
STANDARDS COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 16 January 2020 from 7.00pm - 7.45pm.

PRESENT: Councillors Lloyd Bowen, Steve Davey, James Hunt, Ken Ingleton, Elliott Jayes, Pete Neal, Hannah Perkin (Vice-Chairman), Ken Rowles, Julian Saunders (Chairman) and Bill Tatton.

OFFICERS PRESENT: David Clifford, Robin Harris and Kellie MacKenzie.

ALSO IN ATTENDANCE: Councillor Monique Bonney and KALC representative Mr Graham Addicott.

APOLOGIES: Councillor Tim Valentine and Christopher Webb (Independent Person).

457 **EMERGENCY EVACUATION PROCEDURE**

The Chairman outlined the emergency evacuation procedure.

458 **MINUTES**

The Minutes of the Meeting held on 20 November 2018 (Minute Nos. 345 – 350) were taken as read, approved and signed by the Chairman as a correct record.

459 **DECLARATIONS OF INTEREST**

No interests were declared.

Part A Minute for recommendation to Council

460 **DISCLOSURE OF GIFTS AND HOSPITALITY FOR MEMBERS**

The Monitoring Officer introduced the report which proposed an amendment to the code of conduct obliging members to disclose gifts and hospitality with a value of £100 or more received in their capacity as councillors. Members were asked to agree the wording for recommendation to full council for inclusion in the constitution.

Members considered the proposal and raised the following points:

- The value of gifts and hospitality should be less than £100. The Nolan Committee suggested a value of £50, or totalling £100 or over a year, from a single source, Swale should adopt this;
- there are many people living in poverty in the borough to whom the £100 threshold might look excessive;
- £50 would make more sense;
- Members needed to make it clear whether they were attending functions privately or as a member; and

- the proposed wording needed to be clearer for members.

In response to questions, the monitoring officer stated that transportation would also be covered, and that the wording “non-trivial gifts” could be removed.

Discussion ensued and members considered that the Monitoring Officer should produce a briefing note to make it clearer to members what they needed to declare.

Councillor James Hunt moved the following amendment to the recommendation to Council set-out at paragraph 3.1 of the report: “Any gifts and hospitality received over a value of **£50, or totalling £100 over a year, from a single source**” not £100 as stated. That the Monitoring Officer be given delegated authority to produce a briefing note for members. This was seconded by Councillor Elliott Jayes. This amendment was agreed by members.

Recommended:

(1) That the wording in paragraph 3.1 of the report be approved for inclusion in Swale’s code of conduct subject to the following amendments: “.....any gifts and hospitality received over a value of £100” be deleted and replaced with the following: “....any gifts and hospitality received over a value of £50, or totalling £100 over a year, from a single source”. That delegated authority be given to the Monitoring Officer to produce a briefing note for members.

Part B Minutes for Information

461 ANNUAL MONITORING OFFICER REPORT

The Chairman introduced the report which provided an update on the work of the Monitoring Officer during the period 1 November 2018 to 31 October 2019.

The Monitoring Officer drew attention to the table on page 12 of the report which set-out the functions of the Monitoring Officer. He considered his three main roles were: a duty to report on any maladministration or injustice where the ombudsman had carried out an investigation; guardian of the council’s constitution; and to promote and maintain high standards of conduct.

In response to a query about the Corporate Plan, the Monitoring Officer stated that the draft had been considered by the Policy Development and Review Committee in September 2019.

A member congratulated the monitoring officer for his work during a particularly challenging year. The Member raised concern that the number of formal complaints had increased.

Members went through the report section-by-section.

The Monitoring Officer introduced Sections 3 (Maintenance and review of the constitution) and Section 4 (Lawful decision-making and good governance).

There were no questions from members.

The Monitoring Officer introduced Section 5 (Ethical standards and the members' code of conduct)

In response to queries from members, the Monitoring Officer explained that the two social media cases that were included in the report had been included as they were high profile cases. He considered that recommendation 3 from the Committee on Standards in Public Life (CSPL) on appendix I of the report was a pragmatic and proportionate response.

A member considered that the council could implement some of the CSPL recommendations now.

Councillor James Hunt moved the following motion: That the Monitoring Officer be given delegated authority to review and consider recommendation (11) from the CSPL for implementation: *“Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.”* This was seconded by Councillor Elliott Jayes. This was agreed by members.

Councillor James Hunt moved the following motion: That recommendation (12) from the CSPL be implemented: *“Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.* This was seconded by Councillor Elliott Jayes. The Monitoring Officer advised that legally this could currently not be implemented. The proposer and seconder agreed to withdraw this motion.

Councillor James Hunt moved the following motion: That the Monitoring Officer be given delegated authority to implement recommendation (23) from the CSPL: *The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specified a named contact for the external auditor alongside their contact details, which should be available on the authority's website.* This was seconded by Councillor Elliott Jayes. This was agreed by members.

A member referred to section 10 (support to council, cabinet, scrutiny and committee meetings) and thanked the democratic services team for their support.

Resolved:

- (1) That the report be noted.**
- (2) That delegated authority be given to the Monitoring Officer to review and consider implementing recommendation (11) from the CSPL.**
- (3) That delegated authority be given to the Monitoring Officer to implement recommendation (23) from the CSPL.**

462 ANNUAL REPORT ON MEMBER TRAINING AND DEVELOPMENT 2018/19

The Chairman welcomed Councillor Monique Bonney, Chairman of the Member Development Working Group (MDWG) to the meeting.

Councillor Bonney introduced the report which provided an update on progress with Member Training and Development since November 2018, outlining actions taken by the MDWG to-date and their future work programme.

A member welcomed the fact that member training was not now always scheduled for a Thursday. The Member suggested that the MDWG explored whether Skype could be used if members were not physically able to attend Swale House.

Councillor Bonney agreed to take this forward for discussion at the MDWG. She explained that IT was part of a wider issue and the correct training and access to the council's portal was needed.

A Member considered that data protection training should be made compulsory. Councillor Bonney stated that this training was on the member training programme, but was unsure on what basis it could be made compulsory.

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