



Date: 02 March 2022
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STANDARDS COMMITTEE

10 MARCH 2022

A meeting of the Standards Committee will be held at **7.00 pm on Thursday, 10 March 2022** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

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

A G E N D A

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **MINUTES OF PREVIOUS MEETING** (Pages 3 - 6)
To approve the Minutes of the meeting of Standards Committee held on 25 November 2021, copy attached.
3. **DECLARATIONS OF INTEREST** (Pages 7 - 8)
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. **REVISION TO DELEGATIONS** (Pages 9 - 12)
5. **AMENDMENTS TO THE LEADER'S REPORT** (Pages 13 - 18)
6. **QUESTIONS FROM MEMBERS TO COUNCIL** (Pages 19 - 22)
7. **CHAIR'S REPORT** (Pages 23 - 26)
8. **STANDARDS COMPLAINT STATISTICS** (Pages 27 - 30)

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STANDARDS COMMITTEE

**Minutes of the meeting held on 25 November 2021 at 7.00 pm
in Council Chamber, Council Offices, Cecil Street, Margate, Kent.**

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

1. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Crow-Brown and Mr Lee Wellbrook.

2. MINUTES OF PREVIOUS MEETING

Mr Tucker proposed, Cllr Scobie seconded and members AGREED that the minutes of the meeting held on 24 June 2021 be approved and signed as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. RECOMMENDATIONS FROM STANDARDS ASSESSMENT SUB-COMMITTEE

Estelle Culligan, Director of Law and Democracy, introduced the report.

During discussion it was noted that:

- The Standards Assessment sub-committee had seen that there was a lack of understanding among some town, parish and district councillors regarding declarations of interest.
- The sub-committee had expressed a desire to offer training, through a variety of sources, to all district, town and parish councillors.
- It was noted that the Code of Conduct precedes social media and that it should be updated with the latest guidance on social media published by the LGA prior to the training, to ensure they align.
- The distinction was made that members can be part of a pressure group, but that they need to be thoughtful around what they say in decision making meetings and always come to a meeting with an open mind.
- Training could not be made compulsory unless an investigation found a breach of the Code of Conduct and sanctions were imposed that included a requirement to attend training.
- The Council would encourage members to attend the training and try to be flexible, offering a variety of ways to undertake it.

Cllr Fellows proposed, Cllr Jill Bayford seconded and members AGREED to recommend to Full Council 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

The Committee also AGREED that:

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.

5. RECOMMENDATIONS OF THE CONSTITUTIONAL REVIEW WORKING PARTY

The recommendations in this report were considered by the Constitutional Review Working Party on 11 November 2021.

Estelle Culligan presented the report noting that:

- The first recommendation was to make a change to the Constitution affecting the circumstances in which certain applications would be put before the Planning Committee.
- This change was set out in order to resolve an ambiguity of wording that existed in the Constitution.
- This proposal followed a judicial review decision that resulted in a planning permission being quashed, due to the Judge's statement that there was the possible perception of bias in the interpretation of the existing wording.

Cllr Kup proposed, Cllr Duckworth seconded and members AGREED to recommend to Full Council:

- 1 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 training 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", as the paragraph is made redundant by Article 8. Paragraph 5 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.”

6. CHAIR'S REPORT

The Chair gave a verbal update noting that he welcomed the clarification that the recommendations agreed in item 4 would bring.

7. STANDARDS COMPLAINT STATISTICS

Members noted the statistics.

Meeting concluded : 7.30 pm

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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](#).

REVISION TO DELEGATIONS

Standards Committee	10 March 2022
Previously considered by:	
Constitutional Review Working Party	23 February 2022
Report Author	Director of Democracy and Law
Status	For recommendation
Classification:	Unrestricted
Ward:	All

Executive Summary:

In line with the practice followed in other authorities, the Standards Committee is being asked to recommend amending the scheme of delegations to authorise the Chief Executive to declare vacancies in office under Section 86 of the Local Government Act 1972.

This will avoid the artificial situation where Full Council is asked to consider and debate an administrative provision whereas the law requires that the matter be agreed.

