

STANDARDS COMMITTEE

Minutes of the meeting held on 1 December 2009 at 6.00 pm in Austen Room, Cecil Street, Margate, Kent.

Present: Mr R Hills (Chairman); B Hinchley, Mrs L Frampton, Mrs M Sarrafan
Councillors: Day, Ms Green, King, R Nicholson and M Tomlinson
Parish Councillors;

In Attendance: Harvey Patterson, Head of Legal and Democratic Services
Louise Caffery, Standards Officer

93. APOLOGIES FOR ABSENCE

Cllrs Buchanan, Lawson, Neville, Wade and Wiltshire

94. DECLARATIONS OF INTEREST

There were no declarations of interest.

95. MINUTES OF PREVIOUS MEETING

Cllr M Tomlinson requested his apologies be recorded for the previous meeting. Mrs Frampton and Mrs Sarrafan noted an error in recording their attendance in the previous minutes. The minutes were accepted and signed by the Chairman.

96. CHAIRMAN'S REPORT

The Standards for England Annual return responses 2009 document was tabled for discussion:

1. 51% of Standards Committees have a workplan. The Monitoring Officer supports the production of a 3 year workplan for TDC Standards Committee. The Chairman is looking for input from committee members.

2. Annual Report: The Chairman proposed that the publicising of an annual report should form part of the 3 year workplan, with an emphasis on promoting ethical standards.

3. Leadership: The Chairman was pleased to report that he had met with both the CEO and the Leaders of the political groups. The committee agreed on the importance of maintaining communication links between the committee and the leadership of the council.

4. Publicising of the Standards Complaints process on the TDC Website: The Chairman commented that the TDC information was informative, although difficult to find on the website for an inexperienced IT user.

97. RECORDING INDEPENDENT MEMBER ATTENDANCE AT TDC COMMITTEE AND COUNCIL MEETINGS

Standards for England recommend Independent Members attending meetings of the Council as good practice.

Resolved: Independent Member attending various council/committee meetings should have their presence recorded in the minutes of that meeting.

Action: The Head of Legal and Democratic services to implement via Democratic Services.

98. PLANNING COMMITTEE TRAINING FOR STANDARDS COMMITTEE MEMBERS

Resolved: When training (code and technical) is offered to members of the Planning Committee (and subs) members of the Standards Committee will be invited to participate

99. REPORT FROM ANNUAL ASSEMBLY

Cllr Richard Nicholson had attended the 2009 Annual Assembly in Birmingham, the first Thanet District Councillor to do so. He reported that future arrangements for Standards for England are in doubt, but a merger with the Ombudsman looks most likely. Other conclusions from the assembly were:

- The role of the Chairman of the Standards Committee is becoming increasingly important.
- Recent stats show assessment and determination of complaints at a local level are speeding up.
- More than 50% of complaints received are from members of the public.
- Although some parishes are problematic, the majority, 80% had no referrals last year.
- A revised Code of Conduct is due in May 2010.
- Quality of investigations will be audited by sampling reports.
- The average cost of an investigation is £4000.
- No apparent reduction in vexatious or tit-for-tat complaints since delegation to local regime.
- Communications of standards matters is a pivotal role for the Monitoring Officer

The Monitoring Officer reminded the Standards Committee that members would have to go through the procedure of adopting the new code when it comes out in 2010.

100. BLOG PROTOCOL

The Monitoring Officer reported progress re the consultation on the blog protocol: The Conservative group accepted the protocol as it stood. The Independent Group had not responded to the consultation. The Labour Group were unable to accept the protocol and had explained very clearly why they are unable to operate the mediation/conciliation procedures described in Paragraph 5.9 and 5.10 and in the last sentence of Paragraph 5.7 of the Protocol. Consequently, the options are:

- to design an amended informal mediation/conciliation procedure, bring that back to the Standards Committee for approval and then and re-consult the party groups in the hope that this will be acceptable to all;
- or
- to request the Labour Group to give consideration to describing an informal mediation/conciliation procedure which would meet with their approval - which can then be brought back to the Standards Committee for approval and, if necessary, further consultation.

The committee considered member on member complaints to be damaging the council. The general public's perception of some member behaviour is of infighting and petty squabbling. The protocol seeks to find mutual resolution before the standards process is engaged. An informal conciliation process is required.

Regarding recent comment on the a Conservative members blog regarding the Labour groups comments on the blog protocol published before the meeting, the Monitoring Officer reported that, although the email was not marked private and confidential and the Labour position was no secret, the Leader would speak to the Councillor concerned and ask him to apologise.

Proposed by Brian Hinchley, and seconded by Cllr M Tomlinson:
That the Standards Committee notes the consultation responses of the Party Groups.

Proposed by Cllr R Nicholson, and seconded by Cllr Day:
That the Labour Group be requested to give consideration to describing an informal mediation/conciliation procedure for resolving member on member complaints that would meet with their approval

Proposed by Cllr E Green, and seconded by Mrs L Frampton:
That the response of the Labour Group be brought back to the Standards Committee for consideration and, if necessary, further consultation.

Resolved: The committee agreed to the above proposals.

101. STANDARDS COMPLAINTS STATISTICS

The committee discussed the presentation of complaint statistics and requested changes in the presentation of complaint statistics to include complaint by complaint/year on year basis.

102. STANDARDS FOR ENGLAND ANNUAL RETURN 2008/09

Noted

103. EXCLUSION OF PUBLIC AND PRESS

Proposed by Cllr Nicholson and seconded by Cllr Tomlinson

Resolved: to exclude the public and press

104. TDCSC26/09

Noted

Meeting concluded : 7.50 pm