



Date: 15 November 2021  
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## STANDARDS COMMITTEE

25 NOVEMBER 2021

A meeting of the Standards Committee will be held at **7.00 pm on Thursday, 25 November 2021** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Mr Peter Tucker (Chair); Mr Lee Wellbrook (Vice-Chair); Mr Peter Lorenzo; Councillors: J Bayford, Braidwood, Crittenden, Dexter, Duckworth, Fellows, Kup, Scobie, Quittenden and Crow-Brown.

## A G E N D A

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 4)  
To approve the Minutes of the meeting of Standards Committee held on 24 June 2021, copy attached.
3. **DECLARATIONS OF INTEREST** (Pages 5 - 6)  
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
4. **RECOMMENDATIONS FROM STANDARDS ASSESSMENT SUB-COMMITTEE** (Pages 7 - 10)
5. **RECOMMENDATIONS OF THE CONSTITUTIONAL REVIEW WORKING PARTY** (Pages 11 - 14)
6. **CHAIR'S REPORT**  
To receive a verbal update from the Independent Chairman.
7. **STANDARDS COMPLAINT STATISTICS** (Pages 15 - 16)

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## STANDARDS COMMITTEE

Minutes of the meeting held on 24 June 2021 at 7.00 pm in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Mr Peter Tucker (Chair); Councillors J Bayford, Crittenden, Duckworth, Fellows, Kup, Scobie, Dennis, Quittenden (Minster Parish Council), Crow-Brown (Minster Parish Council) and Peter Lorenzo (Independent Member of the Standards Committee)

**In Attendance:** Cllr Ashbee

### 1. APOLOGIES FOR ABSENCE

Apologies were received from Lee Wellbrook and Dennis James.

### 2. MINUTES OF PREVIOUS MEETING

Mr Tucker proposed, Cllr Fellows seconded and members agreed that the minutes of the meeting held on 9 March 2021 be approved and signed as a correct record.

### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 4. CHAIR'S REPORT

The Chair gave a brief verbal update on the work of the Standards Committee, commenting that:

- There had only been one complaint regarding member behaviour since the last meeting of the Standards Committee.
- The CRWP also met once to comment on the draft Member Parental Leave Policy.

### 5. MEMBER PARENTAL LEAVE POLICY

Nick Hughes, Committee Services Manager, introduced the report.

He outlined the report and made the following points:

- The policy was aimed at those considering becoming councillors, more than those currently in the position.
- One third of female councillors at childbearing age found a lack of maternity leave to be a barrier to fulfilling their role.
- A councillor on parental leave would always be entitled to the basic allowance, the policy only related to Special Responsibility Allowances.
- The policy agreed a blanket acceptance that parental leave was an acceptable reason for an extension of time as per section 85 of the Local Government Act 1972; requiring attendance of at least one meeting in any six month period.
- The Constitutional Review Working Party highlighted that the policy also covered adoption leave and that TDC would be amongst the first councils in Kent to adopt it.
- The CRWP also felt that comparing the compensations and benefits of the vastly different roles of officers and councillors wasn't reasonable.

During discussion it was noted that:

- There would be communication between the person on parental leave and any appointed replacement, but the role itself would be only undertaken by the replacement.
- The councillor on parental leave would continue to have voting rights at Full Council.
- Options 2 & 3 in the report were considered most generous and viewed favourably.

Following discussion a vote was taken on options 2 & 3. Cllr Kup proposed, Cllr Bayford seconded and members agreed that Option 2 be recommended to Full Council on 15 July 2021, namely:

- 6 months full pay of Special Responsibility Allowances where applicable, with any remaining leave being unpaid.

## **6. STANDARDS COMPLAINT STATISTICS**

Members noted the statistics.

Meeting concluded : 7.16 pm

### **Do I have a Disclosable Pecuniary Interest and if so what action should I take?**

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

### **Do I have a significant interest and if so what action should I take?**

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or  
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
  - exercises functions of a public nature; or
  - is directed to charitable purposes; or
  - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

### **Gifts, Benefits and Hospitality**

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

### **What if I am unsure?**

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

If you need to declare an interest then please complete the declaration of [interest form](#).

## Recommendations from Standards Assessment sub-Committee

<b>Meeting</b>	Standards Committee
<b>Date</b>	25 November 2021
<b>Report Author</b>	Estelle Culligan (Director of Law and Democracy)
<b>Portfolio Holder</b>	Cllr Ash Ashbee, Leader
<b>Status</b>	For Decision and recommendation to Council
<b>Classification:</b>	Unrestricted
<b>Previously Considered by</b>	Standards Assessment sub-Committee
<b>Ward:</b>	All

### Executive Summary:

A report to update the Committee about recommendations made by the Standards Assessment sub-Committee during their consideration of various complaints since March 2021.

