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Date: 14 November 2013
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STANDARDS COMMITTEE

21 NOVEMBER 2013

A meeting of the Standards Committee will be held at **7.00 pm on Thursday, 21 November 2013** in the Austen Room, Cecil Street, Margate, Kent.

Membership:

Independent Members: Mr Hills (Chairman); Mrs Frampton (Vice-Chairman), Mrs Bhore and Ms Pearman,

Thanet District Councillors: E Green, Grove, Johnston, Marson, Nicholson, Roberts and M Tomlinson

Town/Parish Councillors: Fletcher, Lawson and Way

SUPPLEMENTARY AGENDA

Item
No

Subject

4a **INDEPENDENT MEMBERS' REPORT ON STANDARDS** (Pages 1 - 4)

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THANET DISTRICT COUNCIL – RESPECT

To: **Standards Committee - 21 November 2013**

By: **Independent Members of the Standards Committee**

Classification: **Unrestricted**

Ward: **Not Applicable**

Summary: **To review the situation regarding the culture of the Council, with particular regard to relationships between members and the general public**

1. Introduction and Background

- 1.1. The Localism Act 2011 changed the way in which complaints regarding the behaviour and activities of elected Councillors were handled. In particular, chapter 7 of the legislation sets out the responsibilities of Councils to "...promote and maintain high standards of conduct by members...". The legislation disbanded the national Standards Board, and removed from Councils formal sanctions that were available for breach of the Council's Code of Conduct.
- 1.2. Thanet District Council opted to retain a Standards Committee. Its remit is reproduced on the Council's website, and includes the following:

"To promote and maintain high standards of conduct by Members and co-opted Members of the District Council and to make recommendations to Council on improving standards"

This report is presented by the independent members of the Standards Committee with this remit in mind.
- 1.3. There are four independent members of the Standards Committee of Thanet District Council. Independent members of the Standards Committee are drawn from the general public, and were appointed by the Council following recruitment campaigns. The current independent members of the Standards Committee bring with them a wealth of experience, gained in professional service and other arenas. This experience includes extensive management and leadership gained both in the public and private sector, including District Councils, membership of the local bench, and other voluntary organisations. Independent members have also severally been trained in mediation and have extensive experience of delivering training in a number of different sectors. All the independent members of the Standards Committee aim to utilise their experience in the service of the Council.
- 1.4. At a recent meeting of the independent members of the Standards Committee, concern was raised regarding the conduct of councillors and the perceptions of that conduct by members of the public.

2. The Current Situation

- 2.1. Thanet District Council is a 'hung' council with a fine balance of power. This political situation brings with it a number of practical challenges.
- 2.2. As a political organisation, it is not surprising that party politics are obvious, not just in the debating chamber at Full Council, but also in communications between elected members and the local press, and in other fora including, but not limited to, the use of social media (blogs, twitter, facebook and video-blogs (vlogs)).
- 2.3. The conviction of a former Councillor has had an adverse effect on the perception of the Council in the mind of the public, and this presents challenges for all members of the Council.
- 2.4. Recent decisions made by full Council have sought to control the ways in which moving images of the Council's meetings are produced and disseminated. This has led to the ejection of a member of the public from a meeting of full Council.
- 2.5. Recent comments made by some Councillors towards members of the public in public meetings have been less than respectful, and have led on occasion, to the making of personal threats.
- 2.6. There have been suggestions that some Councillors have stated in public that they intend not to comply with the democratically agreed decisions of the Council, presumably in the full knowledge that there are no meaningful sanctions that can be taken against them. While the independent members of the Standards Committee have no doubt that these actions are taken with the noblest of intentions, it does make a mockery of the rules of the Council by which all Councillors are held to account and suggests that some Councillors, at least, are not prepared to comply with the Code of Conduct.
- 2.7. There have been occasions on which Councillors have stated that they do not intend to comply with the outcome of Standards hearings, again because there are no meaningful sanctions that can apply.
- 2.8. It is suggested by the independent members of the Standards Committee that the Council is held in low regard by the public. An, admittedly unscientific, assessment of comments made (in the press, local bloggers, twitter, personal conversations, by local interest groups etc) suggest that there is a local suspicion of secrecy, corruption and distance between the Council as it is perceived in the offices in Cecil Square, the reality of people's lives and the needs of the district.
- 2.9. Independent members of the Standards Committees have observed the demeanour of Councillors within the Council chamber towards each other, and towards members of the public. The perception of the independent members of the Standards Committee is that of demonstrable distrust between members, and between the councillors and the general public. On some occasions this distrust has taken the form of outright hostility.
- 2.10. Independent members of the Standards Committee have witnessed many personal attacks taking place between members during debates, and from their position in the public gallery have heard the overwhelming view from members of the public that the councillors are not serving the public by whom they were elected. Indeed, attendance at Council meetings is seen by some to be a form of entertainment.

