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## STANDARDS COMMITTEE

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 10 November 2015 from 7.00 - 8.13 pm.

**PRESENT:** Councillors Bobbin (substitute for Councillor Prescott), Lloyd Bowen (Vice-Chairman), Derek Conway, Duncan Dewar-Whalley (Chairman), Paul Fleming, Sue Gent, Alan Horton, Ken Ingleton, Padmini Nissanga and Ben Stokes.

**OFFICERS PRESENT:** Philippa Davies, Libby McCutcheon and Mark Radford.

**ALSO IN ATTENDANCE:** Independent Person (non-voting); Mrs Sally Pirie and KALC representatives (non-voting); Mr Graham Addicott and Mr Dave Austin.

**APOLOGY:** Councillor Prescott.

### 322 WELCOME

The Chairman welcomed all to the meeting and everyone introduced themselves.

### 323 MINUTES

The Minutes of the Meeting held on 11 November 2014 (Minute Nos. 336 – 339) were taken as read, approved and signed by the Chairman as a correct record.

### 324 DECLARATIONS OF INTEREST

No interests were declared.

### 325 ANNUAL MONITORING OFFICER'S REPORT

The Monitoring Officer introduced his report which provided an overview of Monitoring Officer work in the last year; an opportunity to review and learn from experience; and a wider context to the importance of good ethical behaviour. He explained that overall the year to-end October 2015 had been one of relative stability and limited activity. He stated that case law relevant to the new standards regime was emerging.

The Monitoring Officer advised that since the elections in May 2015, with changes at both borough and parish level, there had been an increase in code of conduct enquiries. He explained that he now had more discretion at a local level, and together with feedback from the Independent Person, this allowed the procedure to be less prescriptive and bureaucratic, and cases could be filtered out, as necessary to allow concentration of resources on the more serious potential breaches of the Code of Conduct.

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

## **Constitutional Review and Revision**

The Monitoring Officer advised that the Constitution was reviewed substantially in 2014, and there will also be an annual care and maintenance review. The external auditors had provided a good report of the Council's financial and governance arrangements.

## **Lawfulness and Maladministration**

The Monitoring Officer reported that early checks and sound governance arrangements and procedures ensured that unlawful decision-making had not taken place at Swale Borough Council (SBC).

## **Good Governance and Code of Conduct**

The Monitoring Officer referred Members to the example of cases in the report where the courts had got involved in code of conduct issues and he highlighted the impact of social media when considering Members' code of conduct. He advised that in planning matters, it was important not to solely consider whether an interest needed to be declared, but also as to whether there was a potential for bias. Case law was gradually being built-up which provided good examples of situations that Members might find themselves in.

Members were encouraged to speak to the Monitoring Officer or a member of the Corporate Governance Team if in any doubt about whether they should declare an interest or not.

In response to a question, the Monitoring Officer advised that in a case where a data protection breach could also be a code of conduct issue, it would be necessary to look at the severity of the breach and to see if there had been a 'crossover' of the breach into the code of conduct. He further advised that it was important to look into the public interest of each case as well.

A Member considered that even when all guidance had been followed, it was still possible that a member of the public might still complain, especially in relation to planning applications. The Monitoring Officer explained that he would consult with the Independent Person at an early stage and the matter could be dealt with at that point.

A Member questioned whether it was up to the individual to declare an interest, or others to advise when there might be a code of conduct issue. The Monitoring Officer explained that although Members recorded their interests on the Register of Interests it was still necessary to be aware that they need to declare at meetings as well. Advice could be given, but it was the Member's judgement ultimately at each meeting to declare as necessary.

## **Local Context**

The Monitoring Officer emphasised the importance of newly elected members of parish and town councils going through an induction process, and the need to

ensure that parish and town councillors were up-to-date with their local governance procedures. These were not matters for the Monitoring Officer to advise on.

### **Historic Cases**

In response to a question, the Monitoring Officer explained that additional capacity was being looked into on the Council's computer system to ensure that all parish councillors were added to the register of interest section on the website. All Borough Councillors' interests were already on the website.

A Member congratulated the Monitoring Officer on the work he had carried out on the cases within the report.

### **Support to Council, Cabinet, Scrutiny and Committee Meetings**

The Monitoring Officer explained that the increase in the number of Planning Working Group meetings was significant. He explained that these were resource intensive for officers, and that it was important that there was an understanding as to why these meetings were requested, and their benefits, and whether they were a good use of resources.

### **Conclusions and Comments**

The Monitoring Officer concluded by stating there had been a variety of complaints, and the new regime was fit for purpose.

#### ***Recommended:***

- (1) That the report be noted.***
- (2) That there be no further action to review the regime at the present time.***

## **326 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 2014, outlining actions taken by the Member Development Working Group (MDWG) to-date and their future work programme.

The Monitoring Officer explained that following the election, a new training programme had been devised following input from both newly, and re-elected Members. Training and briefing session numbers were increasing.

In response to questions, the Chairman advised that it was not always possible for Members to attend every training session. He outlined the work that the MDWG did, and he acknowledged that some Members might think they no longer needed training, but encouraged them to attend to learn more. He explained that some training sessions were joint with Maidstone Borough Council and this also helped to broaden Members' experience. The Chairman also advised that feedback from Councillors was important and he encouraged parish councils to come forward with training needs.

The Monitoring Officer advised that there were now many topics scheduled for training at SBC for Councillors, and the dates were likely to run into the next municipal year's training schedule.

A Member suggested that Data Protection training should be mandatory; and that other training days, apart from Thursdays be considered, including the occasional Saturday, or prior to a Council meeting.

The Monitoring Officer agreed that Data Protection Act training was important and explained that this would be part of the Constitution Training session scheduled in December. He suggested that Members could also have access to the new online learning programme already used by Council staff.

A Member welcomed the planning training offered to parish councils. Another Member suggested advance notification of training sessions be provided to Members. The Monitoring Officer said that more detailed information would be sent out shortly and in the future it should be possible to send out the training programme earlier in the municipal year.

***Resolved:***

***(1) That the report be noted.***

Chairman

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