Another Independent Member advised that he did not see how the names of the attendees at

training sessions held by the Monitoring Officer would be of use to the Committee; he was happy with the format and content of the Report.

Resolved:

That the Standards Committee notes and agrees the 'Action Taken' by the Monitoring Officer in each of the cases detailed within the Report 'Referrals of Matters to Monitoring Officer for Steps Other Than an Investigation'.

88 Applications for Dispensation – Kenardington Parish Council

The Deputy Monitoring Officer advised the Committee that the Clerk to Kenardington Parish Council had informed the Monitoring Officer that the Parish Council had been asked by the Borough Councils Planning Department to put forward three potential sites in the village for a Local Needs Housing Scheme. A number of provisional sites had been identified by the Clerk and a representative of Action for Communities in Rural Kent. It was then proposed that the Parish Council were to meet to consider which of the provisional sites should be put forward to the Borough Council as the three potential sites. However four Kenardington Parish Councillors had a prejudicial interest in the provisional sites, by virtue of the proximity of the sites to their own properties or in the case of Councillor Ashby because he owned two of the provisional sites. There were a total of five Parish Councillors and the quorum for a meeting was three, therefore more than 50% of the Council would be unable to participate and the business of the Parish Council would be impeded as they would be unable to formulate a response to the request from the Borough Councils Planning Department.

At the time of preparing the report to the Committee, three applications for dispensation had been received. A further request had been received since the publication of the agenda – a copy of this request was presented to the Committee.

A Member questioned if a meeting of the Parish could be held to allow the parishioners to decide which sites should be put forward as preferred sites rather than granting dispensations. An Independent Member queried what the consequences would be should dispensations not be granted. The Monitoring Officer advised that he understood the concerns of the Committee. If dispensations were not granted, then the Parish Council would be unable to carry out its business and so would not be able to respond to the Borough Councils request. The Committee could, should they wish to do so, request the Parish Council to take steps to encourage wider public consultation regarding the sites to be put forward.

An Independent Member added that if the Parish Council had adopted Paragraph 12 of the Code of Conduct then Parish Councillors would have the right to address the Parish Council in the same manner as a member of the public so there would not be a need to grant dispensations. The Deputy Monitoring Officer advised that the Independent Member was correct in his understanding of the Code of Conduct, however the Parish Councillor(s) would not be permitted to take part in the debate or vote. Each application for dispensation had to be looked at separately.

The Committee considered that the interest of Councillor Ashby as owner of two of the provisional sites was such that it was inappropriate to grant any dispensation but in relation to the other applications for dispensation the Committee were prepared to grant the dispensations but agreed that the Monitoring Officer should write a letter to the Parish Clerk strongly advising them that in view of the unavoidable fact that most of the Parish Councillors had clear interests in the outcome of the deliberations, the Parish Council should agree to take steps to ensure that the relevant Parish Council meeting, at which the matter was to be discussed and decided, should be very clearly publicised within the community well in advance with a specific request that the public attend the meeting and be given full opportunity to express their views about the merits of the sites direct to the Parish Council prior to a decision being taken.

Resolved:

That

- (i) Councillors Cocking, Cornes and Hedley be granted dispensation to enable them to speak and vote at meetings of the Kenardington Parish Council, when matters relating to the formulation of the Parish Council's response to suggest three potential sites for a Local Needs Housing site are being discussed, notwithstanding that they have prejudicial interests therein by virtue of the proximity of their private properties to the potential sites, such dispensations to expire when the Parish Council's response has been formulated and submitted to the Borough Council;**
- (ii) Councillor Ashby be denied dispensation to speak and vote at meetings of the Kenardington Parish Council, when matters relating to the formulation of the Parish Council's response to suggest three potential sites for a Local Needs Housing site are being discussed.**