Recommendation(s):

The Standards Committee recommends that Council amends its scheme of delegations by delegating to the Chief Executive (and in her absence the Director of Democracy and Law) the authority to declare vacancies in office under section 86 of the Local Government Act 1972.

Corporate Implications

Financial and Value for Money

There are no additional costs resulting from this recommendation.

Legal

A continued failure to declare a vacancy may lead to the publication of a report under section 5 of the Local Government and Housing Act 1989 and potential judicial review proceedings.

Corporate

The failure to declare vacancies forthwith has the effect of disenfranchising the electorate when elections are halted or delayed.

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.

There are no equality implications in respect of this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction and Background

- 1.1 The law requires the Council to declare a vacancy in office forthwith, where a councillor ceases to be qualified as a member, becomes disqualified for being a member or ceases to be a member by reason of failure to attend meetings. This responsibility is currently reserved to Council in the scheme of delegations.
- 1.2 Seeking a Council decision to carry out this statutory requirement where there is no discretion can cause confusion and a delay in declaring a vacancy and can be seen as inefficient for the Council and unfair on the Councillor involved.

2.0 The Proposed Way Forward

- 2.1 In order to avoid any potential confusion, it is recommended that the responsibility for declaring vacancies in office under section 86 of the Local Government Act 1972 is delegated to the Chief Executive and in her absence, the Director of Democracy and Law. This then avoids the Council going through the fallacy of a debate when the law requires the Council to make an administrative decision with no choice or discretion.

3.0 Consideration by the Constitutional Review Working Party

- 3.1 The Constitutional Review Working Party (CRWP) considered this report at their meeting on the 23 February 2022 and made the following recommendation to the Standards Committee:

“That CRWP recommends to the Standards Committee that Council amends its scheme of delegations by delegating to the Chief Executive (and in her absence the Director of Democracy and Law) the authority to declare vacancies in office under section 86 of the Local Government Act 1972.”

4.0 Next Steps

- 4.1 The recommendations agreed by the Committee will be presented to Council for final approval.

Contact Officer: Estelle Culligan, Director of Law & Democracy

Reporting to: Madeline Homer, Chief Executive

Corporate Consultation

Finance: Matthew Sanham Financial Services Manager

Legal: Estelle Culligan, Director of Law & Democracy

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AMENDMENTS TO THE LEADERS REPORT

Standards Committee	10 March Committee
Previously Considered by:	
Constitutional Review Working Party	Wednesday 23 February 2022
Report Author	Director of Law and Democracy
Portfolio Holder	Cllr Ashbee, Leader of the Council.
Status	For Recommendation

Executive Summary:

The Leader of the Council has asked Democratic Services to propose a number of amendments to the Council Procedure Rules regarding elements of the Leader's Report.

It is proposed that opposition group leaders should submit questions on the Leaders Report to the Leader in advance of the meeting in order for the Leader to be able to provide more comprehensive answers. To accommodate this process, minor alterations would be required to the timescales of production and distribution of the Leader's report.

Recommendation(s):

That Standards Committee recommends that Council make the amendments to Council Procedure Rule 2.4 regarding the Leader's Report as outlined in Annex 1 to the report.

Corporate Implications

Financial and Value for Money

There are no additional costs resulting from this recommendation.

Legal

Any procedural changes such as this to the Constitution must be approved by CRWP, before being considered by Standards Committee and finally approved by Council.

Corporate

Commenting and asking questions on the Leader's speech is an important part of the Council's democratic process and an important way for group leaders to hold the Executive to account.

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.

There are no equality implications in respect of this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 The Leader of the Council has asked Democratic Services to propose a number of amendments to the Council Procedure Rules regarding elements of the Leaders Report.
- 1.2 It is proposed that opposition group leaders should submit questions on the Leaders Report to the Leader in advance of the meeting in order for the Leader to be able to provide more comprehensive answers at meetings of Council.
- 1.3 To accommodate this process, minor alterations to the timescales of the production and distribution of the Leader's report would be necessary to manage the process and make it fair.

