
STANDARDS COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 1 November 2016 from 7.00pm - 8.05pm.

PRESENT: Councillors Tina Booth, Lloyd Bowen (Vice-Chairman), Derek Conway, Duncan Dewar-Whalley (Chairman), Paul Fleming, Sue Gent, Alan Horton and Ken Ingleton.

Independent Person (non-voting): Mrs Sally Pirie and KALC representative (non-voting): Mr Graham Addicott.

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

ALSO IN ATTENDANCE: Councillors Cameron Beart, Andy Booth and Mike Dendor.

APOLOGIES: Councillor Mini Nissanga and KALC representative Mr Dave Austin.

984 WELCOME

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

985 EMERGENCY EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

986 MINUTES

The Minutes of the Meeting held on 10 November 2015 (Minute Nos. 322 – 326) were taken as read, approved and signed by the Chairman as a correct record.

987 DECLARATIONS OF INTEREST

No interests were declared.

988 ANNUAL MONITORING OFFICER REPORT

The Monitoring Officer introduced his report which provided an overview of Monitoring Officer work in the past year; an opportunity to review and learn from experience; and a wider context to the importance of good ethical behaviour.

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

Constitutional Review and Revision

The Monitoring Officer reported that the Constitution had recently undergone a review in October 2016, and he highlighted the key elements of the review, as

outlined in Paragraph 7 of the report. He advised that the Constitution would be maintained on an annual basis, and more frequently if necessary. The Monitoring Officer referred Members to the external auditor report which had supported the governance framework of the Council, and he was pleased with the positive comments received from the auditors.

Lawfulness and Maladministration

This provided an update and the Monitoring Officer advised there was nothing further to add.

Good Governance and Code of Conduct

The Monitoring Officer reported that he had attended a Monitoring Officer Standards Conference which provided a national perspective on standards issues. He drew Members' attention to Paragraph 21 in the report, and in particular, that the regime only applied when a Member was acting in their official capacity. He advised that the Department for Communities and Local Government (DCLG) were considering whether to consult further on the sanctions that could be imposed, bearing in mind the damage that a Councillor's action could have on a Council's reputation where serious breaches of the Code of Conduct had been identified. In response to a question, the Monitoring Officer explained that each case had to be taken on its own merits, and often this was whether a Councillor was acting in a Councillor, or non-Councillor role.

A Member suggested that training be provided to Swale Borough Council (SBC) Members on these issues. The Monitoring Officer stated that this could be added to the Member Training programme, and tailored to be specific to SBC Members and issues that they might encounter.

Looking at examples in the report, the Monitoring Officer explained that there was no statutory basis to remove a Councillor, as a sanction, and until the DCLG looked into this further, this remained the status quo.

For further clarification, the Interim Deputy Head of Legal Partnership explained that if a Member posted a message, they needed to be aware that even if they were not posting under the status of 'Councillor', the message they were sending out could be taken as being that of a Councillor.

Local Context

The Monitoring Officer explained that an advantage of the new regime was that he had greater flexibility in responding to an issue, so that it could be dealt with at an early stage, by him issuing informal advice, particularly in the case of Parish Councils. In terms of issues relating to planning and decision-making, the Monitoring Officer explained that additional wording had been added to SBC agenda to make Members aware of predetermination and bias.

In response to a question, the Interim Deputy Head of Legal Partnership explained that she did not have figures on the amount of 'hits' on Members' Register of Interests on the Council website. However, she had received Freedom of

Information requests on Members' Interests, so she considered there was an interest in what Members had, or had not, registered.

A Member welcomed the fact that the new regime helped in filtering out Code of Conduct issues, before the issue got even more serious. The Interim Deputy Head of Legal Partnership explained that whereas previously every complaint came before the Standards Committee, now there was discretion to intervene earlier. She advised that working with the Independent Person, 90% of complaints cases did not get past the first stage, and this helped to reduce the distress that could potentially be caused. The Independent Person acknowledged the beneficial aspects of having an independent 'common-sense' approach to the cases.

Members welcomed the new regime and how well it was working, and that it made it harder to 'grandstand' in the public domain.

A Member sought clarification on the third bullet point on page 11 of the report. The Interim Deputy Head of Legal Partnership explained that if a couple were to separate, the Councillor would not have to declare the interests of the spouse or civil partner, as it was no longer their interest; the Member only needed to disclose what they knew.

A Member considered that Parish Councils needed training on Code of Conduct matters, but he explained that many Parish Councils were unable to afford to run training sessions, and suggested that they be invited to attend training sessions at SBC.

The Interim Deputy Head of Legal Partnership confirmed that she was happy to include Parish Councillors in SBC training sessions.

There was some discussion on opening-up training sessions for Parish Councils to attend, and also to encourage them that there was a need for training, so that they could be updated and kept informed.

In response to Member discussion, the Monitoring Officer explained that whilst training was offered, it was not compulsory.

Use of Covert Surveillance

In response to a question, the Interim Deputy Head of Legal Partnership advised that some surveillance was not authorised by SBC, and was carried out by other agencies, such as the Department of Work and Pensions.

Conclusions and Comments

The Monitoring Officer concluded by stating that as matters were at the present time, he did not consider that a review of the current regime was necessary.

Resolved:

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

989 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 2015, outlining actions taken by the Member Development Working Group (MDWG) to-date and their future work programme.

The Monitoring Officer reported that the e-learning tool would soon be ready to roll-out to Members. He encouraged Members, on behalf of the MDWG, to attend training sessions and stated that feedback from the MDWG had noted that these sessions were well received.

Members made the following comments: most training sessions were on a Thursday, this was not always convenient for all Members, could the day be varied?; e-learning was a very useful training tool; safeguarding and housing briefings had been very useful; suggest Police update briefings be offered to Parish Councils to attend as well; shadowing was a good method of learning; more information needed on Data Protection; and technology could mean that Members could 'attend' training sessions, via social media, whilst still at home.

In response to a question, the Monitoring Officer advised that the e-learning package could draw-down nation-wide relevant training, and the training be catered for the needs of SBC Members.

The Interim Deputy Head of Legal Partnership explained that she was currently amending the Data Protection package to make it relevant to SBC. She advised that e-learning was not a replacement for attending actual training sessions in person.

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