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Date: 30 March 2015
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STANDARDS COMMITTEE

9 APRIL 2015

A meeting of the Standards Committee will be held at 7.00 pm on Thursday, 9 April 2015 in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Vice-Chairman), Councillors; D Green, Grove, Marson, Nicholson, Roberts, H Scobie, M Tomlinson, Parish Councillors; Lawson, Way and Bransfield

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
 2. **MINUTES OF PREVIOUS MEETING** (Pages 1 - 6)
To approve the Minutes of the meeting of Standards Committee held on 16 September 2014, copy attached.
 3. **DECLARATIONS OF INTEREST**
 4. **CHAIRMAN'S REPORT** (Pages 7 - 12)
 5. **STANDARDS COMPLAINT STATISTICS** (Pages 13 - 14)
- Declaration of Interest form - back of agenda**

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STANDARDS COMMITTEE

Minutes of the meeting held on 16 September 2014 at 7.00 pm in Austen Room, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Councillors Mrs Janet Bacon (Independent Member of the Standards Committee), D Green, Roberts, H Scobie, M Tomlinson, Cllr Mrs Fletcher (Manston Parish Council) and Lawson (Broadstairs Town Council)

81. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Marson, Nicholson and Parish Councillor Way.

82. MINUTES OF PREVIOUS MEETING

It was proposed by Town Councillor Lawson and seconded by Councillor M.Tomlinson and AGREED that the minutes of the meeting of 1 April 2014 were a correct record.

83. DECLARATIONS OF INTEREST

There were no declarations of interest.

84. CHANGES TO THE FILMING PROTOCOL

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, Members of the Committee made the following comments:

1. Considerable time had been spent at the Constitutional Review Working Party debating the issues contained within the report and this had highlighted a number of instances where the new regulations caused a conflict of rights with existing regulations.
2. Reviewing the Scheme after a year to see how it was performing was a very good idea.
3. There was concern regarding Councillors filming meetings as they would be distracted from focusing on the actual business under discussion.
4. The Council should film all its meetings in order for there to be a true copy of the meeting in case a member of the public selectively edited a recording they had made.
5. Flash photography should be prohibited as it was very distracting to those present.
6. Filming equipment should be set up before a meeting started rather than half way through as happened at the last cabinet meeting.

The Chairman then explained that flash photography was already included in the list of disruptive behaviour as was a link to the guidance on social media use for Councillors. He also added that other Councils were considering adding filming of members of the public who had expressly asked not to be filmed to their list of disruptive behaviours.

The Committee Services Manager added that there could be cost implications to the Council filming all of its meetings and these would need to be assessed before any such policy was introduced.

The Committee asked that a form of words be found to add filming of members of the public who had expressly asked not to be filmed to the list of disruptive behaviours and that wording be agreed by the Chairman outside of the meeting.

It was proposed by Councillor D.Green and seconded by Town Councillor Lawson that the Standards Committee recommend to Council that:

- 1) The amended Filming and Recording of Council Meetings Media Protocol be approved subject to the addition of the information under the "if I am a Councillor, can I tweet and blog during Council meetings?" section of the "Open and Accountable Local Government – A guide for the press and public on attending and reporting meetings of local government" document.
- 2) Council Procedure Rules 30 and 35 are amended as follows:

"30.00 Application to Committees and Sub-Committees

Unless otherwise stated in these Rules, all of the Council Rules of Procedure apply to meetings of full Council and Rules 2.4, 4, 7–11, 14, 16–28 (but not 22.2 or 27.1) and Rules 30, ~~and 34 and 35~~ apply to meetings of Committees and Sub-Committees. None of the Rules apply to meetings of the Cabinet except for Rules 24, ~~27.3 - 27.5, 28, and 34 and 35~~"

"35.0 Audio and Visual recordings of Council Meetings

35.1 ~~No Audio or visual recordings shall be allowed made at meetings except for official recordings by the clerk or recordings agreed by the Chairman in advance~~ in accordance with the "Protocol for Filming and Recording of Council meetings" which is included in Part 5 of this constitution."

- 3) A review of how the new filming protocol has worked should be undertaken a year after the protocol has come in to effect.
- 4) A form of words be included in the amended filming protocol that would add the act of filming members of the public who had objected to being filmed to the list of disruptive behaviours.
- 5) In future the Council should film all Council meetings.
- 6) Any consequential changes to the Council's constitution needed as a result of these recommendations are made.

