

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **18th March 2019**.

Present:

Cllr. Dehnel (Chairman);
Cllr. Mrs Bell (Vice-Chairman);
Cllrs. Knowles, Link.

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

Apologies:

Cllr. Pickering, White.

Also Present:

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

383 Declarations of Interest

Councillor	Interest	Minute No.
Mrs Bell	Made a 'Voluntary Announcement' as KCC Divisional Member for Ashford Rural East.	385

384 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 10th May 2018 be approved and confirmed as a correct record.

385 Annual Report of the Council's Monitoring Officer 2018

The Monitoring Officer introduced his annual report for the calendar year 2018, to be presented to the Council on the 25th April 2019. The report assessed activity in probity 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 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 2017 to 31st March 2018.

With regard to Code of Conduct Complaints, a number had arisen during 2018 involving both Borough and Parish Councillors. There had been three valid complaints which were detailed at Table 1 on Page 9 of the report. In some other cases submission of an official complaint form had been requested and was awaited. In relation to Ombudsman Complaints the Monitoring Officer said there had been 16 received by the Local Government Ombudsman (LGO) which was a reduction from 20 in the previous year. He advised that in next year's report a column would be added to the table of Ombudsman Complaints to capture any action taken internally as a result of a complaint.

Whilst Code of Conduct complaint activity in Ashford remained relatively low, the Monitoring Officer said it was worth highlighting the increasing volume of work over the last two years, particularly with regard to informal complaint activity and contact with the Monitoring Officer regarding Parish Council activity. In particular there had been a noticeable increase in requests for advice and meetings. Although there was no obvious single reason for the increase, the increased use/misuse of social media had given rise to complaints about personal and defamatory attacks. For this reason, the Committee had previously asked him to prepare a Social Media Guidance Note for Councillors in time for the new Council in May. The draft Guidance Note would be considered by the Committee later at this meeting.

The Monitoring Officer also drew attention to the Committee on Standards in Public Life (CSPL) review of the Local Government Ethical Standards system – a report on which had been published on 30th January 2019. A detailed report on this review would also be considered by the Committee later at this meeting.

The Chairman opened the report up to the Committee and the following responses were given to questions/comments: -

- The two Code of Conduct complaints that had been referred for investigation had been outsourced to an external investigator. The outcome of one of those was still under consideration would be reflected in next year's Monitoring Officer report.
- The Council had agreed at its meeting in February 2018 to amend the Code of Conduct to include additional provisions on social media use. This was due to be considered at the Selection and Constitutional Review Committee and Full Council meetings in April 2019.

Resolved:

- That**
- (i) the Annual Report of the Monitoring Officer 2018 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 recommendation of the CSPL report.**

386 Social Media Guidance for Councillors

The Monitoring Officer introduced the report and advised this stemmed from the decision of the Council to ask him to prepare a Social Media Guidance Note for Members, to assist them in avoiding the potential pitfalls in use of social media. The Council had also agreed to amend the Code of Conduct for Members to include two specific provisions on appropriate social media use. A draft Guidance Note was therefore attached for consideration.

The Committee considered that the Guidance Note provided simple, common sense guidance and should be adopted as part of the Council's Constitution. Social media use was becoming increasingly prolific and whilst it should be clear what was 'right and wrong', sometimes people did need to be reminded, particularly when commenting in their capacity as a Councillor.

The Vice-Chairman said that whilst she did think the guidance was good, she did have a concern over freedom of speech and the subjective nature of what could be deemed 'offensive'. She accepted the adoption of this guidance, but hoped that it would be implemented in a measured way and would not escalate to a prescriptive policy document in the future.

Recommended:

That Council adopt the draft Social Media Guidance for Councillors for inclusion in the Constitution.

387 Local Government Ethical Standards – Report of Committee on Standards in Public Life (CSPL)

The Monitoring Officer advised that the Committee on Standards in Public Life (CSPL) had published its long awaited report following its review of the Local Government Ethical Standards system. Substantial changes to the national ethical framework were made by the Localism Act 2011 and the Government had promised a review after five years of operation of the new system. The CSPL had launched its review in early 2018 and called for evidence, to which this Committee had responded following its meeting on the 10th May 2018.

The CSPL report made 26 substantive recommendations for change and 15 'Best Practice' recommendations. These had been presented to the Prime Minister and Government would normally respond within three months. The Monitoring Officer advised that many of the recommendations were consistent with views that the Committee had previously supported and put forward. The Committee was asked to consider the 26 substantive recommendations in principle and convey any initial views to Government in order to encourage as swift a response as possible. Many, but not all, of the recommendations would require changes to primary legislation and, with regard to the best practice recommendations, the Monitoring Officer suggested that he bring a detailed report to a future meeting of this Committee for discussion later in the year.

Members considered it was vital to be proportionate with the implementation of recommendation 19 – Parish Council Clerks holding an appropriate qualification. Whilst it was increasingly important for Parish Councils to require levels of expertise, it was accepted that it was difficult to recruit for such positions and it was considered that it would be reasonable for someone to be appointed, and then undertake appropriate training, rather than coming in to the role already holding that qualification. This would be more considerate of the practical effects on smaller Parish Councils and Government should be urged to liaise with Parish Councils when implementing this particular recommendation.

The Committee expressed its full support for the 26 recommendations, subject to the clarification of recommendation 19 above, and wished to encourage the Government to consider the report as soon as possible.

Resolved:

- That (i) the Committee expresses its full support to the Government for the taking forward of the 26 substantive recommendations as soon as possible, subject to the clarification of the practical effect on Parish Councils of recommendation 19.**
- (ii) the Monitoring Officer present further reports to a future meeting of this Committee in relation to the Best Practice recommendations in the CSPL report, and in relation to the Government's response to the CSPL report in due course.**
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