

# Public Document Pack

## STANDARDS COMMITTEE

Minutes of the meeting held on 21 November 2013 at 7.00 pm in Austen Room, Cecil Street, Margate, Kent.

**Present:** Mr Robin Hills (Chairman); Mrs Frampton (Independent Member), Mrs Bhore (Independent Member), Ms Pearman (Independent Member), E Green, Grove, Johnston, Marson, Nicholson, Roberts, M Tomlinson, Cllr Mrs Fletcher (Manston Parish Council) and Lawson (Broadstairs Town Council)

**In Attendance:** Councillors Fenner, D Green, C Hart, S Hart, King, Moores and Poole

### 62. APOLOGIES FOR ABSENCE

There was an apology from Parish Councillor Way.

### 63. MINUTES OF PREVIOUS MEETING

### 64. DECLARATION OF INTERESTS

There were no declarations of interest made.

### 65. CHAIRMAN'S REPORT

There was no Chairman's report.

### 66. INDEPENDENT MEMBERS' REPORT ON STANDARDS

Joanne Pearman, Independent Member of the Standards Committee outlined the report of the Independent Members of the Standards Committee. She explained that the report was not aimed at a specific Member or Political Group but was an opportunity to discuss the issues raised within the report. The lack of powers to issue sanctions frustrated the Independent Members; however she added that they still wanted to work with Members. She concluded that not all Members behaved badly or were subject to complaints, but collectively they had the responsibility to promote the reputation of the Council.

Councillor Moores, Councillor Fenner, Councillor C.Hart, Councillor Poole, Councillor Mrs S.Hart and Councillor Wise all spoke under Council Procedure Rule 24.1 to criticise the report.

Members pointed out that the speech by Ms Pearman was not the same as the content of the report, which had made it sound like all Councillors were corrupt and had brought the integrity of all Councillors in to question. Members also explained that the report had no examples of evidence to back up any of the claims that it made. Where were the examples of comments made by Councillors to the public, where were the names of the Councillors who had been disrespectful and where were the press releases that criticised members of the public? It was added that Councillors were bound by the code of conduct which required Councillors to treat everyone with respect and not to bring the Council in to disrepute; the report had done both of these.

Members also noted examples where friends and colleagues had commented that the Council was full of rogues and had taken the report as gospel; the report had spread this image across the South East.

Members were disappointed there was nothing that could be done to deal with renegade Councillors. One individual was causing anarchy and there was no point in recommending training for Members as the one Member who needed it wouldn't attend.

Harvey Patterson, the Council's Monitoring Officer took the opportunity to explain that at the request of Full Council he had written on behalf of TDC to the Local Government Association (LGA) requesting that they lobby the government to strengthen the sanctions available to Standards Committees. He had received a reply from the LGA and they had confirmed that they would not be lobbying the government on the issue. (The letter is attached to the minutes) He did add though that the Committee on standards in public life was looking at the issue next year and that the Council should contribute to that if possible.

The Independent Members of the Standards Committee then offered an apology it had not been their intention to offend Members, however they repeated that the only way the Council would be able to improve their collective image was to work together. Without a corporate response it would not be possible for action to be seen to be being done.

Councillor King spoke under Council Procedure Rule 24.1. He didn't understand why the report was being condemned, and queried the future for the Committee.

Members pointed out a lot of the information within the report had been taken from blogs, the press and tweets and that was not the way to properly support a report of this kind. The genie was out of the bottle with regards to social media and it was not possible to put it back in again, the Council had to accept that situation.

However a Member did point out that the Committee did run the risk of sounding self-pitying and missing the point of the report and it needed to address the underlying issues raised in the report.

It was proposed by Councillor Nicholson and seconded and by Councillor Groves and Members AGREED that:

The report be returned to the Independent Members of the Standards Committee to be evidenced and then re-presented to the Standards Committee.

## **RECESS**

There was a 10 minute recess at the conclusion of the item.

## **67. RESIGNATION OF THE INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

At the resumption of the meeting the Chairman, Mr Hills informed the meeting that he, the Vice Chairman Mrs Frampton and the two other Independent Members Miss Bhore and Ms Pearman had all resigned from their positions as Independent Members of the Standards Committee with immediate effect.

The Monitoring Officer Harvey Patterson then acted as meeting facilitator in order to elect a new Chairman.