85. REVIEW OF THE COUNCIL'S PETITIONS SCHEME

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

The Chairman of the Standards Committee announced he had received an Email from Cllr Johnston, who could not attend the meeting to speak under Council Procedure Rule 24.1 making a number of points regarding the petitions scheme. He listed the points made by Cllr Johnston, namely that Epetitions should contain; the prayer, a printed name, a printed address, a signature and the date of signing.

Upon consideration of the report and the representation made by Councillor Johnston, Members of the Committee made the following comments:

- 1) It was unclear whether many people would have an electronic signature and even if they did it would possibly be inappropriate for that to be provided when signing an Epetition.
- 2) The recommendations from the Constitutional Review Working Party were appropriate; however members of the public should provide a postal address when signing an Epetition.
- 3) Reports presenting petitions to Council or the Overview and Scrutiny Committee should state the number of people who had provided a Thanet address when they signed and the number who had provided an outside of Thanet address.

It was proposed by Councillor H.Scobie and seconded by Town Councillor Lawson that the Standards Committee recommended to Council that:

- 1) Paper petitions and Epetitions may be run concurrently providing that the petition prayers of the paper and Epetition were identical, that the end date of the Epetition and the date of submission of the paper petition were the same date and that the numbers signing the paper petition and Epetition were reported separately and not added together.
- 2) When a petition report is presented to Council or the Overview and Scrutiny Panel it should include the number of people who had signed the petition using a Thanet address and the number of people who had signed the petition using an outside of Thanet address.
- 3) That a postal address be provided when signing an Epetition on the Council's website.
- 4) The existing deadlines for the submission of petitions should be retained as they are.
- 5) The minimum threshold for a petition to be valid did not need to be amended from its current level of 25 signatories.
- 6) That the Council introduces the Petition proforma and places it on the Council's petition webpages.

86. REPORTING BACK TO COUNCIL ON DECISIONS MADE RELATING TO PETITIONS AND MOTIONS ON NOTICE

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, Members of the Committee made the following comments:

- 1) The Chairman of Council should be in a position to be able to judge whether a debate is needed.
- 2) It should really depend on whether the item under discussion was a Cabinet function or not. If it was a cabinet function then there shouldn't be any further discussion at Council, but if it was a Council function then there should be.

It was proposed by Town Councillor Lawson and seconded by Parish Councillor Fletcher that the Standards Committee recommend to Council that:

The current practices relating to reporting back on decisions relating to petitions and motions on notice continue and no changes should be made.

87. MEMBER ATTENDANCE AT GENERAL PURPOSES COMMITTEE WHEN IT SITS AS A HUMAN RESOURCES COMMITTEE

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, Members of the Committee made the following comments:

- 1) Restricting Councillor attendance at meetings they were legally entitled to attend would set a dangerous precedent.
- 2) The meeting of the General Purposes Committee in March had discussed a number of sensitive issues; however the law was clear, Members had a right to attend.
- 3) The issue was a minefield and it was difficult to think of any other walk of life where individuals not involved in the decision making would be allowed to sit and watch such sensitive proceedings.
- 4) The issue was a reflection of the unique nature of a Council.

It was proposed by Councillor M.Tomlinson and seconded by Councillor Roberts that the Standards Committee recommend to Council that:

No changes be made to the rules regarding attendance at General Purposes meetings.

88. GIFTS AND HOSPITALITY

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, members of the committee made the following points:

- 1) The report that had originally set the threshold at which gifts and hospitality needed to be declared at £100 had been considered late at night and may well have been rushed through.
- 2) The level should be set at £25, which was reasonable. However one Councillor felt that it should be £10.
- 3) There was a balance to be struck between the recording and monitoring of gifts and transparency.
- 4) In the eyes of the public the threshold should be zero and all gifts and hospitality should be declared.

The Monitoring Officer explained that he had some concerns with the current level of £100.

It was proposed by Councillor D.Green and seconded by Councillor M.Tomlinson that the Standards Committee recommend to Council that:

The level at which Councillors declare any gift or hospitality or a series of gifts from the same donor should be reduced to £25.

89. PROPOSED REPORTS FROM THE CHAIRMAN OF THE OVERVIEW & SCRUTINY PANEL TO COUNCIL

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, the Members of the Committee made the following point:

- 1) The idea of a report from the Chairman of the Overview and Scrutiny Panel to each Full Council meeting was a good one, but the report should be open for debate in the usual way.

It was proposed by Councillor D.Green and seconded by Councillor H.Scobie that the Standards Committee recommends to Council that the amendments to the Council Procedure Rules, as outlined at Annex 1 be approved.

