

Standards Committee

Minutes of a Meeting of the Standards Committee held in Committee Room No.1, Civic Centre, Tannery Lane, Ashford on the **10th May 2018**.

Present:

Cllr. Dehnel (Chairman);
Cllrs. Hicks, Knowles.

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

Apologies:

Cllrs. Mrs Bell, Chilton, Howard-Smith, Mr D Lyward.

Also Present:

Monitoring Officer, Senior Member Services Officer.

457 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 12th February 2018 be approved and confirmed as a correct record.

458 Review of Local Government Ethical Standards Stakeholder Consultation by Committee on Standards in Public Life

The Monitoring Officer introduced the report which contained a draft response on behalf of the Council to a stakeholder consultation by the Committee on Standards in Public Life (CSPL) on their review of Local Government Ethical Standards. The Chairman said he had thought it was important for the Committee to meet and agree its response prior to the consultation deadline of 18th May 2018.

The CSPL consultation had posed a series of questions and draft responses to each of the eight subjects were outlined within the report. The Committee discussed each in turn and the following comments were made under each heading; -

General Questions

The lack of current effective sanctions available for those who breached the Code of Conduct and the legal scope of Disclosable Pecuniary Interests (DPI) were seen as the two key overarching points and these had been picked up separately under the relevant questions. Other key points were considered to be a need to update codes

in response to relatively modern phenomena like social media, despite the common difficulty in deciding when the Code applied and when a Member was 'acting as a Councillor' when using social media. It was considered that clear National guidance was required here to aid clarity.

Codes of Conduct

The ability to adopt the Kent Model Code rather than a prescribed national code was seen as a positive in terms of consistency and responding to the local agenda, although national guidance on certain issues would be helpful. Additionally, any possibility involving adoption of stronger sanctions would be welcomed. A Parish Council Representative considered arrangements in Ashford were particularly good in that the Borough Council made Code of Conduct training available to all local Town and Parish Councils and similarly there was a good training programme through the Kent Association for Local Councils (KALC). The Committee considered that something should be added to the response to reflect this point.

Investigations and Decisions on Allegations

Current arrangements adopted by the Council were seen as comprehensive and gave Local Authorities greater flexibility to manage complaints at a local level. There were clearly issues about the range of available sanctions which would be addressed under the next question. It was considered important that: - the Monitoring Officer retained the ability to advise and guide in the event of matters being referred for investigation; the role of the Independent Person continued in its current form; and local determination of cases remained.

Sanctions

The Committee agreed that stronger and more effective sanctions were needed and that the lack of meaningful sanctions was the most significant gap in the current ethical standards regime for Local Government. It was also worth noting that the CSPL had themselves already expressed its doubts about whether the new arrangements were sufficient as early as 2013. When considering additional sanctions the Committee however, did consider there needed to be a degree of pragmatism applied as suspension or even removal from Committees could only serve to penalise those who the Councillor was elected to represent. Sanctions did need to be reserved for only serious or serial misconduct and be proportionate, but it was considered that the option of a stronger mechanism was needed. Under the former national regime, it was possible to suspend or disqualify a Councillor in serious cases and although these were rarely used, they did provide options in the most serious or persistent cases. Other potential options included the right of 'recall' (whereby a Councillor would have to seek re-election), temporary or partial suspension, limiting access to resources, requiring training to be given or recommending removal from certain Committees or roles (although the latter relied on co-operation of Group Leaders etc.)

Declaring Interests and Conflicts of Interest

As referred to above, the Committee considered one of the most important points to make as part of the Council's response was that more clarity was needed over the legal scope of DPIs. The legislation was currently unclear in some circumstances and this was particularly unsatisfactory bearing in mind that criminal liability could arise from a breach of DPI rules. The Council's response emphasised that it was imperative for the rules to be clear, clearly understood and consistently applied. At present, this was not the case.

Whistleblowing

The Committee had nothing to add to the draft response in the report.

Improving Standards

There was some discussion about making Code of Conduct training compulsory for newly elected Councillors, however the difficulties of enforcing mandatory training were well known. This was seen as something perhaps more suitable for discussion at a local level rather than part of this consultation. A Member said that the measures the Council took to provide both Borough and Parish Councillors with copies of the Code of Conduct and the opportunity to attend training on it, were in her view more than sufficient.

Intimidation of Local Councillors

This was again considered a relatively modern phenomena, driven by increased use of, and accessibility via, social media. Five particular suggestions to help remedy this situation had been supported in the Council's response.

The Committee thanked the Monitoring Officer for his comprehensive draft response and, subject to the additional points raised at the meeting for an inclusion of examples of possible sanctions and an elaboration of what Ashford Borough Council did to involve local Town and Parish Councils in its Code of Conduct training, the response was agreed for submission to the CSPL.

Resolved:

That the suggested response to the CSPL consultation, including the additional points made at the meeting, be submitted as the Council's response.