

# Independent Chair of Standards Annual Report

**Full Council- 23 March 2017**

Report Author Dr. Jonathan Sexton,  
Independent Chairman of Standards Committee

Status **For Information**

Classification: **Unrestricted**

## Executive Summary:

The Chairman's annual report summarises and comments on the work of the Standards Committee for the period May 2016 March 2017.

## Recommendation(s):

Members note the report.

## CORPORATE IMPLICATIONS

<b>Financial and Value for Money</b>	None arising from this report									
<b>Legal</b>	The Localism Act 2011 requires local authorities to establish arrangements to deal with allegations that council members have broken the Code of Conduct.									
<b>Corporate</b>	The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the members' Code of Conduct. This report relates to the Committees function to monitor the effectiveness of the Code of Conduct.									
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only</p> <table><tr><td colspan="2">Please indicate which aim is relevant to the report.</td></tr><tr><td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td><td>✓</td></tr><tr><td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td><td>✓</td></tr><tr><td>Foster good relations between people who share a protected characteristic and people who do not share it.</td><td>✓</td></tr></table> <p>aim (i) of the Duty applies to Marriage &amp; civil partnership. The Standards Committee is a key mechanism to enforce the requirements of the Public sector Equality Duty.</p>		Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	✓	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	✓	Foster good relations between people who share a protected characteristic and people who do not share it.	✓
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<b>CORPORATE PRIORITIES (tick those relevant)✓</b>	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	

<b>CORPORATE VALUES (tick those relevant)✓</b>	
Delivering value for money	
Supporting the Workforce	✓
Promoting open communications	✓

## **1.0 Introduction and Background**

- 1.1 My third report to Thanet District Council largely covers the Municipal Year 2016/17. If the previous year was primarily focussed upon overseeing major revisions to the Council's Constitution, the demands of this year have reverted to an oversight of Standards.

## **2.0 Member Conduct Within the Council Chamber**

- 2.1 Overall the behaviour of members in Full Council has kept faith with the spirit of collaboration through contestability that flows from the Improvement Board agenda developed during 2014. Regrettably in one meeting (13 October 2016), behaviour reverted to personalised attacks by some leading Members from different sides of the Chamber. However, by the following meeting (1 December 2016) and with some apologies expressed and acknowledged, behaviour had returned to an acceptable style of discourse.
- 2.2 A follow up meeting of the Improvement Board with input from LGA Peer Review members has been arranged for 28 April 2017 to assess continued progress with the Improvement agenda. Member behaviour may be one issue that is explored, as this was a key part of the Improvement Board agenda.
- 2.3 One sustained initiative from the Improvement Board is the continued programme of Member training. The schedule of training held over this period is attached as an appendix to this report. All staff who have contributed to these courses should be acknowledged as well as Democratic Services who organised these. Regrettably take up has not been consistent even among newly elected Members. Certainly the complaints concerning of one Member resulting an outcome of informal disputes resolution procedure, might have been avoided had that Member taken up such opportunities.

## **3.0 Constitutional Working Party (CRWP) and Standards Committee Meetings**

- 3.1 Having met regularly throughout 2015/16 with a significant revision agenda, it is unsurprising that CRWP has met less frequently over the past year. On 8 June 2016 it met to appraise the proposal for a pilot scheme for public speaking at Overview and Scrutiny Committee, subsequently endorsed by Standards Committee 28 June and Full Council. An appraisal of the scheme is in preparation and will be considered by Overview & Scrutiny Panel, then by Full Council shortly. CRWP met on 24 August and agreed to recommend proposed changes to procedures involving the Council's official seal. However, such proposals were not supported by Standards Committee when meeting on 13th September. A meeting of Standards Committee scheduled for 24th November was cancelled due to lack of business.

- 3.2 I am not concerned at this stage with the relative lack of activity during 2016. Both Committees were worked hard in the preceding year on constitutional revisions and it is surely prudent that the revised Constitution is given time to bed down.