90. STANDARDS COMPLAINT STATISTICS

The Committee noted the Standards Complaint Statistics.

Meeting concluded : 8.22 pm

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Report of the Independent Chairman of the Standards Committee 2014-15

To: **Standards Committee – 9 April 2015**

By: **Dr Jonathan Sexton, Independent Chair Standards Committee**

Classification: **Unrestricted**

Ward: **All Wards**

Summary: **The Chairman’s Annual report summarises and comments on the work of the Standards Committee for the period May 2014 – March 2015.**

For Information

1.0 Introduction and Background

1.1 This is my first report to the Council and I therefore feel it necessary to write at greater length than might otherwise be warranted. Both Mrs Janet Bacon, the Vice Chair and I were appointed by a cross party assessment panel held on 24th February 2014, subsequently confirmed by the following Full Council meeting. Both of us are new in post and new to the Councils business. Our early period into role was therefore focused on training in the workings of the Council’s constitution, on procedure and complaints case work. In that regard we therefore wish to acknowledge the officers in the Council’s Democratic Services and in particular to the two Monitoring Officers (Mr Harvey Patterson and his acting successor Mr Stephen Boyle).

2.0 General Approach to Observing the Formal Conduct of Council Business and Member Behaviour

2.1 Early on I was offered a formal seat within the council chamber, a practice adopted by my predecessor. I expressly declined this, preferring the relative anonymity of the public gallery. This enables me to observe council behaviour as it is, and in particular from the perspective of members of the public who choose to witness proceedings. I do not think it necessary to attend every meeting choosing instead to sample different meetings. In that regard I have attended Full Council (twice), Planning Committee, Overview and Scrutiny Committee, the Cabinet (twice). I have yet to witness Governance and Audit Committee proceedings. Mrs Bacon attended the Annual Meeting of the Council 2014.

3.0 Complaints for the Financial Year 2014/15

3.1 Since our appointments as Chair and Vice Chair, a sub-committee of the Standards Committee has considered seven complaints for the period 2014/15. One of the seven complaints has been by 13 individuals, as shown in the table below.

	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2014/15					
11 5	TDCSC115/ 14	04/08/ 14	Other action – letter from Monitoring Officer and No Further Action Closed.	TDC Councillor	TDC Councillors	Inappropriate voting
11 6	TDCSC116/ 14	06/10/ 14	No Further Action Closed.	TDC Officer TDC Councillor	TDC Councillor	Inappropriate comments at Council meeting - 19 August 2015
11 7	TDCSC117/ 14	16/10/ 14	No Further Action Closed.	Member of Public	TDC Councillor	Allegation of racism in relation to tweet sent by Cllr.
11 8	TDCSC118/ 14	23/10/ 14	Sent for Investigation Open.	TDC Councillor	TDC Councillor	Allegations regarding unauthorised removal of documents from Council Chamber
11 9	TDCSC119/ 14	17/09/ 14	Other action- letter from Monitoring Officer Closed.	TDC Councillor	TDC Councillor	Unauthorised entry to private property
12 0	TDCSC120/ 15	08/01/ 15	Sent for investigation Open.	TDC Councillors 13 Members of Public	TDC Councillor	Allegations regarding reported comments made by Councillor.

3.2 Three of the formally considered complaints, each relating to separate incidents, concern one specific Member. The pattern of complaints for 2014/15 has to be seen in the context of previous years

Year	Number of Complaints
2014/15	7
2013/14	7
2012/13	36
2011/12	11

and shows the excess pattern of past years has been contained.

3.3 When contrasted with other authorities in the south east and outside of London (2013) the number of complaints received within Thanet in the current year appear well above average. However there are also a number of contextual factors to consider. Firstly this year has had to manage a backlog of complaints. Secondly, a willingness to complain based on the pattern of previous years seems to be more normative in the culture of this Council; thirdly local political groups (large and small) do not have a strong tradition of Whips, who might otherwise manage internal party Member discipline. However the comparative data obtained by the Local Government Association (LGA) may not reflect the true level of complaints received by other Councils. Such data is not always openly available and would only be so through the LGA seeking a Freedom of Information Act request. Accordingly Thanet District Councils openness with its formal Complaints return is welcome policy and I judge it to be good practice.

3.4 It has been argued in the local press that with a majority Members constituting sub-committees hearing complaints, there is an inherent bias against complainants. Hearings have to determine a yardstick of what is reasonable Member behaviour. Political neutrality is assured by cross body membership of Assessment Sub-Committees, review of the issues are comprehensive and a keenness to explore different perspectives as to the issues. Only once so far has a majority verdict been reached otherwise decisions reached have been unanimous.

