

## Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **12<sup>th</sup> February 2018**.

### Present:

Cllr. Dehnel (Chairman);  
Cllr. Mrs Bell (Vice-Chairman)  
Cllrs. Hicks, Howard-Smith, Ovenden.

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

### Also Present:

Monitoring Officer, Head of Legal and Democracy, Senior Member Services Officer.

## 341 Minutes

### Resolved:

**That the Minutes of the Meeting of this Committee held on the 31<sup>st</sup> January 2017 be approved and confirmed as a correct record.**

## 342 Annual Report of the Council's Monitoring Officer 2017

The Monitoring Officer introduced his annual report for the calendar year 2017 to be presented to the Council on the 22<sup>nd</sup> February 2018. 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 related to the most recent data provided by the Ombudsman, namely 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017. He said that there had been a significant level of formal Code of Conduct complaints during 2017 involving both Borough and Parish Councillors, as well as dealing with the first formal complaint under the Council's Planning Protocol. There had also been a significant increase in informal complaints and contact with the Monitoring Officer regarding Parish Council activity, some of which may yet result in further formal complaints.

With regard to new Code of Conduct/Planning Protocol Complaints, a summary of these had been included at Table 1 in the report. The Monitoring Officer considered there were two factors which may have in part contributed to the increase in complaint activity: - the increased use/misuse of social media by Councillors; and increased activity and local controversy in relation to preparation of Neighbourhood Plans and consultations on sites for inclusion in the new Borough Local Plan. The situation would continue to be monitored in 2018.

In order to address the social media issue, which had given rise to more complaints about personal and defamatory attacks, the Monitoring Officer advised that he intended to prepare a draft Social Media Guidance Note for Councillors and bring that back to this Committee for consideration. He also recommended that the Council's Code of Conduct be amended to draw attention to the need to exercise care when using social media.

In response to questions from Committee Members about the interpretation and scope of such guidance, he said that in his view, whilst it was not practicable or desirable to lay down hard and fast rules, it would be important to educate and raise awareness of the care needed when using social media and the risks involved. There was also some discussion about the interpretation of "when acting in your capacity as a Councillor" and it was conceded that this was not a straightforward issue. A member of the public may perceive a Councillor to be acting as such, even when they may claim they were acting in a personal capacity, which was why caution was urged. The Committee agreed that a prescriptive 'policy document' may be a step too far, but that some common sense guidance should sit alongside the Code of Conduct with regard to social media usage. It was also agreed that Parish Councils be invited to consider making amendments to their own Codes of Conduct (most of which were based on the Kent Model Code) and the Monitoring Officer could communicate that through KALC or the Parish Clerks. A Member advised that some guidance on this subject was also contained within the Local Government Association Guide for New Councillors which was already provided to all Borough Councillors, and this was something else that could be referred to.

In terms of Ombudsman complaints in 2016/17 the Monitoring Officer said there had been 20 resolved by the Local Government Ombudsman (LGO) which was a comparable number to the previous year (22). Only four of these complaints had been upheld but had all of these been ruled as maladministration with no injustice.

With regard to other matters within the report, the Monitoring Officer firstly referred to a consultation that had recently been launched by the Committee on Standards in Public Life and said that this was a subject he intended to report back on to this Committee ahead of the deadline for consultation responses in May 2018. Members considered this may be a good opportunity to raise the issues that had arisen following the decision in the Localism Act to remove some powers to intervene or impose sanctions. Some Members reported how this had resulted in a toxic atmosphere at some Parish Councils. The Monitoring Officer said he would produce a draft response to the consultation and circulate that to Committee Members, prior to bringing it back to a Standards Committee meeting to sign off the final response ahead of the deadline.

In response to other issues raised within the Monitoring Officer's report the following responses were given: -

- The exercise of seeking updated Disclosable Pecuniary Interest registration forms from all Borough, Town and Parish Councillors was underway and many had already been returned. This was a substantial piece of work for his team. Whilst some cross checking took place it was extremely difficult to

thoroughly check every form for completeness. Comprehensive guidance on how to complete the forms had been issued, and the responsibility really did lay with the elected Councillor.

- Monitoring Officer activity had taken up a lot more of his time in the past year. Some investigation work had had to be externalised and that was not unusual in any event because the Monitoring Officer did need to retain some distance in case matters came back to the Standards Committee. He did not consider that an additional permanent resource to deal with probity matters was needed at this time as he did have an experienced legal team who could assist and the work did very much come in 'peaks and troughs'. He did though intend to appoint probably two Deputy Monitoring Officers from the Council's existing staff which would add a level of profile and resilience to the work. The Committee said it would like to formally note the increase in activity and wished this to be closely monitored.
- Parish Councils were informed that they were at liberty to attempt to resolve complaints informally or with adjudication from other Parish Councils and this would certainly be welcomed, but as a rule Parishes did not appear to have their own procedures for dealing with complaints and preferred to refer them to the Monitoring Officer. There was no ability for the Borough Council to charge for this work. One of the Parish Council Representatives advised that Parishes could also use the local branch of the Kent Association of Local Councils (KALC) for this purpose and he was aware of instances where this had happened in the past.

**Resolved:**

- That**
- (i) the Annual Report of the Monitoring Officer for 2017 be received, noted and forwarded to Full Council for approval.**
  - (ii) the Council's Code of Conduct be amended to include a social media clause as set out in Section B of the report.**
  - (iii) the Monitoring Officer report to future meetings of the Standards Committee in relation to the following matters: -**
    - (a) Draft guidance on social media usage for Councillors which, when adopted by the Council, could be sent to Parish Councils inviting them to consider adopting the guidance for their own Councils**
    - (b) A response to the consultation by the Committee on Standards in Public Life as referred to in Section C of the report**

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Queries concerning these minutes? Please contact Danny Sheppard:  
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