#### **4.0 Town and Parish Councils in the Thanet Area**

- 4.1 In previous reports I have expressed concern at the number of Standards Sub Committees necessarily convened over issues arising from our local towns and parish councils. During the 2016/7, however, the incidence of complaints from this source has been small.
- 4.2 One welcome development furthermore was a meeting arranged on 7 October where the Monitoring Officer and I met with Clive Powell and other colleagues from the Kent Association of Local Councils KALC. The outcome was a commitment that KALC would arrange a series of training sessions on Improving Governance for Local councils in Thanet. Such training is open to all councillors and officers supported by a five month package of further support mentoring. The team providing this includes Mr Powell, a local Clerk and an out of area Member from the KALC Executive Committee. A six month review would then be organised. The Monitoring Officer offered a modest financial commitment from TDC to support the programme. Subsequently it was decided by the participating Councils that they would manage this from within their own resources and not seek further TDC involvement. We were advised that the programme would be planned to commence early in this calendar year. Assuming that progress has been made with the training programme, I am content to have helped initiate matters. It is vital that the councils themselves have full ownership of all of this.
- 4.3 I am grateful for the help received from the parish council members who are nominated to sit on the Thanet Standards Committee and whose insight is valuable when Sub Committees are formed to address complaints involving parish and town council members.

#### **5.0 Complaint TDCSC144/16**

- 5.1 It is not intended, nor would it be proper to refresh the causative facts of this high profile complaint, which came as a report to Full Council on 13 October. This was the first time that the full range of measures were employed, being unanimously supported. Nevertheless there is some learning to come from the case, which may be both worthy of refinement to the provisions of the Constitution and for more general reflection.
- 5.2 Firstly one disciplinary recommendation was the offering of a public apology. This was read out by the Chairman of the Council. Such a practice is entirely possible within stated rules and my commentary now should not be seen as a criticism, either of the Member, nor the Chairman. Consideration however should be given revising the Constitution, to require that in future, on the hopefully rare occasions where this is judged appropriate, that a statement of apology be made in person.
- 5.3 Consideration should also be given to requiring the Monitoring Officer to scrutinise any future public statement of apology prior to issue, not for the purposes of dictating the wording, but to ensure that such a statement, at least address the kernel of the complaint.
- 5.4 Thirdly, there was some confusion at the Town Council over their consideration of the recommendations from the Monitoring Officer. In future, it would be preferable if the

recommendations to the Town (or Parish) Council are written separately from the recommendations to the District Council, so that there is greater clarity.

- 5.5 Fourthly everyone, politicians and the public alike, need to recognise that whilst complaints are about Members as politicians the full investigation process has to be thorough and may take time. In this case the budget for an independent investigator had been exhausted ( employed on one parish council complaint, and on two TDC Members who resigned from the Council whilst the Investigation was underway). So, the Investigative process was undertaken by a member of this Councils legal team in addition to her existing workload. There was some pressure both by some Members and also by members of the public, expressing impatience at the time being taken. This wasn't helpful. I should state, recognising that this touches on the role of Monitoring Officer, I took it upon myself to be assured that the complainants were kept abreast of process with the investigation and of the outcome of both Sub Committee hearings. However, I would advise the Council of its duty to provide the Monitoring Officer with such staff, accommodation and other resources as are, in his or her opinion, sufficient to allow him or her to perform their duties.
- 5.6 Lastly for the sake of clarity, the membership of a Standards Sub Committee that receives the outcome of a formal investigation does not require the same membership of the Sub Committee that received the initial complaint, and determined that formal investigation was appropriate.
- 5.7 As will be clear from the foregoing, the management of this complaint wasn't straight forward. Nevertheless the positives to draw from these issues are that notwithstanding some comings and goings, the Standards Process is being taken seriously.

## **6.0 Complaints about Member behaviour in Thanet District Council 2016/17**

- 6.1 The totality of complaints considered by. Convened Sub Committee of the Council's Standards Committee, relating to both District and Town/Parish Councils is set out in the table below. In view of the data (small numbers), an expression in percentage terms might lead to misleading or sensational interpretation. Absolute numbers are therefore used.

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2016/17					
144	TDCSC144/16	29/03/2016	Breach of Code of Conduct, sanctions recommended.  Closed	Members of the Public	TDC Councillor	Allegations of inappropriate comments made on social media bringing office into disrepute.
145	TDCSC145/16	13/04/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued.  Closed	Member of the Public	TDC Councillor	Allegations of inappropriate comments made to the media bringing office into disrepute
146	TDCSC146/16	04/05/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued.	Parish Councillor	Parish Councillor	Allegations of bullying and unfair behaviour in council meetings

