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STANDARDS COMMITTEE

Minutes of the meeting held on 6 June 2013 at 7.00 pm in Austen Room, Cecil Street, Margate, Kent.

Present: Mr Robin Hills (Chairman); Mrs Bhore (Independent Member), Ms Pearman (Independent Member), Johnston, Marson, Roberts, M Tomlinson, Cllr Mrs Fletcher (Manston Parish Council), Matterface and H Scobie

In Attendance: Harvey Patterson, Corporate & Regulatory Services Manager
Louise Caffery, Standards Officer
Mr James and Mr Tucker, Independent Persons

36. APOLOGIES FOR ABSENCE

Apologies were received from Mrs Frampton, Cllr Grove, Cllr Lawson, Cllr Way. Cllr Matterface was present as a substitute for Cllr E Green. Cllr H Scobie was present as a substitute for Cllr Nicholson.

37. DECLARATIONS OF INTEREST

There were no declarations of interest.

38. MINUTES OF PREVIOUS MEETING

The Minutes of the April meeting were agreed.

39. CHAIRMAN'S REPORT

The Chairman tabled his report (attached) proposing that the 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.

Proposed: Cllr Mrs Johnston

Seconded: Cllr Mrs Matterface

Resolved: to recommend the Chairman's proposal to full Council.

40. STANDARDS COMPLAINT STATISTICS

Noted

41. MONITORING OFFICER'S REPORT

Noted

42. REVIEW OF MEMBERS CODE OF CONDUCT

Moved: Ms Pearman

Seconded: Cllr M Tomlinson

Resolved:

1. The Standards Committee approves the commencement of a review of the Members Code of Conduct and related processes and procedures on the terms set out in the report of the Monitoring Officer.
2. That full Council be requested to re-establish the Standards Working Party
3. That the review be concluded within a maximum period of 5 months
4. That Stakeholder responses be considered by the Constitutional Review Working Party prior to further consideration by the Standards Committee, who in turn will make their final recommendations to Council.

Meeting concluded : 8.10 pm

I refer to my Chairmen's Annual Report presented to the committee at the last Standards meeting, where I expressed my concerns regarding the poor behaviour of members, and to encourage the committee to champion greater ethical conduct by councillors and to show respect for their position and that of the local authority.

As witnessed by recent events certain members seem to be hell bent on breaching our 'Code of Conduct', which they have signed up to, and are frankly running riot in the eyes of the general public. More to the point they are aware that this Standards Committee and its sub committee members can do very little to arrest this state of affairs due primarily to diabolical changes in legislation in the introduction of the Localism Act 2011 last September.

Changes to the status of Independent Members hardly encourage the public to have confidence in our decision making process. More importantly, there are no meaningful penalties to impose on members even with the most serious of breaches, so much so that we have become the laughing stock of the press, the general public that are now calling for action, and you the fellow members.

This state of affairs is in my view a fiasco and this council needs to urgently take government ministers to task and request they revisit the legislation relating to Standards procedures and that of the roles played by us Independent Members together with the contribution by the newly appointed Independent Persons.

I therefore urge that this committee make recommendation to full council to express our disquiet to the Local Government Association (LGA) and/or take whatever alternative action is appropriate before some members destroy what respect Thanet District Council has left in the eyes of the local electorate.

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Review of Members Code of Conduct - 6 June 2013

To: **Standards Committee**

By: **Monitoring Officer**

Classification: **Unrestricted**

Summary: **To approve a review of the Members' Code of Conduct adopted by Thanet District Council and by the majority of the Town & Parish Council's established in Thanet.**

For Decision

1.0 Introduction

1.1 It is nearly a year since the Council adopted a revised Member Code of Conduct based on the 'model' Kent Members Code of Conduct and it is considered appropriate that a review should now be conducted into the operation of the Code and related processes. This review should align with the officer level review of the Kent Model Code currently being undertaken by the Kent Secretaries Group.

2.0 Review - Scope

2.1 In terms of scope, it is recommended that the review considers both the precise terms of the Members' Code of Conduct and the related processes and procedures that support the enforcement of the Code.

2.2 Issues for the Members Code of Conduct are likely to include:-

- Consideration whether a 'treat others with respect' requirement should be re-introduced into the General Conduct Requirements;
- Whether the scope of the Register of Members Interests should be widened to include declarations in respect of e.g. non corporate tenancies with the Council, or membership of or a position of general control or management of charities or body directed to charitable purposes;
- Whether any extensions to the scope of the Register of Members Interests should apply to spouses/civil partners;
- The value at which the receipt of gifts and hospitality have to be declared;
- Whether 'one size fits all' should continue as e.g. amendments considered necessary or desirable for TDC may not be appropriate for a Parish Council.

2.3 Issues relating to the processes and procedures supporting the enforcement of the Members' Code of Conduct are likely to include:

- Whether TDC should conduct hearings in respect of Town and Parish councillors; and
- The apparent lack of effective sanctions

3.0 Review - Stakeholders

3.1 It is therefore recommended that the review consists of:-

- The re- establishment of, consultation with and receipt of feedback from the Standards Working Party;
- Consultation with and receipt of feedback from the Group Leaders and Group Whips
- Consultation with and receipt of feedback from the Town & Parish Council's established Thanet including the Town & Parish Council's Representatives on the Standards Committee;
- Consultation with and receipt of feedback from the Independent Members of the Standards Committee;
- Consultation with and receipt of feedback from the Independent Person and Nominated Substitute;
- Consultation with and receipt of feedback from the Kent Secretaries Group
- Consultation with and receipt of feedback from complainants who are members of the public;
- Consideration of all stakeholder feedback by the Constitutional Review Working Party prior to consideration by the Standards Committee;

3.2 The Standards Committee will then make recommendations to full Council.

4.0 Corporate Implications

4.1 Financial and VAT

There are no direct financial or VAT implications arising from this report.

4.2 Legal

TDC and the Town & Parish Council's established in Thanet have the power to amend their adopted Codes of Conduct provided they retain consistency with the five 'Nolan principles governing public life

4.3 Corporate

The Members Code underpins the high standard of ethical conduct expected of District, Town and Parish Councillors.

4.4 Equity and Equalities

None specific

5.0 Recommendation(s)

5.1 That the Standards Committee approves the commencement of a review of the Members Code of Conduct and related processes and procedures on the terms set out in the report of the Monitoring Officer.

5.2 That full Council be requested to re-establish the Standards Working Party.

5.3 That the review be concluded within a maximum period of five months

6.0 Decision Making Process

6.1 Stakeholder responses will be considered by the Constitutional Review Working Party prior to consideration by the Standards Committee who, in turn, will make recommendation to full Council

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| Contact Officer: | Harvey Patterson, Monitoring Officer |
| Reporting to: | Sue McGonigal, - Chief Executive |

Annex List

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| N/A |
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Background Papers

| Title | Details of where to access copy |
|-------|---------------------------------|
| None | |

Corporate Consultation Undertaken

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| Finance | N/A |
| Legal | N/A |

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