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STANDARDS COMMITTEE

Minutes of the meeting held on 4 September 2013 at 7.00 pm in Austen Room, Council Offices, Cecil Street, Margate, Kent.

Present: Mr Robin Hills (Chairman); Mrs Frampton (Vice-Chairman) Ms Jiggy Bhore, Ms Jo Pearman
Councillors: Mrs Green, Grove, Mrs Johnston, Harrison, Roberts, M Tomlinson
Parish Councillor Fletcher
Town Councillor Lawson

In Attendance: Cllr King
Harvey Patterson, Corporate & Regulatory Services Manager
Louise Caffery, Standards Officer
Karen Paton, Strategic Procurement Officer
Dennis James, Independent Person

43. APOLOGIES FOR ABSENCE

Cllr Marson, Cllr Nicholson (Substitute Cllr Harrison), Parish Cllr Way

44. MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were agreed and signed by the Chairman

45. DECLARATION OF INTERESTS

There were no declarations of interest

46. CHAIRMAN'S REPORT

The Chairman expressed his disappointment that no acknowledgement or reply had been received to the letter written to the LGA (the letter is attached in the minutes). The Monitoring Officer was requested to write again to the LGA.

47. AUDIT REPORT: MEMBERS' CODE OF CONDUCT, DISCLOSURE OF INTERESTS & STANDARDS ARRANGEMENTS

Noted

48. GUIDANCE FOR COUNCILLORS ON PERSONAL INTERNET BLOGGING AND USE OF SOCIAL MEDIA

Report withdrawn

49. STANDARDS COMPLAINT STATISTICS

Noted

50. MONITORING OFFICER UPDATE ON STANDARDS COMPLAINTS

Noted

51. CONTRACT STANDING ORDERS AND PURCHASING GUIDE

Karen Paton, Strategic Procurement Manager was in attendance and introduced the item.

Moved: Cllr Roberts

Seconded: Cllr Johnston

Resolved: to recommend to full council the amendments to the Contract Standing Orders and Purchasing Guide as shown in Annex's 1 and 2, such amendments relating to the following areas:

- Reinforcement of Conflict of Interest and confidentiality undertaking protocols including addition of "Conflict of Interest" contract clause as standard for contracts valued £10K and over.
- Inclusion of obligations and requirements of the council in respect of Public Services (Social Value) Act 2012.
- Realignment of headings of Standard Contract Clauses to the council's General Conditions of Contract
- **Non-material** amendments to Job Titles and Section headings to align with the current council structure/establishment.
- Authorisation to the Strategic Procurement Manager to undertake such **non-material** amendments as a result of restructures, as required from time to time, without the requirement to revert to the Constitutional Review Working Party, **provided that a report on amendments be brought to the next available meeting of the Constitutional Review Working Party."**

52. REVISION TO FINANCIAL PROCEDURE RULES RE REPORTING OF BALANCE SHEET DEBT

Moved: Cllr Grove

Seconded: Town Cllr Lawson

Resolved:

- That the Standards Committee approves and recommends to Council the amendment to the Financial Procedure Rules to require the reporting of all aged debt over £150,000 to the next available ordinary council meeting.
- That the Standards Committee approves and recommends to Council that the timeline for reporting debts shall be 60 days for those debts with standard payment terms of 0 or 30 days and 90 days for those debts with payment terms of 60 days regardless of whether or not the debt has been paid in full or in part between the expiry of the 60 or 90 day period (whatever the case may be) and the date of the next available ordinary Council meeting.
- That the Standards Committees recommends for Council approval the amendments to Financial Procedure Rule (Regulation D: Systems and Procedures), as set out at Annex 1.

53. REVIEW OF PROTOCOL FOR THE GUIDANCE OF PLANNING COMMITTEE MEMBERS AND OFFICERS

Moved: Cllr E Green

Seconded: Cllr Grove

Resolved: the Standards Committee recommends to full Council that the revised Planning Protocol be approved.

54. FILMING OF COUNCIL MEETINGS

Following debate, the Standards Committee supported Option 2 with the proviso that the Chairman of any meeting being filmed should announce the fact before the meeting starts.