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2016/17					
			Closed			
147	TDCSC147/16	18/07/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued.  Closed	Member of the Public	TDC Councillor	Allegations of rudeness in email correspondence.
148	TDCSC148/16	23/09/2016	Did not meet legal jurisdiction test.  Closed	Member of the Public	TDC and Parish Councillors	-
149	TDCSC149/16	25/08/2016	Withdrawn  Closed	TDC Councillor	TDC Councillor	Allegations of harassment.
150	TDCSC150/16	24/10/2016	No further action.  Closed	TDC Councillor	TDC Councillor	Allegations of bullying and unfair behaviour in council meetings
151	TDCSC151/16	28/10/2016	No further action  Closed	TDC Councillor	TDC Councillor	Allegations of inappropriate use of civic robes.
152	TDCSC152/16	28/10/2016	Did not meet legal jurisdiction test.  Closed	TDC Councillor	TDC Councillor	-
153	TDCSC153/16	28/10/2016	No further action  Closed	TDC Councillor	TDC Councillor	Allegations that inappropriate comments had been made to the press regarding a safeguarding matter.
154	TDCSC154/16	31/10/2016	No further action.  Closed	Member of the Public	TDC Councillor	Allegation that subject member had failed to declare an interest in a planning application.
155	TDCSC155/16	03/11/2016	Informal Dispute Resolution. Letter from the Monitoring Officer issued.  Closed	Member of the Public	TDC Councillor	Allegations of harassment and unannounced visit to member of the public's home.
156	TDCSC156/16	08/12/2016	Informal Dispute Resolution Letter from the Monitoring Officer issued.	TDC Councillor	TDC Councillor	Allegations concerning prejudiced and political views and renegeing on duty to assist resident.

	COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
	2016/17					
			Closed			
157	TDCSC157/16	21/12/2016	Did not meet legal jurisdiction test.  Closed	Member of the Public	TDC Councillor	-
158	TDCSC158/17	20/01/2017	Did not meet legal jurisdiction test.  Closed	TDC Councillor	TDC Councillor	-
159	TDCSC159/17	27/01/2017	Did not meet legal jurisdiction test.  Closed	Member of the Public	TDC Councillor	-
160	TDCSC160/17	08/02/2017	Assessment Sub-Committee scheduled.  Open	Member of the Public	Parish Councillor	Alleged defamation of character and to unduly influence the outcome of an election.

6.2 The Council received 21 cases of complaint, but since 5 of these related to one issue (complaint TDC 144/16 ) I have chosen to group these as one, which is how they were managed in the process. Therefore, 16 complaints were considered. This is an increase from the previous year (15) but judged to be within an acceptable range, especially as a key task for the Standards Committee is, over time to contain the number of Standards related complaints.

6.3 Two of the complaints relate to parish/town councils (interestingly, the same council).

6.4 The number of complaints received relating solely to Thanet District Council therefore was 14. Of these 6 were rejected by the Monitoring Officer for failing one or more of the jurisdiction tests, This left 8 cases which received formal consideration by a convened Standards Sub Committee. After due consideration 4 complaints were considered against the local assessment criteria and it was recommended that no further action be taken. The remaining 4 complaints were judged to be of substance. Should TDC therefore be required to submit a statistical return to an outside body such as the Local Government Association, or elsewhere for formal publication I would judge that our return should equate to 4 demonstrable Standards Complaints.

6.5 One of the confirmed cases, as will be obvious from the extensive commentary above, required a full formal investigation. The remaining cases were managed as informal resolutions, resulting in a letter of admonishment from the Monitoring Officer to the relevant Member, reflecting the considered judgement of that convened Standards Sub Committee.

6.7 Some other comments are appropriate. Firstly, Sub Committees tend to be wary of complaints that have been initiated by Members against other Members of the Council, especially where these are of different political persuasions. To maintain confidence in the Standards system, especially one with a minimum of statutory

framework it is vital that it is not viewed as a tool for party political, nor individual political gain. That is not to deny Members the right to make complaints against other Members; much of course will depend of the facts of each case received. But generally, complaints from this source will be entertained with some caution.

- 6.8 Secondly, and in contrast to past years there is no discernible pattern to the grounds for complaint. In previous years the abuse within the realms of social media was a particular issue; and whilst the most significant complaint addressed this year concerned this very issue, overall social media has not offered itself as a rich vein for complaints during 2016/17.
- 6.9 In spite of a necessary focus on complaints against Members in a report on Standards, it is right to stress that these very much are minority incidents. The large majority of Members succeed in working diligently within the Council's conventions and protocols to serve their communities; to determine and scrutinise Council policy and generally promote the good of the area.
- 7.0 Finally I would like to commend to the Council the work of Democratic Services, especially Emily Kennedy, for maintaining the informal objective of a six week period from receiving an initial complaint, through examination, determination and response to a complainant in a straightforward case.

