
Standards Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Monday, 17 February 2025 from 7.00 pm - 9.00 pm.

PRESENT: Councillors Monique Bonney (Vice-Chair), James Hunt, Elliott Jayes, Charlie Miller, Tom Nundy, Hannah Perkin, Richards, Tony Winckless and Ashley Wise (Chair).

PRESENT (VIRTUALLY): Councillor Mark Last.

OFFICERS PRESENT: Billy Attaway and Robin Harris.

ALSO IN ATTENDANCE: Patricia Richards (Independent Person).

APOLOGY: Parish Councillor Jeff Tutt.

656 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

657 **Minutes**

The Minutes of the Meeting held on 24 September 2024 (Minutes Nos. 269 – 273) were taken as read, approved and signed by the Chair as a correct record.

658 **Declarations of Interest**

No interests were declared.

659 **Standards consultation**

The Monitoring Officer introduced the report which set out the Government Consultation on the Standards Regime. He asked Members to consider whether they would like to submit a formal response on behalf of the Council.

The Monitoring Officer went through the questions in the consultation, as set out in Appendix I of the report, and recorded the formal responses which the Standards Committee wished to give on behalf of the Council.

Comments and responses to the questions were as follows:

Question one: (c) Borough Council.

Question two: Yes.

- Supported the idea of a mandatory minimum code of conduct, but would like to see the Local Government Association (LGA) input into the code;
- many Local Authorities looked at the LGA as a good starting point for a code of conduct;
- the LGA was an association not a governing body and a proper code of conduct needed to have the right support network for councillors;

- further information was needed around the appeals process and how it could be implemented at a national level; and
- the answer should be yes, but the government needed to provide a framework within the minimum code of conduct.

Question three: Unsure.

- Could not make a clear decision because it was not clear what flexibility the government would give on adding or removing specific local challenges from the code of conduct;
- thought it needed to be a prescribed national approach;
- agreed with a mandatory minimum code but each Local Authority should have the opportunity to add local issues, that affected their area, rather than national issues;
- could not think of any instances as to why the Council would want a local code of conduct with specific local issues; and
- it was unclear on how the additional specific local challenges would be added.

The Monitoring Officer advised that the wording suggested there was the ability to add to the code and not remove parts from it. If Members were undecided there was an option 'unsure'.

Question four: No.

Question five: Yes.

Question six: Yes.

- Standards Committees were beneficial so long as they gave value for money for tax payers; and
- Standards Committees had processes looked at by Members and without a committee, standard proceedings would be conducted behind closed doors and away from the public, which did not seem transparent.

Question seven: Unsure.

- Decisions should be heard by the Standards Committee;
- there was an element of 'fairness' when conducting a standards panel hearing as less people were dealing with the particular issue;
- did not see any merit in standards hearings being considered at Full Council;
- standards hearing panel could be un-politically balanced;
- when a serious standards complaint was received it should then be considered by Full Council;
- having a standards hearing behind close doors, could make the individual feel like it was biased; and
- when hearings were conducted in public, all parties were being held accountable.

Question eight: Unsure.

- Independent persons on standards committees should be given voting rights to avoid any claims of bias;
- changes needed to be made to the vetting system for independent persons before they sat on the Standards Committee because it was important the Council knew who

the independent person was and their background; and

- needed to have more clarity and understanding of the role of the independent person on Standards Committee until an informed decision could be made.

Question nine: Unsure/Not Answering.

Question ten:

- Did not have sufficient evidence to answer the above questions 'yes' or 'no';
- Question seven needed greater consultation on greater sanctions;
- Question eight needed more information on how the independent persons were vetted and appointed;
- minimum mandatory conduct should have vexatious complaints policy alongside it; and
- could not answer some questions with informed decisions as there was a need for further consultation from the government.

Question 11: Other, happy with current reporting approach.

Question 12: Unsure.

- Thought investigations should be published because members of public should know what councillors had been doing, whilst conducting council business;
- the findings should only be published if the individual had been found to have conducted wrongdoing;
- the outcome of standards hearings could have a massive impact on the individuals career;
- needed to consider the stress of being investigated could have on the individuals involved; and
- there were too many unknowns to make an informed decision.