4.0 Future Improvements Arising from the Complaints Process

4.1 Strengthening Sanctions Against Members Found to be At Fault

4.1.1 Some including some Members have expressed frustration with the limited formal sanctions available where behaviour has been found to fall short of acceptable standards. The Secretary of State for Communities and Local Government in the 2010- 2015 Coalition Government abolished the Standards Board for England and with it many formalised longstanding sanctions. Consideration is now been given to how such sanctions as remain available to Thanet District Council might be strengthened within the limits of what remains legally permissible. Nevertheless I believe that the fundamental culture of good member is achieved through positive reinforcement of good practice and is not secured sustainably by the prospect of legal regulatory sanction.

4.2 Speed of Complaints Process

4.2.1 Previous delays have now been addressed and should be reduced in future as it is important to move matters on quickly for both the accused and the accuser to avoid prolonged process and resultant stress and to find early relevant resolution

4.3 Equalities Training

4.3.1 The corpus of equality duties, some of which are enshrined in legislation, has had a real impact on all public policy and institutional behaviour generally. Equalities training for some Members, specifically a greater awareness that what might constitute racism now goes well beyond overt individual behaviour, is appropriate at this time. Equalities training will be part of an extensive training programme for Members of the new council.

4.4 Complaints Evidence Material

4.4.1 Currently complaints are limited to a written pro forma and thus disallow contextual information as supporting evidence. The case for broadening this limitation will be

explored during the coming period. Where possible relevant background material is also considered.

- 4.4.2 Any material proposed changes to procedure would in any case need to be scrutinised by the Constitutional Review Working Party, the Standards Committee and approved by Full Council.

5.0 Involvement With Other Committees

- 5.1 The LGA Peer Review of Thanet District Council (2014) highlighted Member behaviour as a key issue to address, accordingly I was asked to join the Thanet Council Improvement Board set up to project manage the necessary response strategy. The project management team has met monthly since it was set up in the autumn of last year.

- 5.2 As well as chairing the Council's complaints process I also am required to Chair the Constitutional Review Working Party and the Standards Committee. As a result of the work of these two committees the following amendments to the constitution have been approved by the Full Council:

- Changes to the Council's filming protocol
- Amendments to the Council's petitions scheme
- The addition to Council agendas of a regular report from the Chairman of the Overview and Scrutiny Panel.
- Reducing the level at which Councillors should declare gifts and hospitality.
- Amendments to the scheme of Officer delegation.

- 5.3 We hope that by the end of the current year to have secured a revised draft protocol for Member/Officer relations. This will then be taken forward to go through the process for implementation.

6.0 Thanks

- 6.1 I am grateful to Members who have participated in all the complaints standards and constitutional work under my chairmanship this year. The substance of much of our work whilst absolutely necessary is often 'dry' and I suspect not what Members were originally attracted to when seeking election!

7.0 Overall Impressions So Far

- 7.1 I have been asked by the Council Leader to comment on the impressions gained one year into post.

- 7.2 The nature of any healthy political process is that it demands contention. Largely the Council proceedings and the conduct of Members are acceptable and comparable with anywhere else in my view and from my observations and experience. My view is also supported by independent observations undertaken by representatives of the LGA.

- 7.3 However there have been instances of unacceptable behaviour, including verbal and physical grandstanding, unwarranted and unnecessary criticism of officers (hastily withdrawn when challenged) and on one occasion regrettably through the actions of one Member, and in defiance of the standing orders of the time, it was necessary to suspend proceedings and call police officers to the council chamber. The

consequences of some instances of poor Member behaviour have been managed through the Council's complaints process.

- 7.4 2014/15 has been a year in which the Council continued to face a wide range of longstanding challenges in the area, with further reductions in its funding. In addition 2014 witnessed the loss of a long established area amenity (Manston Airport) and the Council has been a focus for the strong differences of view regarding the airport's closure. The Council faces comprehensive local elections for all of its Councillors and Parishes as well as a high profile general election contest for one of the two Thanet parliamentary seats.
- 7.5 There is undoubtedly cynicism amongst many in the general public towards the Council, which will take some years to modify.
- 7.6 Overall I judge that whilst the behaviour of a small minority of Members has been decidedly questionable, most Members work hard within the necessary processes and conventions of the Council, to serve the people of Thanet; all in quite challenging contextual circumstances.