Proposed: Cllr Roberts

Seconded: Cllr Harrison

Resolved: To recommend Option 2 to full council with the additional words **'The chairman will announce at the beginning of the meeting that it is being filmed.'**

55. REVIEW OF DECISIONS MADE IN PRIVATE SESSION

Proposed: Cllr Grove

Seconded: Cllr Johnston

Resolved: The Standards Committee resolved to make the following table of recommendations to full Council:

4.1.4	Recommendation – that a confidential / exempt report is reviewed a year after the ultimate decision taking body has considered it.
4.2.2	Recommendation – that the reviews of the status of exempt information relate to all decisions other than those taken by the Standards Committee or its sub-committees.
4.2.3	Recommendation – that only exempt decisions taken after the constitution has been updated are affected by this process – in other words, it is not retrospective.
4.3.6	Recommendation – that the list of officer delegations in the constitution be amended to include a delegation to the Corporate & Regulatory Services Manager to conduct reviews of exempt information and determine whether it should be published.
4.3.7	Recommendation – that the Corporate & Regulatory Services Manager publishes his decision on each review giving reasons for such decision.
4.3.8	Recommendation – that Democratic Services uses the modern.gov system to publish reports that are no longer deemed to be exempt.
4.4.5	Recommendation: <i>If after the first year review a report is still treated as exempt, that report should then be the subject of a further similar review on the third anniversary of the decision having been first reviewed.</i>
4.5.2	Recommendation: <i>That full Council receives a report on the decisions reviewed by the Corporate and Regulatory Services Manager on an annual basis; such a report to include the reasons wherever it is considered not possible to release the report/information to the public.</i>
4.6.2	Recommendation: <i>To agree to add the additional paragraphs as shown in Annex 1 to the report to the Council's Access to Information Rules.</i>

56. SUBSTITUTE MEMBERS OF THE GOVERNANCE & AUDIT COMMITTEE

Moved: Cllr Mrs Johnston

Seconded: Cllr M Tomlinson

Resolved: The Standards Committee recommends to full Council that there should be named substitutes for the Governance and Audit Committee and they should be appointed in accordance with the principles of political proportionality and that the following table be included within the terms of reference for Governance and Audit Committee within the Council's Constitution:

Number of Members :	Nine Members
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Substitute Members Permitted:	Yes –only from the list approved by Council, which matches the proportionality of the Committee itself.
Political Balance Rules Apply:	Yes
Appointments/removals from Office:	By resolution of Full Council
Restriction on Memberships:	None – Membership decided upon by Full Council
Restrictions on Chairmanship/ Vice-Chairmanship:	None - Membership decided upon by Full Council
Number of ordinary meetings per year	4

57. TO REVIEW CONSTITUTIONAL PROCEDURE RULE RELATING TO "PUTTING THE MOTION TO THE MEETING"

Moved: Cllr Harrison

Seconded: Cllr Mrs Johnston

Resolved: The Standards Committee made the following recommendation to Council:

"16.3 Putting the Motion at the Meeting

*The Member whose name appears first on the Notice will move the motion during his or her speech and call for a seconder. **If seconded and the mover of the motion is a member of a political group other than the ruling political group, the Chairman will call upon a member of the ruling political group to reply. If seconded and the mover of the motion is a member of the ruling political group, the Chairman will call upon a member of one of the other political groups to reply. In such circumstances the Chairman will call upon a member of the second largest political group unless, exceptionally and based upon the nature of the motion, the Chairman considers it appropriate to call upon a member of another political group (other than a member of the ruling political group) to reply.** The motion shall then stand referred without further discussion to the Cabinet or appropriate Committee for determination or report unless the Council decides to debate the motion in accordance with Rule 19."*

58. TO UPDATE THE CONSTITUTION WITH A VIEW TO REMOVING REFERENCES TO THE STANDARDS BOARD FOR ENGLAND

Moved: Cllr Grove

Seconded: Cllr Fletcher

Resolved: To recommend that the Council removes references to the Standards Board for England from the Constitution.

59. CHANGING THE PETITIONS SCHEME TO A PROTOCOL

The Standards Committee agreed that the Petition Scheme should become a Protocol rather than a Procedure and agreed to make the following recommendation to Council:

Moved: Cllr Lawson

Seconded: Cllr Roberts

Resolved: Recommendation to Council that paragraphs 12.0 to 12.9 of the Council Procedure Rules be moved to Part 5 of the Council's constitution and the following new paragraph 12.0 be added.

"12.0 Petitions from the Public

The Council will receive, accept and deal with petitions from members of the public in accordance with the requirements of any Petitions Scheme from time to time adopted by the Council. The Council's current Petitions Scheme is included in Part 5 of the Council's constitution."

60. TO REVIEW COUNCIL PROCEDURE RULE 3.1 - CALLING EXTRAORDINARY MEETINGS

Cllr King requested to speak under Rule 24:1, there were no objections.