Question 13: 12.

Question 13a: 3, 3, 6, 0.

Question 14: Skip.

Question 15: Skip.

Question 16: Skip.

Question 17: Organisational culture and how resolutions are made.

- Coming forward or raising a complaint depended on information and a person's resilience as well as how the person was supported by their party or group;
- in order to come forward a person needed to feel that something would actually materialise from their complaint;
- difficult to answer but thought in some cases if people knew it was anonymous it would be helpful; and
- several aspects helped people come forward, for example changing the culture of the organisation and ensuring individuals took responsibility for their actions, rather than

creating a blame culture in the organisation.

Question 18: Unsure.

- Local Authorities should have the power to suspend, however there were problems when residents were left with no member representation in the ward;
- should be a different authority or a recommendation from the Standards Committee to a higher body to look at what sanction should be applied;
- if someone has been found to do something wrong, they should be suspended. However, it was not clear on how bad a situation could be until it could be considered for suspension; and
- whilst people were open to the idea of additional sanctions it required a greater understanding of who applied those sanctions and what the scope would be.

Question 19: Unsure.

- Needed a greater consultation on the degree of powers and the ability to use those powers; and
- residents should be given an opportunity to conduct a petition to remove a councillor if they felt that person was no longer fit to act as a councillor.

Question 20: Yes.

- Yes, but needed to understand more details;
- it should be the Councils responsibility to put someone in that position; and
- needed a point of contact.

Question 21: Unsure.

- The power of suspension should only be explored when someone had been found in breach of the code of conduct, which would then have its own sanctions anyway; and
- if found to be in breach of the conduct for something serious, but not criminal, the record of breach should be with them forever.

Question 22: Infrequently.

Question 23: Yes.

Question 24: Yes.

Question 25: No.

- If you were not to suspend an individual, why should you take their money away as well?;
- should only be used in really serious cases; and
- innocent until proven guilty

Question 26: Yes.

- Suspension was already a punishment and would like to see the investigation before the punishment was enforced;

- yes a person should be suspended whilst an investigation was being conducted; and
- happy to support, but in the text box there needed to be a comment that included a need for a strong precedent.

Question 27: Unsure.

Question 28: No, but additional comments to be made on specific period of time should be specified.

- If the time period was left completely open, an interim suspension could be for 20 years; and
- no specific time frame was indicated so it was difficult to make an informed response.

Question 29: No.

Question 30: Yes.

Question 30a:

- The persons investigating needed to be accountable for why that investigation had taken a long time to conduct;
- a framework was needed around what should be expected when an investigation was taking place; and
- a timeline of how long the investigation was expected to take was needed.

Question 31: No.

- This could be used as a political tool; and
- seemed like Local Authorities were being held to higher standards than Parliamentary Government.

Question 32: Unsure.

Question 33: Yes.

Question 34: Yes and 21 days.

- Should be given 21 days as it counted for two weeks of holiday and consideration of shift work; and
- needed to be more than 14 days, 21 days sounds sensible.

Question 35: Unsure.

Question 36: No.

Question 37:

- Considered it should be permitted, but there was not enough information to make an informed yes or no answer; and
- it should be the national body the government brought in to conduct the appeal.

Question 38: Yes, but it had to be underpinned by a respectable framework.

Question 39: Be limited to hearing elected member appeals.

Question 40:

- It was beneficial to have a framework which protected people with protected characteristics.

The Chair proposed that the comments made to the questions as minuted, be included in Swale Borough Councils response to the Governments consultation on the Standards Regime. This was seconded by Councillor Elliott Jayes and on being put to the vote agreed.

Resolved:

- (1) That the Standards Committee drafted a response on behalf of the Council to the Government's consultation on the Standards Regime, as minuted.***
- (2) That delegated authority be given to the Monitoring Officer to respond to the consultation on behalf of the Council.***

660 **Verbal Update - Disclosure and Barring Service (DBS) Checks**

The Chair informed the Committee that following the decision made at the October 2024 Full Council meeting, there were still some outstanding DBS checks from Members. There had been 25 Councillors who had returned a full DBS check.

The Chair agreed to chase group leaders for the remaining DBS checks.

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