### Recommendation(s):

To agree the following recommendations:

1. Training should be offered to councillors on declarations of interests and issues about membership of social media groups, to include independent persons and town/parish councillors.

To agree to recommend to Council:

2. That the existing Guide to Social Media in Part 5 of the Constitution, "Codes and Protocols" is updated in light of recently published Guidance by the LGA about Code of Conduct issues and specifically councillors' use of social media

### Corporate Implications

#### Financial and Value for Money

No implications

#### Legal

The Council is required to have a sound Code of Conduct and standards regime is set out in the Localism Act 2011. It is therefore appropriate to periodically review how the Code of Conduct is operating and make improvements as necessary.

## Corporate

The role of the Standards Committee is summarised in this extract from the Constitution:

1. 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.
2. To advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards.
3. To advise the District Council on the adoption of or revisions to its Members Code of Conduct.
4. To advise, train or arrange to train District Members, Co-opted Members and Parish/Town Councillors on matters relating to the Members Code of Conduct.

It is therefore appropriate from time to time for the Committee to consider if any improvements can be made in training of councillors and/or amendments to the Code of Conduct.

## Equality Act 2010 & Public Sector Equality Duty

*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.*

*Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.*

This report relates to the following aim of the equality duty: -

- *To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.*
- *To advance equality of opportunity between people who share a protected characteristic and people who do not share it*
- *To foster good relations between people who share a protected characteristic and people who do not share it.*

## Corporate Priorities

This report relates to the following corporate priorities: -

*(delete as appropriate)*

- *Communities*



## 1.0 Introduction and Background

- 1.1 The Standards Assessment sub-Committee has dealt with a number of complaints since March about the issue of councillors' use of social media and various memberships of social media pressure groups.
- 1.2 The issue has been raised with particular reference to one parish/town council, and also in relation to the district council. Various councillors have also raised concerns and queries.
- 1.3 In addition to the sub-Committee's reference, the Deputy Monitoring Officer and Democratic Services team have dealt with a number of issues within parish councils about management of meetings, dealing with declarations of interests, and general lack of understanding of the Code of Conduct.

## 2.0 The Current Situation

- 2.1 During recent meetings, the sub-Committee has made a number of recommendations to address these issues, as follows:
  1. Training should be offered to councillors on declarations of interests and issues about membership of social media groups. It was suggested that the training includes independent persons and town/parish councillors.
  2. The Council should be asked to review the Councillors' Code of Conduct in light of recently published Guidance by the LGA about Code of Conduct issues and specifically the use of social media
- 2.2 The Local Government Association (LGA) has published a Model Code of Conduct for Councillors, following its review of standards issues. That Model Code is very similar to the Kent model Code of Conduct that the Council already has in place (along with other district and parish councils in Kent). It is therefore not recommended that the Council amends its Code of Conduct at this time.
- 2.3 However, the LGA has also published helpful guidance, link here: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>. This guidance includes a section on councillors' use of social media.
- 2.4 Part 5 of the Constitution (Codes and Protocols) contains a section about Social Media. It is recommended that that section is updated to include reference to the LGA guide on social media.
- 2.5 It is also apparent that there is a more general issue of lack of understanding within some parish councils about the Code of Conduct, which is often due to turnover of councillors/new councillors being appointed, the Deputy MO has agreed to visit parish councils as and when required to offer support and guidance on the Code of Conduct. Mr Peter Tucker has also kindly offered to attend.

## 3.0 Next Steps

- 3.1 If the recommendations are approved, the Democratic Services team will arrange training for all councillors to meet recommendation 1. A report will go to Council on 9 December to request a decision on recommendation 2.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

### Background Papers

None

### Corporate Consultation

Finance: *Chris Blundell (Director of Finance)*

Legal: *N/A*

## Recommendations of the Constitutional Review Working Party

<b>Meeting</b>	Standards Committee
<b>Date</b>	25 November 2021
<b>Report Author</b>	Estelle Culligan (Director of Law and Democracy)
<b>Portfolio Holder</b>	Cllr Ash Ashbee, Leader
<b>Status</b>	For Recommendation
<b>Classification:</b>	Unrestricted
<b>Previously Considered by</b>	Constitutional Review Working Party on 11/11/21
<b>Ward:</b>	All

### Executive Summary:

A report to update the Committee on recommendations made by the Constitutional Review Working Party (CRWP) on 11/11/21 about proposed amendments to the Council's Constitution and to seek the Committee's approval to recommend the changes to Council.