2.0 Proposed changes to the Constitution.

- 2.1 In order to accommodate the request from the Leader it is proposed to make the following changes to the Leader's report process:
 1. The Leader of the Council will make available in writing the content of their oral report to opposition group leaders no later than one week prior to the meeting.

2. The Leader of any other political group must then provide the Leader and Chairman with any questions that they intend to ask as part of their response to the Leader's speech by close of business on the Tuesday prior to the meeting.
 3. Any questions on the Leader's speech that were not submitted in advance by political group leaders would be ruled as inadmissible by the Chairman.
- 2.2 These amendments are reflected in a revised version of paragraph 2.4 of the Council Procedure Rules attached at Annex 1 of the report.

3.0 Consideration by Constitutional Review Working Party

- 3.1 This report was considered by the Constitutional Review Working Party (CRWP) at its meeting on 23 February 2022.
- 3.2 At that meeting the CRWP made the following recommendation to the Standards Committee:

"That CRWP recommends to the Standards Committee that Council make the amendments to Council Procedure Rule 2.4 regarding the Leader's Report as outlined in Annex 1 to the report."

4.0 Next Steps

- 4.1 If agreed by the Standards Committee, the amendments would be recommended to Full Council for final approval.
- 4.2 If agreed by Council the amendments will be added to the Council's Constitution and would become effective from the date of Council's decision.

Contact Officer: Estelle Culligan, Director Law and Democracy
Reporting to: Madeline Homer, Chief Executive

Annex List

Annex 1 Proposed amendments to paragraph 2.4 of the Council Procedure Rules

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham Financial Services Manager

Legal: N/A

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2.4 Leaders Report

The Leader of the Council will make available in writing the content of their oral report to opposition group leaders no later ~~than the Saturday before the meeting~~ **than one week prior to the meeting**. The speech will not exceed ten minutes on key issues arising since the last meeting of Council.

The Leaders of any other political group may comment on the Leader's report. The comments of the Leaders of the other political groups shall be limited each to five minutes. The other Group Leaders will comment in an order determined by the number of Councillors within those political groups, with the largest group commenting first, and so on. **The Leader of any other political group must then provide the Leader and Chairman with any questions that they intend to ask as part of their response to the Leader's speech by close of business on the Tuesday prior to the meeting.**

The Leader has a right of reply to each Group Leader limited to two minutes, in hierarchical order, to any comments made on their report.

The Leader of the Council, the Leader of the Opposition and the Leader of any other political group may appoint substitutes to speak on their behalf.

Any questions that were not submitted in advance by political group leaders would be ruled as inadmissible by the Chairman if they were raised as part of their leaders speech.

No motions may be moved nor resolutions passed under this item

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QUESTIONS FROM MEMBERS TO COUNCIL

Standards Committee 10 March Committee

Previously Considered by:

Constitutional Review Working Party Wednesday 23 February 2022

Report Author Director of Law and Democracy

Portfolio Holder Cllr Ash Ashbee, Leader

Status For Recommendation

Classification: Unrestricted

Ward: All

Executive Summary:

A report to consider revisions to the section on Members' Questions to Council under rule 14 in Part 4 of the Constitution (Rules of Procedure), specifically rule 14.6 - "Scope of Questions" and rule 14.8 - "Supplementary Questions".

Recommendation(s):

The Standards Committee is asked to consider the suggestions in this report and to make any further suggestions/amendments they wish for consideration by Council, for amendments to the Constitution.

Corporate Implications

Financial and Value for Money

There are no financial implications to this report

Legal

There are no legal implications to this report

Corporate

The ability of members to ask questions on notice to members of Cabinet and/or Chairs of committees is an important part of the democratic process and shows that the Council is open and transparent about its decision making. However, it is important that questions are asked in the right way and the opportunity is not wasted by time spent on inappropriate questions. Therefore it is important periodically to review the rules around the procedures for asking questions.

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.

