

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **24th January 2022**.

Present:

Cllr. Mrs Bell (Chairman);

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

Apologies:

Mrs C Vant – Independent Person, Mr R Brasier – Parish Council Representative.

Also Present:

Solicitor to the Council and Monitoring Officer, Deputy Monitoring Officer, Member Services Manager.

243 Declarations of Interest

Councillor	Interest	Minute No.
Pickering	Made a 'Voluntary Announcement' as he was the Portfolio Holder for Human Resources and Customer Services which dealt with many of the complaints received by the Council.	245

244 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 25th January 2021 be approved and confirmed as a correct record.

245 Annual Report of the Council's Monitoring Officer 2021

The Monitoring Officer introduced his Annual Report for the calendar year 2021, which would be presented to the Council on the 3rd March 2022. 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. The report also provided an opportunity to review the effectiveness of current procedures. These related to the calendar year 2021.

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 2020 to 31st March 2021.

With regard to Code of Conduct Complaints, there had been a noticeable increase in the volume of informal complain activity during this period and requests for advice had grown significantly at Parish Council level. There had also been a considerable increase in the number of formal complaints received from 3 in 2020 to 23 in 2021. All had been at Parish Council level and spread across a small number of Councils and to date only one of the complaints had merited even partial formal investigation. It was therefore not necessarily justified to draw adverse conclusions about Parish governance. The registered formal complaints were detailed at Table 1 on Page 8 of the report.

The Monitoring Officer advised that despite the fact that none of the complaints had justified further action, they did still require a considerable amount of work and 'pre-investigation'. The handling of these complaints had largely been undertaken by an external specialist lawyer, in view of staff vacancies and other pressing priorities within Legal Services. This had been undertaken within the current Legal Services budget, using vacancy savings. Whilst this had allowed much of the work to be undertaken within reasonable timescales, the current volume of complaint work was unsustainable in the longer term. The volume of complaints in 2021 exceeded by a very large margin those received in any other single year since 2012. Since all of the formal complaints had emanated from Parish Council level, he had included a recommendation to work with the Kent Association of Local Councils to identify measures and opportunities to minimise the incidence of formal complaints. This may include more robust use of the existing threshold criteria to identify unmeritorious complaints at an earlier stage.

In terms of governance issues, the Kent Monitoring Officers Group continued to meet to consider the LGA's new Model Code of Conduct and "Guidance". A further report would be presented to this Committee once that work was complete.

In relation to Ombudsman Complaints, the report advised that there had been 18 received by the Local Government Ombudsman (LGO) a similar number to 17 in the previous year. Pleasingly none had been upheld (an decrease from three in the previous year).

The Standards Committee Independent Person had been unable to attend the meeting but had submitted a short statement on the report which was read out by the Member Services Manager. She said that there were some 41 Local Councils in the Borough, and the formal complaints listed in the report had emanated from only four of those. She therefore agreed with the Monitoring Officer that this considerable increase in the number of formal complaints should not be seen as a generalised problem across the Borough, but rather the result of the failure within a few Parish Councils to form effective, professional relationships. She thought that individuals too readily looked for justification to submit formal complaints to Ashford Borough Council and similar multiple complaints were submitted by some individuals. In her view this could result in ill-founded, tit-for-tat complaints that used valuable Council resources needlessly.

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

- The Monitoring Officer did not have any comparative data for complaints received at other Local Authorities, but anecdotally the increase experienced at Ashford this year was significantly higher than elsewhere.
- Proposed changes to the Model Code of Conduct were unlikely to change people's attitudes to making such complaints too much. The current Kent Model Code had served its purpose reasonably well, the issues were more around the arrangements, jurisdiction criteria and the robustness of any sanctions. Members agreed that the lack of 'teeth' to any sanctions was key point as there did not appear to be anything in the current Code of Conduct to deter bad behaviour. The Committee for Standards in Public Life had recommended changes to this affect some three years ago, but the Government was yet to respond to those recommendations and any increase in sanctions would require primary legislation.
- There wasn't really a legal basis on which to refuse to consider the majority of the complaints received and cite case law for frivolous or vexatious complaints. There were some criteria in the existing arrangements to deal with genuinely vexatious, trivial or tit-for-tat complaints, but there did still need to be some examination of a complaint to reach that conclusion. Indeed most complaints did initially appear to have some merit and met the initial criteria so it was difficult to simply dismiss them. There was also no legal basis to charge for the costs of considering complaints.
- If someone was found to be in breach of the Code of Conduct this was publicised by way of publically available decision notices.
- As discussed last year, it would be possible to include some indicative costs incurred by the Borough Council in dealing with Code of Conduct complaints in future reports to aid transparency.
- Training in Code of Conduct issues was already offered to Parish Councils at the start of each four-year Council term. It was agreed that this should be targeted at Proper Officers (Clerks etc.) and the Member Training Panel would explore options further.
- A Member said that in his view numbers had been inflated this year, not just because of problems at two or three particular Parishes, but also because of the lockdowns and the culture around virtual meetings. If this level continued into future years it may be necessary to consider more drastic changes, but for now it was one to keep a watching brief on.

Resolved:

That (i) the Annual Report of the Monitoring Officer for 2021 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 Monitoring Officer contact the Kent Association of Local Councils with a view to discussing and agreeing measures to reduce the incidence and cost of formal complaints at Parish Council level.**
- (iv) the Member Training Panel examine possibilities for further Code of Conduct training for Parish Councils (particularly aimed at Proper Officers).**
- (v) future Annual Reports from the Monitoring Officer include data on indicative time and costs incurred by the Borough Council in dealing with Code of Conduct complaints.**