8.0 Recommendation

That Members note the report and thank Dr Sexton for his helpful comments and observations

Future Meeting if applicable: N/A	Date:
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Contact Officer:	<i>Steven Boyle – Head of Legal & Democratic Services</i>
Reporting to:	<i>Madeline Homer – Acting Chief Executive</i>

Annex List

None	
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>Paul Cook- Director of Corporate Resources</i>
Legal	<i>Steven Boyle - Head of Legal & Democratic Services</i>

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RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2014					
114	TDCSC114/14	13/03/2014	Other action – apology received. Closed.	TDC Officer	TDC Councillors	Behaviour at a Council meeting – 11 March 2014
115	TDCSC115/14	04/08/2014	Other action – letter from Monitoring Officer and No Further Action Closed.	TDC Councillor	TDC Councillors	Inappropriate voting
116	TDCSC116/14	06/10/2014	No Further Action Closed.	TDC Officer TDC Councillor	TDC Councillor	Inappropriate comments at Council meeting - 19 August 2015
117	TDCSC117/14	16/10/2014	No Further Action Closed.	Member of Public	TDC Councillor	Allegation of racism in relation to tweet sent by Cllr.
118	TDCSC118/14	23/10/2014	Sent for Investigation Open.	TDC Councillor	TDC Councillor	Allegations regarding unauthorised removal of documents from Council Chamber
119	TDCSC119/14	17/09/2014	Other action- letter from Monitoring Officer Closed.	TDC Councillor	TDC Councillor	Unauthorised entry to private property

RECORD OF COMPLAINTS

	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2015					
120	TDCSC120/15	08/01/2015	Sent for investigation Open.	TDC Councillors 7 Members of Public	TDC Councillor	Allegations regarding reported comments made by Councillor.

THANET DISTRICT COUNCIL DECLARATION OF INTEREST FORM

Do I have a personal interest?

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- a) An interest you must **register**.
- b) An interest that is not on your register, but where the well-being or financial position or you, members of your family (spouse; partner; parents; in laws; step/children; nieces and nephews), or people with whom you have a close association (friends; colleagues; business associates and social contacts that can be friendly and unfriendly) is likely to be affected by the business of your authority more than it would affect the majority of:
 - Inhabitants of the ward or electoral division affected by the decision (in the case of the authorities with electoral divisions or wards.)
 - Inhabitants of the authority's area (in all other cases)

These two categories of personal interests are explained in this section. If you declare a personal interest you can remain in the meeting, speak and vote on the matter, unless your personal interest is also a prejudicial interest.

Effect of having a personal interest in a matter

You must declare that you have a personal interest, **and the nature of that interest**, before the matter is discussed or as soon as it becomes apparent to you except in limited circumstances. Even if your interest is on the register of interests, you must declare it in the meetings where matters relating to that interest are discussed, unless an exemption applies.

When an exemption may be applied

An exemption applies where your interest arises solely from your Membership of, or position of control or management on:

1. Any other body to which you were appointed or nominated by the authority.
2. Any other body exercising functions of a public nature (e.g. another local authority)

Is my personal interest also a prejudicial interest?

Your personal interest will also be a **prejudicial interest** in a matter if all of the following conditions are met:

- a) The matter does not fall within one of the **exempt categories** of decisions
- b) The matter affects **your financial interests** or relates to a **licensing or regulatory matter**.
- c) A member of public, who knows the relevant facts, would **reasonably think your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

What action do I take if I have a prejudicial interest?

- a) If you have a **prejudicial interest** in a matter being discussed at a meeting, you must declare that you have a prejudicial interest as the nature of that interest becomes apparent to you.
- b) You should then leave the room, **unless members of the public are allowed to make representations, give evidence or answer questions about the matter**, by statutory right or otherwise. If that is case, you can also attend the meeting for that purpose.
- c) However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe the vote on the matter.

d) In addition you must not seek to **improperly influence** a decision in which you have a prejudicial interest.

This rule is similar to your general obligation not to use your position as a Member improperly to your or someone else's advantage or disadvantage.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Democratic Services Manager well in advance of the meeting.

DECLARATION OF PERSONAL AND, PERSONAL AND PREJUDICIAL INTERESTS

MEETING

DATE..... **AGENDA ITEM**

IS YOUR INTEREST:

PERSONAL

PERSONAL AND PREJUDICIAL

NATURE OF INTEREST:

.....
.....
.....

NAME (PRINT):

SIGNATURE:

Please detach and hand this form to the Committee Clerk when you are asked to declare any interests.

