

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **1st November 2011**

Present:

Mrs C Vant (Chairman);
Cllr. Chilton (Vice-Chairman);
Cllrs. Mrs Blanford, Galpin, Mortimer, Taylor.

Mr R Brasier, Mr R Butcher – Parish Council Representatives.
Mr M Sharpe – Independent Member.

Apology:

Mr J Dowsey.

Also Present:

Monitoring Officer, Senior Member Services & Scrutiny Support Officer.

200 Election of Chairman for 2011/12 Municipal Year

Resolved:

That Mrs C A Vant be elected as Chairman of the Standards Committee for the 2011/12 Municipal Year.

201 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Blanford	Code of Conduct – Personal but not Prejudicial – Ward Member for Great Chart with Singleton North	204

202 Standards Committee – 30th June 2010

Resolved:

That the Minutes of the Meeting of this Committee held on the 30th June 2010 be approved and confirmed as a correct record.

203 Standards Committee Assessment Panels – 19th August 2010, 6th October 2010 and 12th July 2011

(a) Standards Committee Assessment Panel 19th August 2010

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 19th August 2010 be approved and confirmed as a correct record.

(b) Standards Committee Assessment Panel 6th October 2010

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 6th October 2010 be approved and confirmed as a correct record.

(c) Standards Committee Assessment Panel 12th July 2011

Resolved:

That the Minutes of the Meeting of the Standards Committee Assessment Panel held on the 12th July 2011 be approved and confirmed as a correct record.

204 Annual Report of the Council's Monitoring Officer 2010/11

The Monitoring Officer introduced his sixth annual report that would be presented to the Council on the 15th December 2011. The report gave an analysis of both Code of Conduct activity (Paragraphs 12-15) and Ombudsman Complaint activity (Paragraphs 16-21) for the periods 1st June 2010 to 31st May 2011 and 1st April 2010 to 31st March 2011 respectively.

With regard to Code of Conduct Complaints, there had been seven referred to Assessment Panels (five related to Borough Councillors and two to Parish Councillors). The figures for 2010/11 showed a slightly reduced number of 'filtering' decisions compared to the preceding year and no assessments had resulted in a referral for formal investigation. To date no complaints under the local 'filtering' system had been referred for investigation, although one was still awaiting Assessment Panel decision at the time of writing the report.

In relation to Ombudsman Complaints there had been 23 complaints against the Borough Council in 2010/11 which was 13 more than the previous year. No complaints had been ruled as maladministration by this Council which was particularly pleasing and something of which the Council should be rightfully proud. Overall the Council's record in relation to Ombudsman case outcomes remained good. In response to a question the Monitoring Officer said it was difficult to explain why there had been an increase in the number of such complaints. The Chairman considered perhaps bearing in mind the outcome of the complaints, the increase in the overall number should not be seen as too much of a negative as it showed

people were able and knew how to make complaints to the Council should they so wish.

The Monitoring Officer then expanded on paragraph 5 of his report which touched on the Localism Bill and the future of Standards Committees. The Localism Bill was currently going through its various formal parliamentary stages and the situation seemed to be changing on an almost daily basis. The House of Lords had been discussing amendments to the Bill in recent days and he understood those amendments were due to be considered by the House of Commons the following week. The Localism Bill contained provisions which would bring forward the abolition of the national standards body (Standards for England), and that remained unchanged, but the Lords had proposed significant changes to the original clauses in the Bill on other standards matters such as the duty to adopt a new Code of Conduct, appointing Standards Committees and Independent Members, proposed new provisions on declaration of interest and the inclusion of Parish Councils in any new regime. Therefore these issues all remained uncertain and were still in a state of flux. Although there were a number of issues to agree and clarify, he considered it was safe to say the proposals were moving in a different direction from that set out in the original Bill.

In response to a question about what would happen during the change over from one regime to another and the implications for the Council's Constitution, the Monitoring Officer said that whilst it was too early to say for sure, the Government had previously indicated that there would be transitional provisions and it was expected that initially the Standards Board would be abolished, and then certain aspects of the existing regime may drop away in phases e.g. the range of sanctions available, until the new system came into effect. This was likely to be a fairly long lead-in time with much of the existing system continuing in the interim. With regard to the Council's Constitution, it was important to note that there were no fundamental problems with the Council's current procedures for dealing with Code of Conduct complaints in terms of investigations, panels etc and whilst there would be a need to redraft the Constitution in the light of any new Code of Conduct regime, there should be no concerns about a potential interim vacuum.

A Member asked if there was the option for a complainant to withdraw a complaint if they so wished, having had time to consider it further. The Monitoring Officer said this was an interesting point. Standards for England was not keen on this idea and felt Local Authorities should be slow to allow it as the reasons for withdrawal may often be unclear. The Council's own criteria allowed for this, but if an Assessment Panel thought a complaint was being withdrawn for the wrong reasons it may still decide to assess and investigate it.

In response to a question from an Independent Member it was agreed that the 'Comments' section of all of the tables in the report would be filled in before it was finalised, to include information where 'Other Action' was taken in response to a complaint.

An Independent Member asked about paragraph 8 of the report and whether there should be reference to the difficulties at Great Chart with Singleton Parish Council in the 2010/11 report when no relevant complaints had been received during this period

(1st June 2010 – 31st May 2011). Other Members said they were comfortable with this paragraph and it should remain in the report as a signpost for next year. The issue had begun in May 2011 following the local elections and it was purely a factual statement clarifying that any complaints received would form part of next year's report.

In response to a question about the proposed cross-party Task Group that would be set up by the Leader to examine the Council's existing Constitutional provisions in relation to conduct requirements, the Cabinet Member said that this had not yet been set up and its exact work programme had not been decided. However, there was no intention to take work away from the Standards Committee. Any Task Group would only be able to make recommendations not decisions, and he thought that the Standards Committee could only benefit from any assessment of Members' conduct that the Task Group would make. The Monitoring Officer confirmed that the work of any Task Group would not be to the exclusion of the Standards Committee. He had spoken to the Leader of the Council about this and he was aware of the remit of the Standards Committee.

Resolved:

That the Annual Report of the Monitoring Officer 2010/11 be received, agreed and forwarded to Full Council for approval.
