
STANDARDS COMMITTEE

MINUTES of the Meeting held in the Committee Room, Swale House on Tuesday, 11 November 2014 from 7.00 - 7.56 pm.

PRESENT: Councillors Barnicott, Lloyd Bowen (Vice-Chairman), Duncan Dewar-Whalley (Chairman), David Jones, Prescott, Ben Stokes and Tony Winckless.

OFFICERS PRESENT: Philippa Davies, Donna Price and Mark Radford.

ALSO IN ATTENDANCE: Independent Person (non-voting): Mrs Sally Pirie and KALC Representative (non-voting): Mr Graham Addicott.

APOLOGIES: Councillors Derek Conway, Mark Ellen, Sue Gent and Mr Peter Paige (KALC Representative).

336 MINUTES

The Minutes of the Meeting held on 12 November 2013 (Minute Nos. 387 – 390) were taken as read, approved and signed by the Chairman as a correct record.

The Minutes of the Standards Hearings Sub-Committee held on 1 May 2014 (Minute Nos. 705 – 707) were accepted by the Committee and signed by the Chairman.

337 DECLARATIONS OF INTEREST

No interests were declared.

PART A MINUTE FOR RECOMMENDATION TO COUNCIL

338 ANNUAL MONITORING OFFICER'S REPORT

The Monitoring Officer introduced his report which provided an overview of Monitoring Officer work in the past year, and also gave the opportunity to review and learn from experience and to provide a wider context to the importance of good ethical behaviour. The report set out the Monitoring Officer's statutory responsibilities and summarised how several of these duties had been discharged since the last report in November 2013.

The Monitoring Officer highlighted sections within the report and welcomed questions and comments from Members.

Constitutional Review and Revision

The Monitoring Officer explained that there had been significant updates to the Constitution, including the update to the Overview and Scrutiny Procedure Rules. He reported that the Council's external auditor had been very happy with the Council's performance.

The Monitoring Officer explained that at a national level, two reports had recently been written, one which provided a review of best practice in promoting good behaviour in public life; and the other promoting ethical conduct in public life. An overview of these reports was outlined on page 4 and 5 in the report. The Monitoring Officer explained the importance of individual responsibility in public life and having an organisation that reflected these ideals

through its leadership. The Monitoring Officer reminded Members that the Nolan principles were part of the Swale Borough Council (SBC) Members' Code of Conduct, and he stressed the importance of high standards of ethical principles within the organisation as a whole.

Lawfulness and Maladministration

The Monitoring Officer advised that if he considered any matter gave rise to unlawfulness or maladministration he would be required to take a report to Full Council. He added that good governance procedures had meant that this option had not had to be used.

Good Governance and Code of Conduct

The Monitoring Officer explained that this part of the report had taken a different approach this year with some national context and reference to high profile cases. He explained that the rise in use of social media was being looked into, but advised that comments received by this media were still guided by the Code of Conduct and would best be looked at on a case-by-case basis.

A Member asked 'How can we ensure that if the issues that took place in Rotherham and Wigan had taken place in Swale, would be picked up and would someone from another Council need to get involved, i.e. a need for an independent person?'

The Monitoring Officer explained that his role as Monitoring Officer gave that level of independence which was protected in law. In the examples in the report, he explained that there had been an overwhelming failure of governance across the agencies involved and this could not be put down to the failures of one agency or individual Monitoring Officer.

A Member asked 'With reference to Twitter/Facebook, if a comment was made on social media, would a member representing SBC be bound by the Code of Conduct?'

The Solicitor advised that it was not necessarily the link to the Council that was important, but the capacity the individual was writing in, therefore if they tweeted as Councillor 'X' it would be difficult to say they were not doing so in their role as a Councillor. The Monitoring Officer further advised that more information about the circumstances would be sought, i.e. the capacity of the comment, and this could be done in the filtering process to determine if there had been a breach in the Code of Conduct.

Local Context

The Monitoring Officer brought Members' attention to the table on page 9 of the report which showed matters that had come up and the action taken; there had been one complaint which had proceeded to hearing since the new regime.

Conclusions and Comments

The Monitoring Officer advised that it was not necessary for a formal work programme as the role of the Committee had changed. He explained that the overall regime had settled down and was manageable, and that a review of the standards framework could be considered after May 2015, once it had settled down.

Recommended:

- 1. That the report be noted.***

2. *That no further action be taken to review the regime at the present time.*
3. *That the ongoing preparatory work on the induction programme for Members, post the election in May 2015, continues.*

PART B MINUTE FOR INFORMATION

339 ANNUAL REPORT ON MEMBER TRAINING AND DEVELOPMENT

The Monitoring Officer introduced the report which provided an update on progress with Member Training and Development since November 2013, outlining actions taken by the Member Development Working Group (MDWG) to-date and their future work programme.

The Monitoring Officer explained that the target was to provide tailored training for all Members to inform and update their skills. The support of the MDWG had maintained momentum and produced some good training sessions and briefings.

The Monitoring Officer brought Members' attention to the attendance at training sessions on page 18 of the report. He explained that a 'Becoming a Councillor Guide: Information for Prospective Candidates' had been produced and partnership working with Maidstone and Tunbridge Wells Borough Councils could provide wider training opportunities for Members.

Members made the following comments: not all training sessions were relevant to the role of Councillor; welcome attendance of Parish Councils at training sessions; question the financial cost and the benefit of some training; Welfare Reform training provided information relevant to all Members; and there should be mandatory training for topics such as data protection and safeguarding.

The Monitoring Officer encouraged Members to complete the feedback forms after training/briefing sessions.

Councillor Duncan Dewar-Whalley moved the following motion: 'That Members who attended training on statutory matters, such as health and safety, equality and diversity and safeguarding, either in their paid or voluntary work provide evidence of this, including dates, to Democratic Services.' This was seconded by Councillor Lloyd Bowen and upon being put to the vote, the motion was agreed.

Resolved:

1. *That the Annual Report on Member Training and Development be noted.*
2. *That Councillors are reminded of their statutory duties and their responsibility to attend appropriate training in relation to these duties throughout their term of office.*
3. *That Members who attended training on statutory matters, such as health and safety, equality and diversity and safeguarding, either in their paid or voluntary work provide evidence of this, including dates, to Democratic Services.*

Chairman

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All Minutes are draft until agreed at the next meeting of the Committee.