

Ashford Borough Council: Standards Committee

Minutes of a Virtual Meeting of the Standards Committee held on Microsoft Teams on the **25th January 2021**

Present:

Cllr. Mrs Bell (Chairman);
Cllr. Shorter (Vice-Chairman);

Cllrs. Chilton, Knowles, Ovenden, Pickering, Turner.

Mrs C Vant – Independent Person.

Apologies:

Mr D Lyward – Parish Council Representative, Cllr. Forest.

Also Present:

Cllrs. Clokie, Harman, Ledger, White.

In Attendance:

Monitoring Officer, Deputy Monitoring Officer, Member Services Manager (Operational).

218 Declarations of Interest

Councillor	Interest	Minute No.
Shorter	Made a 'Voluntary Announcement' as he was the Portfolio Holder for Planning and Development and the Service was mentioned in the Monitoring Officer's Annual Report.	220

219 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 3rd February 2020 be approved and confirmed as a correct record.

220 Annual Report of the Council's Monitoring Officer 2020

The Monitoring Officer introduced his Annual Report for the calendar year 2020, which would be presented to the Council on the 4th March 2021. The report

assessed activity in probity and related governance matters, in particular in relation to formal complaints about alleged breaches of protocols and codes of conduct by Borough and Parish Councillors. These related to the calendar year 2020.

In addition, the report included data on Ombudsman complaints as these were also handled by the Monitoring Officer and his staff. The relevant period for these related to the most recent data provided by the Ombudsman, namely 1st April 2019 to 31st March 2020.

With regard to Code of Conduct Complaints, there had been a noticeable growth in 'tensions' in certain Local Councils which had led to a significant increase in the volume of informal complaint activity and requests for advice at Parish Council level. Some of this had resulted from new Virtual Meeting procedures and considerable support had been provided to some Local Councils. Several formal complaints had also been made during 2020 although a number had fallen away due to a failure to provide information or the fact that the complaint failed to meet legal or local assessment criteria (e.g. related to private conduct). The registered formal complaints were detailed at Table 1 on Page 6 of the report.

In terms of governance issues, the year had seen noticeably fewer complaints related to social media usage. Whether that was as a direct result of the adoption of Social Media Guidance and related training in 2019 was not certain, but it was a pleasing development and one that would continue to be monitored. With regard to the Committee on Standards in Public Life (CSPL) recommendations reported in 2019, preparation of a new Model Code of Conduct for Councillors had been delayed somewhat due to the pandemic, but following extensive consultation the Local Government Association had published a new Model Code a few days before Christmas 2020. This would now be given detailed consideration by the Kent Monitoring Officers Group in the coming months and a further report would be presented to this Committee once that work was complete.

In relation to Ombudsman Complaints, the Monitoring Officer advised that there had been 17 received by the Local Government Ombudsman (LGO) which was a slight decrease from 19 in the previous year. Only three of these however had been upheld (an increase from one in the previous year).

The Annual Report was then opened up to the Committee and the following responses were given to questions/comments: -

- With regard to whether there needed to be more training for Parish Councillors and to Borough Councillors on the Member/Parish Council relationship more generally, the Monitoring Officer advised that Parish, Town and Community Councils had been invited to the Code of Conduct training put on by ABC at the start of this Council term in June 2019, and indeed a number had attended. He also knew that the Kent Association of Local Councils (KALC) ran a comprehensive programme of training for Local Councils and this did include some reference to the Code of Conduct. With regard to the relationship and interaction between Borough Councillors and Parish Councils, this was not a source of any of the complaints over the last few years (with perhaps one exception), but there was perhaps some merit in

Borough Members having a better understanding of the role of Parish Councils. Councillor Pickering, as Chairman of the Member Training Panel, said this was something the Panel could examine further.

- The majority of cases reported to the Monitoring Officer did involve Parish Councils and were almost exclusively around tensions and/or clashes of personalities between individuals or small opposing groups on those Councils and the way those people behaved towards one another. These were difficult issues to legislate for by way of conventional training, but they were also inevitably often time consuming and resource intensive.
- A number of Members considered that the cost and burden on District Councils for being responsible for managing the whole Code of Conduct complaint process was wholly unfair and something that should be looked at further - with the relevant bodies lobbied if necessary. Members considered that if there were options to recharge the cost of investigating such complaints to the respective Parish Council, that would be desirable. The Monitoring Officer advised that there was no legislative basis to do so within the current system. Ashford wasn't alone in this regard and the argument had been made before through the CSPL work, and rejected, so he did not think there was any appetite for this argument to be resurrected.
- In relation to resources the Monitoring Officer confirmed that it was likely that some outsourcing of investigation and support work would be required. Members asked that with effect from the start of the new financial year, data on time and costs be recorded for formal and informal complaint activity.

Resolved:

- That**
- (i) the Annual Report of the Monitoring Officer for 2020 be received, noted and forwarded to Full Council for approval.**
 - (ii) the Monitoring Officer report to future meeting(s) of the Standards Committee in relation to the new LGA Model Code of Conduct.**
 - (iii) the Member Training Panel examine possibilities for further Member training on the role of Parish Councils.**
 - (iv) future Annual Reports from the Monitoring Officer include data on the time and costs incurred by the Borough Council in dealing with Code of Conduct complaints.**