### Recommendation(s):

- 1 To agree to recommend to Council to amend Part 3 Section C of the Constitution, "COUNCIL FUNCTIONS CARRIED OUT BY COMMITTEES", as follows (additional words in bold italics)  
  
"2.2 Within the policies laid down by the Council, the Committee will:  
2.2.1 Determine individual applications for planning permission and any other application made under planning legislation where:  
a) It is an application which the Director of Housing and Planning or Planning Applications Manager In consultation with the Chairman or Vice Chairman of the Planning Committee, considers to be of significant public interest;  
b) It is an application which Council Members have specifically requested to be referred to the Planning Committee in accordance with the requirements of any Member's Call in Procedure from time to time approved by the Council (set out in the Protocol for the Guidance of Planning Committee Members and Officers);  
c) The application has been submitted by or on behalf of a Member or an Officer of the Council;  
d) It is an application by or on behalf of Thanet District Council **or on land owned by Thanet District Council or any company of which Thanet District Council is a party.**
- 2 To agree to recommend to Council to amend Article 8 of the Council's Constitution as follows (amended words in bold italics):

“8.02 No member or substitute member of the General Purposes Committee, Planning Committee or the Licensing Board will be allowed to take their seat on the committee unless they have received relevant, appropriate, up-to-date training.

8.03 In relation to the Planning Committee this is attending at least one session run by the Council’s Planning team every **year**. In relation to the Licensing Board this is attending at least one training session run by the Council’s Licensing team every **year**. In relation to the General Purposes Committee this is attending at least one training session run by the Council’s Monitoring Officer at least every **year**. “

- 3 To agree to recommend to delete paragraph 5 regarding Training, from the “Council’s Protocol for the Guidance of Planning Committee Members and Officers”, which states:

“Council appoints members to the Planning Committee at the Annual Meeting and is legally required to give preference to the nominations of the political party groups in order to achieve political balance. This will take priority over any other requirement that the Council may wish to impose on the appointment of members to the Planning Committee, such as a requirement that a member will first receive training. However, it is expected that all members of the Planning Committee (including substitute members) will participate in initial and regular update training and members who are not willing to do so should decline to be appointed to the Planning Committee. “

## **Financial and Value for Money**

In respect of recommendation 1, the proposed changes to the Constitution are proposed to resolve an issue raised by the result of the Judicial review, which resulted in planning permission being quashed and the Council paying the claimant’s costs. The changes proposed seek to remove the potential for a similar challenge in the future by clarifying the process of determination of application where the Council could be perceived to be the beneficiary of any grant of planning permission. This would reduce the financial risk to the Council of similar claims.

There are no financial implications of recommendations 2 and 3

## **Legal**

In respect of recommendation 1, the proposed change is as a result of the decision of the High Court on the judicial review. As a High Court decision, it carries significant weight and it is recommended that the Council makes the appropriate amendments to its Constitution to take account of the court’s decision.

There are no legal implications of recommendations 2 and 3

## **Corporate**

The Council’s Constitution is a live and evolving document. It is appropriate that various rules and procedures in it should be amended from time to time to reflect both legal decisions and changes in practice and procedure. Having a clear and up-to-date Constitution helps the Council to demonstrate transparency of decision making and helps officers, members and the public to better understand the rules of the Council.

## **Equality Act 2010 & Public Sector Equality Duty**

No implications

## **Corporate Priorities**

This report relates to the following corporate priorities: -  
(delete as appropriate)

- *Environment*
- *Communities*

## **1.0 Introduction and Background**

- 1.1 These recommendations were considered and approved by CRWP on 11 November 2021. The committee agreed that the Standards Committee consider the recommendations with a view to recommending to Council that the Constitution be amended to reflect the changes.
- 1.2 Both reports and minutes can be found at the following link:  
<https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=126&MId=6088>

### **Amendments to the delegations for Planning Committee**

- 1.3 Given the outcome of the judicial review, it is considered appropriate and important to avoid any future issues or concerns about the impression of impartiality of the Council's determination of planning applications when the Council is either the owner of the land (but not the applicant), or is part of a company which owns land. In those instances, any planning application or application made under planning legislation on that type of land should be required to be determined by the Council's Planning Committee.
- 1.4 Members should note that the change would not apply to applications on land historically but not currently owned by the Council.
- 1.5 This change would resolve an ambiguity in the current wording of the Constitution, whilst demonstrating transparency in decision-making of planning applications where there could be a perception of bias due to the Council's ownership of land or otherwise involvement in the land holding.