## **8.0 Thanks**

- 8.1 I would like to thank Mr Tim Howes, Monitoring Officer for his continuing wisdom, knowledge and professional integrity. My thanks also go to the officers of Democratic Services who have sought to serve the Standards agenda with diligence. I would especially like to thank Ciara Feeney of Legal Services for her investigation relating to complaint TDC 144/16, which whilst providing an excellent professional development opportunity, was undertaken and published to a very high professional standard. My thanks also go to Mrs Janet Bacon, Vice Chair of Standards.
- 8.2 Finally I would like to acknowledge those Members of the Standards Committee who have severally contributed to the convening of Standards Sub Committees. It is never easy to be required to pass judgement on colleagues, and this should be publicly acknowledged.

## **8.3 Member Training Programme 2016-17**

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Course</u></b>	<b><u>Trainer/Facilitator</u></b>	<b><u>Location</u></b>
5 Apr 2016	18.15	Members Briefing	Various	Council Chamber
13 Apr 2016	14.00	Advanced Planning Training	Iain Livingstone	Council Chamber
13 Apr 2016	19.00	Advanced Planning Training	Iain Livingstone	Council Chamber
25 May 2016	19.00	Coffee Evening – Housing	Representatives from: Strategic Housing, Housing Options and Housing Regeneration	Austen Room
19 May 2016	14.00	Member/Officer Protocol Training	Tim Howes	Council Chamber
19 May 2016	19.00	Member/Officer Protocol Training	Tim Howes	Council Chamber
8 June 2016	10.00	Scrutiny Training – this session will be run jointly with Officers	Centre for Public Scrutiny	Council Chamber
8 June	19.00	Scrutiny Training– this	Centre for Public Scrutiny	Council

2016		session will be run jointly with Officers		Chamber
21 Jun 2016	18.15	Members Briefing	Various	Council Chamber
6 July 2016	19.00	Due Regard in Decision Making	external trainer TBC	Council Chamber
19 July 2016	19.00	Coffee Evening – Planning	Representatives from: Strategic Planning, Planning Applications and Building Control	Austen Room
6 Sept 2016	18.15	Members Briefing	Various	Council Chamber
14 Sept 2016	14.00	Public Speaking Training	David McGrath - Link Support Services	Council Chamber
14 Sept 2016	19.00	Public Speaking Training	David McGrath - Link Support Services	Council Chamber
6 Oct 2016	14.00	Social Media and Email Etiquette Training	Hannah Thorpe	Council Chamber
6 Oct 2016	19.00	Social Media and Email Etiquette Training	Hannah Thorpe	Council Chamber
26 Oct 2016	19.00	Coffee evening – Operational services	Representatives from: Waste and Recycling, Open Spaces, Maritime, Technical Services and Enforcement	Austen Room
29 Nov 2016	14.00	Effective Casework and Advice Surgeries for Councillors	South East Employers	Council Chamber
29 Nov 2016	19.00	Effective Casework and Advice Surgeries for Councillors	South East Employers	Council Chamber
6 Dec 2016	18.15	Members Briefing	Various	Council Chamber
10 Jan 2017	18.15	Members Briefing - Budget	Director of Corporate Resources	Council Chamber
24 Jan 2017	14.00	Questioning Skills Training	David McGrath - Link Support Services	Council Chamber
24 Jan 2017	19.00	Questioning Skills Training	David McGrath - Link Support Services	Council Chamber
7 Feb 2017	18.15	Members Briefing	Various	Council Chamber
21 Feb 2017	14.00	Difficult Conversation Training	East Kent HR	Council Chamber
21 Feb 2017	19.00	Difficult Conversation Training	East Kent HR	Council Chamber
21 March 2017	19.00	Coffee Evening – Safer Neighbourhoods	Representatives from: Community Safety & Leisure, Public Protection, Environmental Protection and Regulatory Services.	Austen Room

Contact Officer:	<i>Tim Howes, Director of Corporate Governance</i>
Reporting to:	<i>Madeline Homer, Chief Executive</i>