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**REVIEW OF POLICIES AND PROCEDURES – PROBITY AND REPUTATION -  
RECOMMENDATIONS FROM CABINET AND REQUEST BY THE STANDARDS  
COMMITTEE TO RE-ESTABLISH THE STANDARDS WORKING PARTY**

To: **Council – 11 July 2013**

Main Portfolio Area: **Business, Corporate and Regulatory Services**

By: **Corporate & Regulatory Services Manager**

Classification: **Unrestricted**

Wards: **N/A**

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**Summary:**

1. **To consider the recommendations of Cabinet in relation to decisions taken in private session and rules concerning the audio and visual recording of Council meetings**
2. **To consider the Standards Committee’s request to re-establish the Standards Working Party and to write to the Local Government Association regarding the lack of effective sanctions for breach of the Members Code of Conduct**

**For Decision**

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**1.0 Introduction and Background**

- 1.1 As part of its decision in relation to a review of policies and procedures affecting probity and the reputation of Council, Cabinet, at its meeting on 25 April 2013, agreed to recommend to Council:
- a) “THAT where a decision is made in private session, such decision is revisited after one year to determine if the decision can be published”;
  - b) “THAT the rules concerning the audio and visual recording of Council meetings be reviewed”.
- 1.2 On 6 June 2013, the Standards Committee approved the commencement of a review of the Members’ Code of Conduct and related processes and procedures on the terms set out in the Monitoring Officer’s report (*attached at Annex 1*) and agreed that full Council be requested to re-establish the Standards Working Party.

**2.0 The Current Situation**

**Review of decisions made in private session**

- 2.1 Council is asked to note that Cabinet resolved on 25 April 2013:

*“That to strengthen transparency and accountability reports to Council, Cabinet or Committee that recommend the exclusion of the press and public*

*from any part of a meeting to which the press and public would normally have access will in future describe the grounds of exclusion and set out why such a recommendations is in the public interest by reference to the factors that favour inclusion and those that favour exclusion. Members will be advised that where a decision whether or not to exclude the press and public is finely balanced, doubts should be resolved in favour of not excluding the press and public.”*

- 2.2 If Council adopts Cabinet’s recommendation (*referred to at Para 1.1 (a) above*) that a decision taken in private be revisited after one year, it is suggested that the matter be referred to the Constitutional Review Working Party in the first instance, to consider the options available for implementation.

#### Review of Rules concerning the audio and visual recording of Council meetings

- 2.2 Council’s current rules concerning the recording of Council meetings are as set out in Council Procedure Rule 34.2:

“No audio or visual recordings shall be made at meetings except for official recordings by the clerk or recordings agreed by the Chairman to be made by accredited media organisations.”

- 2.3 It is suggested that were Council to adopt Cabinet’s recommendation that a review of rules on recording of meetings takes place, the matter be referred for consideration by the Constitutional Review Working Party.

#### Establishment of the Standards Working Party

- 2.4 Following the Council meeting of 14 July 2011, an informal, cross-party Standards Working Party had been set up for the purpose of considering the development of a Voluntary (but subsequently Statutory) Code of Conduct for Members. The Standards Working Party’s recommendations were considered, in turn, by the Constitutional Review Working Party and Standards Committee, and culminated in Council’s adoption of a new Members’ Code of Conduct on 12 July 2012.
- 2.5 At the meeting of the Standards Committee held on 6 June 2013, the Committee resolved to conduct a review of the operations and effectiveness of the Members Code of Conduct and related arrangements. To this end the Committee further resolved to call on the Council to re-establish the Standards Working Party so that the Working Party could be consulted and its views sought as a key part of the review process. Members of the Standards Committee also recognised that legislation would be required to provide effective sanctions for failing to comply with the requirements of the Code of Conduct and therefore the Committee also resolved to call on Council to write to the Local Government Association expressing disquiet at the absence of any sanctions in Chapter 7 of the Localism Act 2011.
- 2.6 The composition of the Standards Working Party had been: two Members of the Labour Group; two Members of the Conservative Group; and one Member of the Independent Group.
- 2.7 Council is asked to re-establish the Standards Working Party, approve its draft terms of reference, as set out at Annex 2, agree its political composition and note nominations thereto from the Group Leaders.

### **3.0 Corporate Implications**

#### **3.1 Financial and VAT**

3.1.1 None arising directly from this report

#### **3.2 Legal**

3.2.1 The review of the rules on recording of meetings will consider the Guide published by the Department for Communities and Local Government on 14 June 2013: *“Your council’s cabinet: going to its meetings, seeing how it works – a guide for local people”*.

#### **3.3 Corporate**

3.3.1 The issues referred in this report affect the level of transparency and accountability of the Council’s decision-making processes, the reputation of the Council and probity of Council Members.

#### **3.4 Equity and Equalities**

3.4.1 None arising directly from this report

### **4.0 Recommendations**

4.1 THAT the Constitutional Review Working Party be requested to consider the options for revisiting a decision made in private session after one year to determine if the report or information on which the decision was made can be published.

4.2 THAT the Constitutional Review Working Party be requested to review the rules concerning the audio and visual recording of Council meetings.

4.3 THAT Council:

4.3.1 Re-establishes the Standards Working Party; and, if so:

4.3.2 Approves the terms of reference, as set out at Annex 2;

4.3.3 Agrees the political composition; and

4.3.4 Notes nominations from the Group Leaders.

4.4 THAT Council writes to the Local Government Association expressing disquiet at the absence of sanctions in Chapter 7 of the Localism Act 2011 for failing to comply with the requirements of the Members Code of Conduct.

### **5.0 Decision Making Process**

5.1 Any matters requiring constitutional changes are normally referred to the Constitutional Review Working Party, which makes recommendations to Standards Committee, which in turn makes final recommendations to Council.

***Future Meetings [ for constitutional matters ]***

Constitutional Review Working Party	21 August 2013
Standards Committee	4 September 2013
Council	3 October 2013

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### ***Annex List***

Annex 1	Monitoring Officer's report to Standards Committee, 6 June 2013
Annex 2	Draft Terms of Reference of the Standards Working Party (if re-established)

### ***Background Papers***

<b>Title</b>	<b>Details of where to access copy</b>
Department for Communities and Local Government Guide, published 14 June 2013: <b><i>"Your council's cabinet: going to its meetings, seeing how it works – a guide for local people"</i></b> .	Published as a background paper to this report on the TDC website, <a href="http://www.thanet.gov.uk/">http://www.thanet.gov.uk/</a>

### ***Corporate Consultation Undertaken***

Finance	n/a
Legal	n/a