It was moved by Town Councillor Lawson and seconded by Councillor Grove and AGREED by the Committee that:

"Councillor Nicholson be elected Chairman for the remainder of the meeting."

## **COUNCILLOR NICHOLSON IN THE CHAIR**

**68. REVIEW OF PETITIONS SCHEME**

Harvey Patterson, the Council's Monitoring Officer outlined the report and explained the recommendations contained within it from the Constitutional Review Working Party.

Councillor D. Green spoke under Council Procedure Rule 24.1.

It was proposed by Town Councillor Lawson and seconded by Councillor Johnston and Members AGREED that:

"The Standards Committee continues with the business contained within the agenda."

It was then proposed by Councillor Grove and seconded by Councillor Roberts and Members AGREED to recommend to Council:

- i) THAT a petition with 1,000 or more signatures relating to an executive function can be referred by council to the executive without debate.
- ii) THAT if a petition 1,000 or more signatures relating to an executive function is referred by council to the executive without debate; the person who presents the petition at the ordinary meeting of council should be afforded the opportunity to re-present the petition at the subsequent meeting of the executive at which the petition is considered.
- iii) THAT otherwise the petitions scheme remains as it is.

**69. QUESTIONS FROM MEMBERS OF THE PUBLIC AT ORDINARY MEETINGS OF COUNCIL**

Harvey Patterson the Council's Monitoring Officer outlined the report and the recommendations from the Constitutional Review Working Party.

The Chairman explained that the issue of the residency of questioners had been discussed at the Constitutional Review meeting and it had been viewed that it was unfair on young people if questions were limited to those on the electoral roll.

Members discussed the report and felt that the criteria for asking questions should be based on residency rather than being a registered elector.

It was proposed by Councillor Johnston and seconded by Town Councillor Lawson and it was AGREED to recommend to Council that:

"The questioner is normally resident in the Thanet District Council area"

It was proposed by Councillor Johnston and seconded by Councillor E.Green and it was AGREED to recommend to Council that:

"That the current restriction on repeat questions remains unchanged, as set out at Council Procedure Rule 13.5 – "Scope of questions":

*'The Chief Executive will reject a question if it ...*

*Is substantially the same as a question which has been put at a meeting of the Council in the past six months.'*

70. **APPOINTMENT OF SUBSTITUTES - PLANNING COMMITTEE**

Harvey Patterson the Council's Monitoring Officer outlined the report. The Chairman explained that the Constitutional Review Working Party had recommended that the status quo remain.

It was moved by Councillor Johnston and seconded by Councillor M.Tomlinson and Members AGREED to recommend to Council:

"To retain the status quo in relation to the size and political composition of the pool of planning committee substitutes"

Meeting concluded : 9.22 pm

Harvey Patterson  
Corporate and Regulatory Services Manager  
Thanet District Council  
PO Box 9  
Cecil Street  
Margate  
CT19 1XZ

25 November 2013

Dear Harvey

### **Councillors' Code of Conduct**

Thank you for your letter to Sir Merrick Cockell of 29 July outlining your concerns with the current system of standards and the sanctions it offers. I apologise for the delay in responding, the reasons behind which I know you are aware of.

As you know, the LGA worked with the Association of Council Secretaries and Solicitors (ACSeS) and the Society of Local Authority Chief Executives (SOLACE) to produce a model code of conduct in response to the new standards regime introduced in the Localism Act 2011. This involved consideration of the role of councils working with their members in the light of the changes included in the Act.

The LGA strongly believes that elected members should behave appropriately and respectfully to all colleagues – elected or otherwise - but that adequate sanctions do currently exist locally if an elected member does not do so. Alongside the ballot box, these include issuing formal letters, formal censure by motion, removal of the member from one or more Committees and adverse publicity.

The law clearly puts the responsibility for the new arrangements on elected members. We believe that councils are best placed to ensure high standards of behaviour of elected members through an effective local standards regime based on a locally agreed code of conduct and existing legislation.

The new standards regime was only fully introduced on 1 July 2012 and the Secretary of State, Eric Pickles, indicated in June 2012 that his Department would review the policy in three to five years' time. LGA lead members have been clear that this is not an issue that they would wish to take up with Government at the present time, although we will continue to collect and monitor the views of our member authorities.

Yours sincerely,



**Claire Holloway**  
**Head of Corporate Governance**

This page is intentionally left blank