

Date: 29 July 2013
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Private & Confidential

Sir Merrick Cockell
Chairman, LGA
Local Government House
Smith Square
LONDON
SW1P 3HZ

Dear Sir Merrick

Thanet District Council – Code of Conduct Sanctions

I am writing to you on behalf of Thanet District Council to express our growing concerns about the lack of effective sanctions available to the Standards Committee for breaches of the Code of Conduct adopted by the Council pursuant to Chapter 7 of the Localism Act 2011 and the negative effect this is having on the conduct of some councillors and, as a consequence, on the public perception of the Council.

In particular, the lack of any power for the Standards Committee to suspend a member from office for a proportionate period, (up to six months under the preceding regime) and for Council to then withhold allowances from the suspended member, is, in our experience, resulting in a significant deterioration in the standards of conduct of a minority of independent/ungrouped councillors who, unrestrained by the discipline of membership of one the major party groups and wholly undeterred by the risk of being censured by the Standards Committee or full Council, feel free to disregard the Council's Code of Conduct whenever it happens to suit their agenda to do so.

Indeed in the past two months both the Council and the Cabinet have had to resolve to exclude an independent member from the Council Chamber due to unruly and disruptive behaviour and it is instructive that the same councillor also refused to be interviewed or to co-operate in any way with a duly sanctioned investigation into a recent Code of Conduct complaint submitted by a member of the public.

It is also my personal view as the Council's Monitoring Officer, that were the Council to have more effective powers to deal with member misconduct that fall short of criminal conduct, much of that misconduct would be unlikely to occur in the first place.

In response to these issues the Independent Chairman of the Standards Committee, Robin Hills, in his Chairman's report to the Standards Committee held on 6 June 2013, expressed his personal concern about the behaviour of some councillors in the Council Chamber, the subsequent negative comments in the local press, and inevitable damage to the Council's reputation as well as the lack of meaningful sanctions needed to tackle such conduct.

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The Standards Committee unanimously resolved that a report be taken to Council proposing that Thanet District Council write to the Local Government Association expressing disquiet at the absence of effective sanctions in Chapter 7 of the Localism Act 2011 for failing to comply with requirements of the Members Code of Conduct. The Council resolved to accept this recommendation at the meeting held on 11 July 2013 after a motion to this effect was proposed by the Chairman of the Council and seconded by the Vice-Chairman.

The decision to seek the views the LGA and not lobby the CLG in this matter resulted from the commonly held conviction of the Standards Committee and of the majority of councillors that the CLG is likely to be resistant to calls to amend the Localism Act 2011 to confer express powers of sanction against councillors who fail to comply with the requirements of the Members Code of Conduct, unless supported by the only body that is representative of local government as a whole.

In conclusion, it is apparent to my Council that there are currently no mechanisms in place to curb the misconduct of maverick councillors that falls short of outright criminal conduct and therefore the views and support of the LGA is sought in relation to this matter.

I look forward to hearing from you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Harvey Patterson', written in a cursive style.

Harvey Patterson
Corporate & Regulatory Services Manager

cc Carolyn Downs, Chief Executive, LGA
Robin Hills, Chairman, Thanet District Council Standards Committee

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