
Standards Committee

MINUTES of the Meeting held in the Committee Room, Swale House, East Street, Sittingbourne, Kent ME10 3HT on Monday, 18 December 2023 from 7.00 pm - 8.03 pm.

PRESENT: Councillors Monique Bonney (Vice-Chair), Angela Harrison (substitute for Councillor Tony Winckless), James Hunt, Rich Lehmann, Charlie Miller, Richard Palmer, Hannah Perkin, Karen Watson (substitute for Councillor Mark Last) and Ashley Wise (Chair).

PRESENT (VIRTUALLY): Councillor Elliott Jayes.

OFFICERS PRESENT: Robin Harris and Jo Millard.

ALSO IN ATTENDANCE (VIRTUALLY): Councillors Mike Baldock and Carole Jackson.

APOLOGIES: Councillors Mark Last, Pete Neal and Tony Winckless, Independent Persons Patricia Richards and Chistopher Webb and Kent Association of Local Councils representative Parish Councillor Jeff Tutt.

521 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

522 **Minutes**

The Minutes of the Meetings held on 1 February 2023 (Minute Nos. 624 – 628) and 17 May 2023 (Minute Nos. 33 – 34) were taken as read, approved and signed by the Chair as correct records.

523 **Declarations of Interest**

No interests were declared.

524 **Monitoring Officer Annual Report**

The Monitoring Officer introduced the report which provided an overview of work during the period January 2023 to December 2023. He said that historically the Annual report was considered in Autumn, and he hoped to return to this programme of reporting in the future.

Members were invited to ask questions. A Member referred to the limited sanctions available if Members breached the code of conduct. The Monitoring Officer advised that recommendations had previously been made to Government who had responded but had chosen not to increase sanctions and without changes in regulations, little could be achieved. In the debate that followed, Councillor Angela Harrison proposed lobbying Government again for stronger sanctions and this was seconded by Councillor Karen Watson. A Member suggested including both MPs in the letter. Another Member suggested the Council's position would be stronger if a motion was put to Full Council.

There was a discussion around a Councillor's liability, and independent advice and additional safeguarding. The Monitoring Officer said it did not fall within the remit of the Standards Committee and gave an example of a Councillor acting as a Trustee. A

Member raised concerned that tougher sanctions might lead to an appeal and additional costs involved for legal advice. Another Member suggested the Local Government Association could advise.

On being put to the vote Members agreed to write to the Secretary of State and the two local MP's asking for the sanctions to be looked at again.

A Member referred to paragraph 4.1 on page 7 of the report and the Monitoring Officer clarified the Constitution set out the powers and duties to Committees and officers. In the discussion that followed, the same Member raised issues over the lack of training and development on the Constitution, and he said that the previously cancelled Standards Committee could have been used to deliver this training. A Member suggested this idea could be put forward to the Member Development Working Group (MDWG) as all Councillors, not just those that sat on the Standards Committee, would benefit from training on the Constitution. In response to a question, the Democratic and Electoral Services Manager advised that the MDWG had not met recently as the full programme of training for the first six months of the civic year had been set but the group were due to meet in early 2024 and the request would be raised.

Resolved:

(1) That the reported be noted.

525 Member Officer Protocol

Before the report was introduced, a Member raised a point of order in respect of any background papers to support the report. The Monitoring Officer advised no further documents were relied upon to write to the report.

The Monitoring Officer introduced the report, advising the policy had already been considered by the previous Standards Committee, the Executive Management Team (EMT), the Corporate Leadership Team (CLT), the Union and via a consultation with all staff. The response to the proposed policy was positive.

Members were invited to make comments which included:

- Was there broad agreement that the policy should be accepted?;
- the report was last considered by Committee in September 2022;
- the report was one-sided, there was no mention of officers bullying Members and it was not ready;
- the protocol was biased against Members and not officers; and
- the policy had been discussed at length and should be in place now.

A Member said the outcome of the Peer Review had recommended improvements in officer/Member relationships and it was better to have the policy in place without further delays.

In response, the Monitoring Officer said there had been a level of feedback and there had been few suggested changes to the original policy agreed by the previous Standards Committee. This was not surprising as feedback is more commonly given on a policy already working in practice. He explained that under employment law, Members had a duty of care to officers. The Monitoring Officer added that Members were in the

position of power over officers. A Member said there was no position of power from Members over officers and there was equal respect between officers and Members. He suggested the policy needed looking at again. In response, a Member reminded the Committee that all Members, EMT, CLT and staff had been consulted and there had been no major disagreement. Another Member said that there were already consequences for officers as part of their contract. The Monitoring Officer drew attention to paragraphs 2.11 and 2.12 which referred to the Member Code of Conduct and the Officer Code of Conduct.

A Member said Chairs and Vice-Chairs should be referred to as such and not Chairmen as stated in some pages of the policy. The same Member requested that 'confidential' be added in front of '.....information provided...' on the first line of paragraph 5.8 of the policy. The Monitoring Officer agreed to update the document with the suggested changes.

A Member considered that recommendation 2 was too broad and suggested including links to the LGA website to the policy. He said that when the policy went to Full Council for adoption, more information on when, how and where the policy was discussed and the feedback received should be included. In response to the comment in respect of recommendation 2, the Monitoring Officer said that purpose was in relation to what was discussed and agreed at this Standards Committee meeting. The Chair suggested a briefing be held before the policy was considered by Full Council.

There was a discussion around the difficulties of finding up to date policies and other important correspondence online. A Member requested that all Members should be given hard copies of the Constitution. The Democratic and Electoral Services Manager explained that it was a live document, continually updated, and this prohibited paper copies. A Member suggested that Members could access the modern.gov app and annotate documents. The Democratic and Electoral Services Manager agreed to confirm that the Constitution could be accessed via the modern.gov app.

A Member suggested that the final amended document with background information be circulated before being considered by Full Council.

Councillor Harrison proposed and Councillor Charlie Miller seconded the recommendations and on being put to the vote agreed by Members.

Resolved:

(1) That the draft protocol at Appendix I was fit for purpose and the suggested minor amendments be included in the final policy.

(2) That delegated authority be granted to the Monitoring Officer to make any final amendments to the text.

(3) That the final Member/Officer Protocol be recommended to Council for adoption.

526 **Standards Arrangements - Verbal update**

The Monitoring Officer sought the Committee's views on whether the Standards arrangements should be looked at so it was in line with the Code of Conduct.

In proposing that the Standards arrangements were looked at by the Monitoring Officer, Councillor Harrison commented that new Members might not know it needed changing. The proposal was seconded by Councillor Richard Palmer. In response from a Member who questioned whether it should be considered by the Constitution Working Group, the Monitoring Officer advised that it was within the gift of the Standards Committee.

On being put to the vote, the proposal was agreed.

Resolved:

(1) That the Monitoring Officer considers the current standards arrangements and reports back to the Standards Committee.

527 **Any other business**

There was a discussion on the need for Standards Committee training, particularly those that might sit on the Standards Hearing sub-committees. A Member suggested training on the complaints policy and vexatious complaints. The Monitoring Officer agreed to look at this.

A Member asked whether Standards Hearing sub-committee training could be opened up to all Members as Committees did change? The Chair spoke in support of all Members being invited to the training. A Member commented that it would also be useful for any Members on the other side of the panel to attend training.

A Member suggested the introduction of Standards champions in individual political groups, to help with internal conflict resolution. The Monitoring Officer agreed to look at this.

Chair

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

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