There are no equality implications arising out of this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction and Background

- 1.1 There have been a number of questions raised at Council recently by councillors which have been considered inappropriate, in that they would be better raised as operational issues to the department concerned or relate to issues about which the Council has little or no control - e.g. questions about national planning policy.
- 1.2 It has been perceived that some of these questions arise out of political motivation, but nevertheless it is relevant to consider whether rule 14.6, "Scope of Questions", can be amended to better guide members' questions. It is also relevant to consider rule 14.8, "Supplementary Questions".
- 1.3 A number of suggestions have been made about amendments and these are shown below in red.

2.0 The Current Situation

- 2.1 The current version of rules 14.6 and 14.8 are as follows, with possible amendments shown in red:

14.6 Scope of questions

A question shall not be:

- defamatory, frivolous or offensive;
- **related to a straightforward operational matter, which should be directed at a Service Director**
- substantially the same as a question which has been put at a meeting of the Council in the past six months;
- such as to require the disclosure of confidential or exempt information;

- related to an individual planning or licensing application; or
- related to the ethical conduct of individual Members of Council unless the conduct relates to the Member acting as a Member of the Council.
- related to a matter which has already been raised as a Standards Complaint against a member and which has not yet been concluded through the Code of Conduct procedures.

When the Chief Executive considers rejecting a question, they will consult with the Chair of the Council first.

There is no right of appeal for rejected questions.

14.8 Supplementary question

A member asking a question under Rule 14.3 or 14.4 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply. **The Chairman will be robust in refusing to allow questions which do not arise directly out of the original question or reply. The Chairman's view on the issue will be final.**

3.0 Consideration by the Constitutional Review Working Party

- 3.1 The Constitutional Review Working Party considered this report at its meeting on the 23 February and made the following points:

During consideration of the item it was noted that:

- While it is understood that Council should work at a high strategic level, sometimes members ask straightforward operational matter questions because they have not received a response from a service director.
- An operational question should only reach Full Council if the proper process has been followed without success. It should be a last resort because the task of preparing responses to questions at Council is resource intensive and involves a lot of senior officers' time. A members' portal is being designed to help members log and monitor operational enquiries. This should improve response times from Service Directors. negate the need to amend the constitution. The issue of operational questions at Council should be reviewed in six months time, once the portal is in place.
- The opportunity to ask a supplemental question should not be used as a chance to make a political statement, it should be used solely to ask a question arising from the response to the question.
- The Leader and Cabinet members are available to assist all members regardless of political party. Members are encouraged to get in touch if there is an operational matter that a Cabinet Member could help with.

It was proposed by Councillor Hopkinson, seconded by Councillor Rusiecki and agreed that the Working Party recommend the following amendments are considered by the Standards Committee:

'Council Procedure Rule 14.6

- There should be no restriction on questions relating to straight forward operational matters at this time. This would be reviewed in six months, following the implementation of the members portal.

- That the bullet point '*- related to a matter which has already been raised as a Standards Complaint against a member and which has not yet been concluded through the Code of Conduct procedures.*' be added to the list of reasons that would invalidate a question.

Council Procedure Rule 14.8

- That the following sentence be added at the end of the existing paragraph: '*The question must be a question and not a statement, and rise directly out of the response.*'

3.0 Options

- 3.1 Members are asked to consider whether to accept the original suggested amendments, or accept the recommendations of the CRWP and/or make additional suggestions.

4.0 Next Steps

- 4.1 The recommendations agreed by the Committee will be presented to Council for final approval.

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

Reporting to: *Madeline Homer (Chief Executive)*

Corporate Consultation

Finance: *N/A*

Legal: *N/A*

CHAIR'S ANNUAL REPORT

Meeting	Standards Committee
Date	10 March 2022
Report Author	Chair of the Standard's Committee
Status	For Information
Classification:	Unrestricted

Executive Summary:

The Chair's annual report summarises and comments on the work of the Standards Committee for the period March 2021 - March 2022.

Recommendation(s):

That members note the report and refer the report to Council.

Corporate Implications

Financial and Value for Money

None arising from this report.

Legal

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 Committee's function to monitor the effectiveness of the Code of Conduct.