### **Amendments to Article 8 of the Constitution**

- 1.6 Mandatory training was introduced for regulatory committees at TDC 2.5 years ago. It has proved to be an effective way of ensuring that Members are trained to a high standard and are kept up to date with the latest legislation. However, anecdotal feedback from the relevant service areas has indicated that the six monthly frequency has proved to be too onerous, especially as there have been few changes to legislation that would normally be the subject of training sessions.

- 1.7 It is proposed that the frequency of the mandatory training be reduced from six monthly to yearly. This means that Councillors will receive regular training for the regulatory committees, but reduces the burden on both Members and Officers.
- 1.8 It is very important to note two key points:
- a) The proposed change does not mean that only one training session will take place a year; simply that there will be a minimum of one training session a year. It would be common for there to be multiple sessions if necessary for example due to the introduction of new legislation or if new members were added to a committee.
  - b) Training for Members who sit on the Planning, Licensing and General Purposes committees will remain compulsory under Article 8; the only changes being proposed is the frequency.
- 1.9 In addition it is also proposed that Paragraph 5 of the “Council’s Protocol for the Guidance of Planning Committee Members and Officers” is deleted. This is because it is made redundant because of the content of Article 8.

## 2 Options

- 2.1 The recommended options are set out in paragraphs 1 - 3 under “Recommendations” above. Members could choose to reject the recommendations, in which case the Constitution will remain as it is, or proposed alternative changes to the relevant sections.

## 3 Next Steps

- 3.1 If approved, the recommendations will be reported to the next Council meeting on 9 December for approval. If approved by Council, the Constitution will be amended accordingly.

Contact Officer: *Estelle Culligan (Director of Law and Democracy)*

Reporting to: *Madeline Homer (Chief Executive)*

### Corporate Consultation

**Finance:** *Chris Blundell (Director of Finance)*

**Legal:** *N/A*

<b>COMPLAINT NO:</b>	<b>DATE</b>	<b>PROGRESS</b>	<b>COMPLAINANT</b>	<b>AGAINST</b>	<b>ALLEGATION</b>
TDCSC255/21	18/06/2021	NFA - Corporate complaint, not regarding Cllrs.	N/A	N/A	N/A
TDCSC256/21	10/07/2021	Informal dispute resolution procedure - letter sent to Ramsgate Town Council.	TDC Councillor	RTC Councillors	Allegation of failure to disclose significant interests.  Additional allegations raised - no further action recommended.
TDCSC257/21	20/07/2021	Informal dispute resolution procedure - letter sent to subjects.	Member of the public	TDC Councillors	Allegation of failure to disclose significant interests.  Additional allegations made - no further action recommended.
TDCSC258/21A&B	10+25/08/2021	Did not meet the jurisdiction test.  Closed.	Members of the public	TDC Councillor	Allegation of inappropriate conduct at Planning Committee.
TDCSC259/21	15/08/2021	Did not meet the jurisdiction test.  Closed.	Member of the public	TDC Councillor	Allegation of harassment.
TDCSC260/21A&B	25/08/2021	Informal dispute resolution procedure - letter sent to subject.	Members of the public	TDC Councillor	Allegation of inappropriate conduct.

TDCSC261/21	25/08/2021	Not yet concluded.	Member of the public	TDC Councillor	Allegation of failure to disclose significant interests.
TDCSC262/21	28/08/2021	Informal dispute resolution procedure - letter sent to subject.	RTC Councillor	TDC Councillor	Allegation of inappropriate conduct.
TDCSC263/21	02/10/2021	Did not meet the jurisdiction test.  Closed.	Member of the public	TDC Councillor	Allegation of inappropriate conduct.
TDCSC264/21	13/10/2021	Did not meet the jurisdiction test.  Closed.	Member of the public	TDC Councillor	Allegation of inappropriate conduct.
TDCSC265/21	13/10/2021	Did not meet the jurisdiction test.  Closed.	Member of the public	TDC Councillor	Allegation of inappropriate conduct.
TDCSC266/21	24/10/2021	Not yet concluded.	Member of the public	TDC Councillor	Allegation of failure to disclose significant interests.
TDCSC267/21	07/11/2021	Not yet concluded.	TDC Councillor	RTC Councillor	Allegation of bullying.