- 2.11. Correspondence published in the local press, including official press releases and the columns written by the leaders of the main political parties, include personal attacks, between members, and on some occasions towards individual members of the public.
- 2.12. The overall impression of the independent members of the Standards Committee is of a Council whose members are distrustful of each other, and of the public. There appears to be a 'siege mentality', which in the view of the independent members of the Standards Committee contributes to behaviour which falls short of the Council's stated aim of "high standards of conduct".

3. Standards Committee Input

- 3.1. Standards of behaviour are, and have been, subjects for discussion at the Council's Standards Committee at which there has been a general consensus that some kind of action is necessary. However, the independent members of the Standards Committee have seen little, if any, evidence that this consensus is repeated outside the committee meeting. Certainly, no changes in behaviour have been observed by the independent members of the Standards Committee.
- 3.2. Independent members of the Standards Committee are of the strong opinion that the low public perception of the Council is the responsibility of all the members of the Council, and is not limited to those whose names and profiles appear in the local media or those against whom complaints are recorded. The Council has the appearance of a dysfunctional organisation whose behaviour and internal squabbles adversely affect the delivery of services, capital projects etc to the residents of the local district.

4. Respect

- 4.1. The independent members of the Standards Committee are of the mind that this situation cannot be allowed to continue if Thanet District Council and its Councillors are to be viewed as true leaders within the District. The dominant view of the Council and its elected members must be rehabilitated as a matter of urgency.
- 4.2. In particular, while the Council is a political organisation, by the very dint of local politics and it being a creature of statute, its primary objective must be the delivery of services to the district. Elected officials are accountable to the public that they serve.
- 4.3. In order to be able to do this, it is the view of the independent members of the Standards Committee that all Councillors should demonstrate respect in all aspects of their work, including (but not limited to) their dealings with each other, with Officers of the Council, and crucially with the public. Demonstration of respect is, currently, lacking.

5. Options

- 5.1. The Standards Committee is invited to consider the situation as above. There are many options open to the Council to address such a situation, including the use of external resources to review the efficiency and effectiveness of the ways in which elected members conduct their business. However, such an option would entail financial considerations, which are not realistic in the current financial climate.
- 5.2. The Committee may like to consider options as follows:

- 5.2.1. **No action** – that the current situation be allowed to continue. In the opinion of the independent members of the Standards Committee, this option carries considerable risk, both in the public perception of the Council, and in the ability of the Council to deliver effectively its obligations to the public. This option is not recommended by the independent members of the Standards Committee.
- 5.2.2. **Action taken within political groups** – that the leaders of political groups take action to address the behaviour of their members. This option carries a risk of a lack of consistency across the Council.
- 5.2.3. **Training** – that the Standards Committee consider the desirability of training for all elected members of the Council. However, for training to be effective, it is suggested by the independent members of the Standards Committee that it should be compulsory. There are also financial implications associated with this option, although some training can be delivered by resources already within the Council.

6. **Corporate Implications**

6.1. **Financial and VAT**

- 6.1.1. Should the Committee choose to recommend formal training for elected members, there may be some financial implication for the Council. However, this report seeks to introduce discussion rather than a specific recommendation for the commission of training.

6.2. **Legal**

- 6.2.1. The Council is under a legal duty to have a Member Code of Conduct which is consistent with the seven principles governing public life and councillors are under a civic duty to observe the requirements of the Code, regardless of the lack of meaningful sanctions if they fail to do so.

6.3. **Corporate**

- 6.3.1. Increasing respect between elected councillors and residents of the district will contribute to more effective community engagement and enhance the reputation of the Council as a community leader.

6.4. **Equity and Equalities**

- 6.4.1. Respect of all individuals is at the core of Equity and Equality.

7. **Recommendation**

- 7.1. That the Standards Committee considers the current situation, and whether recommendations should be made to Full Council for action.

8. **Decision Making Process**

- 8.1. Any recommendations of the Standards Committee will be referred to Full Council for final decision.

Report Author: Joanne Pearman

Reporting to: Robin Hills, Chair Standards Committee

Standards Committee Independent Members : Robin Hills (Chair)
Linda Frampton (Vice Chair)
Jiggy Bhore
Joanne Pearman

Background Documents: None