Corporate

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 Committee's function to monitor the effectiveness of 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: -

- *Communities*

1.0 Introduction

- 1.1 This is my 2nd Annual Report as Chair of the Standards Committee.
- 1.2 With the easing of COVID restrictions we have managed to hold face to face meetings of the committee.
- 1.3 It is pleasing to say that none of the complaints made required formal investigation therefore saving the Council unnecessary expenditure.
- 1.4 Hopefully part of this year's training will incorporate myself and a member of Democratic Services attending local Parish and Town Council meetings to explain the functions of the Standards Committee.

2.0 Constitutional Review Working Party (CRWP) and Standards Committee Meetings

- 2.1 CRWP met on 15 June 2021, 11 November 2021 and 23 February 2022. We discussed the following: Members Parental leave Policy, Planning protocol changes, amendments to mandatory training for councillors, social media guidance, members' questions at Council meetings, declaration of member vacancies and questions in response to the Leader's report at Council meetings.
- 2.2 The Standards Committee meeting scheduled for 14 September 2021 was cancelled due to lack of business.

3.0 Complaints about Member Behaviour Considered by a Standards Sub Committee of Thanet District Council 2021/22

- 3.1 The Council received 21 complaints raised under the Members' Code of Conduct between March 2021 and March 2022.
- 3.2 Of the 21 complaints received in this period, two were considered to be corporate complaints not concerning councillors and were therefore referred to the corporate complaints system. Nine were considered not to meet the jurisdiction test. Two complaints are not yet concluded. Eight cases were therefore progressed for consideration by a sub-committee.
- 3.3 Of those assessed by sub-committees, 1 complaint was withdrawn and 1 resulted in a decision of no further action due to the complaint being unfounded.
- 3.4 Of the remaining 6 complaints, all were considered to be suitable for the informal resolution process. The sub-committee made various recommendations back to the complainants and subject members. No complaints were referred for further investigation.
- 3.5 The sub-committee dealt with a number of complaints from both councillors and members of the public about allegations relating to disclosures of interests, particularly relating to posts on social media sites.
- 3.6 As a result, the sub-committee recommended that further training on declarations of interests and how this relates to social media was requested. The Constitution was also updated with the LGA guidance on social media. Training will be delivered later in the year.
- 3.7 The Standards Committee is in the process of recruiting two new Independent Members.

4.0 Thanks

- 4.1. I would like to thank the Independent Members of the Standards Committee for their dedication, particularly Mr Lee Wellbrook who recently resigned from the post - we wish him well.

Annex List

Standards Complaints Table 2021-22

Background Papers

None

Corporate Consultation

Finance: N/A

Legal: Estelle Culligan, Director of Law & Democracy and Deputy Monitoring Officer.

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COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
TDCSC254/21	11/03/2021	NFA - complaint unfounded.	Parish Council Clerk	TDC Councillor	Allegation of bullying and harassment.
TDCSC255/21	18/06/2021	NFA - Corporate complaint, not regarding Cllrs. Dealt with under corporate complaints procedure	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.	Member of the public	TDC Councillor	Allegation of harassment.

		Closed.			
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	Informal dispute resolution procedure - letter sent to subject.	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	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	Allegation of failure to disclose significant interests.

TDCSC267/21	07/11/2021	Did not meet the jurisdiction test. Closed.	TDC Councillor	RTC Councillor	Allegation of bullying.
TDCSC268/21	30/11/2021	NFA - Corporate complaint, not regarding Cllrs. Dealt with through the corporate complaints procedure	N/A	N/A	N/A
TDCSC269/21	13/12/2021	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	Allegation of improper conduct
TDCSC270/22	14/01/2022	Complaint withdrawn.	TDC Councillor	TDC Councillor	N/A
TDCSC271/22	11/02/2022	Not yet concluded.	Member of the public	TDC Councillor	Allegation of improper conduct
TDCSC272/22	23/02/2022	Not yet concluded.	Member of the public	3x TDC Councillors	Allegation of improper conduct

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