Cllr King was disappointed with the proposal, he felt it was unnecessary and undemocratic as increasing the number of members from 5 to 7 required to requisition an extraordinary meeting undermined smaller independent groups who would need the support of one of the larger groups to succeed. Cllr King made the point that neighbouring councils require 5 members to requisition an extraordinary meeting.

Cllr Gove agreed with Cllr King and the Monitoring Officer to explain why the number had increased from 5 to 7 members.

The Monitoring Officer explained that a quorum was a quarter of the membership and therefore it was recommended that an increase to 7 members would represent an eighth of the membership.

Moved: Cllr Johnston

Seconded: Cllr Harrison

Resolved: To recommend to full Council the wording recommended by the Constitutional Review Working Party with the additional words at 3.1 (iv): *'to be reviewed if the number of members increases or decreases.*

Cllr King left the meeting

61. LEADER'S REPORT - REVIEW OF COUNCIL PROCEDURE RULE 2.2

Moved: Cllr Mrs Green

Seconded: Cllr Tomlinson

Resolved: That the Standards Committee recommends to Council the following wording be removed from Council Procedure Rule 2.2:

"The total time (including time slots as mentioned above) will be limited to 31 minutes".

Meeting concluded: 8.25 pm

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Date: 29 July 2013
Our ref: HP 834
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Private & Confidential

Sir Merrick Cockell
Chairman, LGA
Local Government House
Smith Square
LONDON
SW1P 3HZ

Dear Sir Merrick

Thanet District Council – Code of Conduct Sanctions

I am writing to you on behalf of Thanet District Council to express our growing concerns about the lack of effective sanctions available to the Standards Committee for breaches of the Code of Conduct adopted by the Council pursuant to Chapter 7 of the Localism Act 2011 and the negative effect this is having on the conduct of some councillors and, as a consequence, on the public perception of the Council.

In particular, the lack of any power for the Standards Committee to suspend a member from office for a proportionate period, (up to six months under the preceding regime) and for Council to then withhold allowances from the suspended member, is, in our experience, resulting in a significant deterioration in the standards of conduct of a minority of independent/ungrouped councillors who, unrestrained by the discipline of membership of one the major party groups and wholly undeterred by the risk of being censured by the Standards Committee or full Council, feel free to disregard the Council's Code of Conduct whenever it happens to suit their agenda to do so.

Indeed in the past two months both the Council and the Cabinet have had to resolve to exclude an independent member from the Council Chamber due to unruly and disruptive behaviour and it is instructive that the same councillor also refused to be interviewed or to co-operate in any way with a duly sanctioned investigation into a recent Code of Conduct complaint submitted by a member of the public.

It is also my personal view as the Council's Monitoring Officer, that were the Council to have more effective powers to deal with member misconduct that fall short of criminal conduct, much of that misconduct would be unlikely to occur in the first place.

In response to these issues the Independent Chairman of the Standards Committee, Robin Hills, in his Chairman's report to the Standards Committee held on 6 June 2013, expressed his personal concern about the behaviour of some councillors in the Council Chamber, the subsequent negative comments in the local press, and inevitable damage to the Council's reputation as well as the lack of meaningful sanctions needed to tackle such conduct.

Cont...

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The Standards Committee unanimously resolved that a report be taken to Council proposing that Thanet District Council write to the Local Government Association expressing disquiet at the absence of effective sanctions in Chapter 7 of the Localism Act 2011 for failing to comply with requirements of the Members Code of Conduct. The Council resolved to accept this recommendation at the meeting held on 11 July 2013 after a motion to this effect was proposed by the Chairman of the Council and seconded by the Vice-Chairman.

The decision to seek the views the LGA and not lobby the CLG in this matter resulted from the commonly held conviction of the Standards Committee and of the majority of councillors that the CLG is likely to be resistant to calls to amend the Localism Act 2011 to confer express powers of sanction against councillors who fail to comply with the requirements of the Members Code of Conduct, unless supported by the only body that is representative of local government as a whole.

In conclusion, it is apparent to my Council that there are currently no mechanisms in place to curb the misconduct of maverick councillors that falls short of outright criminal conduct and therefore the views and support of the LGA is sought in relation to this matter.

I look forward to hearing from you.

Yours sincerely



Harvey Patterson
Corporate & Regulatory Services Manager

cc Carolyn Downs, Chief Executive, LGA
Robin Hills, Chairman, Thanet District Council Standards Committee

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