

STANDARDS WORKING PARTY

Minutes of the meeting held on 22 June 2012 at 4.15 pm in the Rossetti Room, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Peter Campbell (Chairman); Councillors Dark, Roberts and S Tomlinson

IN THE CHAIR

It was agreed that Councillor Campbell be appointed Chairman for this meeting.

14. APOLOGIES

An apology was received from Councillor King.

15. DECLARATIONS OF INTEREST

None

16. MINUTES OF PREVIOUS MEETING

The minutes of the meeting of the Working Party held on 8 May 2012 were approved, on the proposal of Councillor Dark, seconded by Councillor Campbell.

17. LOCALISM ACT 2011 - REVISED MEMBERS CODE OF CONDUCT, ARRANGEMENTS FOR DEALING WITH COMPLAINTS AND CONSEQUENTIAL AND RELATED MATTERS

Harvey Patterson, Monitoring Officer, clarified that:

- a) The fine referred to at paragraph 1.2 (xiv) (page 7 of agenda pack) was a Level 5 fine and could therefore go up to £5,000 (not £2,500, as stated in the report).
- b) At paragraph 14 of the proposed terms of reference of the voluntary Standards Committee (Annex 2, p. 30), the word. "Advisory" should be removed, on the basis that whereas the Standards (Assessment) Sub Committee would be advisory, the Standards Hearings Sub-Committee would be able to make decisions.
- c) The Monitoring Officer also had power to grant dispensation pursuant to S33 (2) of the Localism Act 2011 where:

"without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter" or the meeting would be inquorate. (Para 13.1, Annex 2, p. 30, additional delegations, Annex 4, p. 61 and para 6.1 of the report, p 12 refer)

Upon discussing the key elements of the report and annexes, the Working Party AGREED TO RECOMMEND that the following be adopted:

1. the terms of the draft Kent Members' Code of Conduct (Annex 1);
2. the draft Terms of Reference for a voluntary Standards Committee including the Terms of Reference for a Standards (Assessment) Sub Committee and a Standards (Hearings) Sub Committee (Annex 2);

3. the terms of the draft Arrangements for the management of complaints (Annex 3)
4. the proposed amendments to the Council Procedure Rules and Scheme of Delegations to Officers (Annex 4)

SUBJECT TO the following:

Membership – voluntary Standards Committee (table, Annex 2, p. 29)

- i. “crude” or “approximate”, rather than strict, political balance should apply to the voluntary Standards Committee (para 4.1 of report also refers);
- ii. “Cabinet Leader ineligible” should read “Leader of the Council and Political Group Whips ineligible”;
- iii. each the three Town/Parish Representatives included in membership should not also be a Thanet District Councillor;

Membership – Standards (Hearings) Sub Committee (table, Annex 2, p. 32)

- iv. Non-voting Independent Members of the Standards Committee could be included in the membership of the Standards (Hearings) Sub Committee.

“Other Significant Interest” (as referred to in various places in Annexes 1 (Code of Conduct) and 4 (Additional CPR))

- v. “Other Significant Interest” (which, it was noted, was similar to the current prejudicial interest) should, in all cases, be substituted with, “Significant Interest”.

Range of Possible Sanctions (Annex 4 (Hearings Procedure) to Annex 3 to the report (Arrangements – Ps. 55 & 56)

- vi. The following sanction should be added to Paragraph 4.1:

“Recommending to Council that the Subject Member be removed from the office of Leader of the Council.”

Regarding the two issues raised at Para 3.1 of the report, Members felt that:

- (a) the “obligation to treat others with respect” was implicit in the requirement under paragraph 3.2 (f) of the Code of Conduct (p. 19) not to, “conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute”;
- (b) where the Code stated that it applied to a “Member of Co-opted Member of the Thanet District Council when acting in that capacity” (para 1.2, preamble, p. 16), it was necessary to add the words, “claiming to act or giving the impression that they are acting” (in that capacity) (para 1.2, preamble to Code, p. 16 and legal jurisdiction criteria test (c), p. 41 refer).

Meeting concluded : 5.50 pm