
Report of the Independent Chairman of the Standards Committee 2014-15

To: **Standards Committee – 9 April 2015**

By: **Dr Jonathan Sexton, Independent Chair Standards Committee**

Classification: **Unrestricted**

Ward: **All Wards**

Summary: **The Chairman's Annual report summarises and comments on the work of the Standards Committee for the period May 2014 – March 2015.**

For Information

1.0 Introduction and Background

1.1 This is my first report to the Council and I therefore feel it necessary to write at greater length than might otherwise be warranted. Both Mrs Janet Bacon, the Vice Chair and I were appointed by a cross party assessment panel held on 24th February 2014, subsequently confirmed by the following Full Council meeting. Both of us are new in post and new to the Council's business. Our early period into role was therefore focused on training in the workings of the Council's constitution, on procedure and complaints case work. In that regard we therefore wish to acknowledge the officers in the Council's Democratic Services and in particular to the two Monitoring Officers (Mr Harvey Patterson and his acting successor Mr Stephen Boyle).

2.0 General Approach to Observing the Formal Conduct of Council Business and Member Behaviour

2.1 Early on I was offered a formal seat within the council chamber, a practice adopted by my predecessor. I expressly declined this, preferring the relative anonymity of the public gallery. This enables me to observe council behaviour as it is, and in particular from the perspective of members of the public who choose to witness proceedings. I do not think it necessary to attend every meeting choosing instead to sample different meetings. In that regard I have attended Full Council (twice), Planning Committee, Overview and Scrutiny Committee, the Cabinet (twice). I have yet to witness Governance and Audit Committee proceedings. Mrs Bacon attended the Annual Meeting of the Council 2014.

3.0 Complaints for the Financial Year 2014/15

3.1 Since our appointments as Chair and Vice Chair, a sub-committee of the Standards Committee has considered seven complaints for the period 2014/15. One of the seven complaints has been by 13 individuals, as shown in the table below.

	COMPLAINT NO:	DATE	INVESTIGATE	COMPLAINANT	AGAINST	ALLEGATION / FINDING
	2014/15					
11 5	TDCSC115/ 14	04/08/ 14	Other action – letter from Monitoring Officer and No Further Action Closed.	TDC Councillor	TDC Councillors	Inappropriate voting
11 6	TDCSC116/ 14	06/10/ 14	No Further Action Closed.	TDC Officer TDC Councillor	TDC Councillor	Inappropriate comments at Council meeting - 19 August 2015
11 7	TDCSC117/ 14	16/10/ 14	No Further Action Closed.	Member of Public	TDC Councillor	Allegation of racism in relation to tweet sent by Cllr.
11 8	TDCSC118/ 14	23/10/ 14	Sent for Investigation Open.	TDC Councillor	TDC Councillor	Allegations regarding unauthorised removal of documents from Council Chamber
11 9	TDCSC119/ 14	17/09/ 14	Other action- letter from Monitoring Officer Closed.	TDC Councillor	TDC Councillor	Unauthorised entry to private property
12 0	TDCSC120/ 15	08/01/ 15	Sent for investigation Open.	TDC Councillors 13 Members of Public	TDC Councillor	Allegations regarding reported comments made by Councillor.

3.2 Three of the formally considered complaints, each relating to separate incidents, concern one specific Member. The pattern of complaints for 2014/15 has to be seen in the context of previous years

Year	Number of Complaints
2014/15	7
2013/14	7
2012/13	36
2011/12	11

and shows the excess pattern of past years has been contained.

- 3.3 When contrasted with other authorities in the south east and outside of London (2013) the number of complaints received within Thanet in the current year appear well above average. However there are also a number of contextual factors to consider. Firstly this year has had to manage a backlog of complaints. Secondly, a willingness to complain based on the pattern of previous years seems to be more normative in the culture of this Council; thirdly local political groups (large and small) do not have a strong tradition of Whips, who might otherwise manage internal party Member discipline. However the comparative data obtained by the Local Government Association (LGA) may not reflect the true level of complaints received by other Councils. Such data is not always openly available and would only be so through the LGA seeking a Freedom of Information Act request. Accordingly Thanet District Councils openness with its formal Complaints return is welcome policy and I judge it to be good practice.
- 3.4 It has been argued in the local press that with a majority Members constituting sub-committees hearing complaints, there is an inherent bias against complainants. Hearings have to determine a yardstick of what is reasonable Member behaviour. Political neutrality is assured by cross body membership of Assessment Sub-Committees, review of the issues are comprehensive and a keenness to explore different perspectives as to the issues. Only once so far has a majority verdict been reached otherwise decisions reached have been unanimous.

4.0 Future Improvements Arising from the Complaints Process

4.1 Strengthening Sanctions Against Members Found to be At Fault

- 4.1.1 Some including some Members have expressed frustration with the limited formal sanctions available where behaviour has been found to fall short of acceptable standards. The Secretary of State for Communities and Local Government in the 2010- 2015 Coalition Government abolished the Standards Board for England and with it many formalised longstanding sanctions. Consideration is now been given to how such sanctions as remain available to Thanet District Council might be strengthened within the limits of what remains legally permissible. Nevertheless I believe that the fundamental culture of good member is achieved through positive reinforcement of good practice and is not secured sustainably by the prospect of legal regulatory sanction.

4.2 Speed of Complaints Process

- 4.2.1 Previous delays have now been addressed and should be reduced in future as it is important to move matters on quickly for both the accused and the accuser to avoid prolonged process and resultant stress and to find early relevant resolution

4.3 Equalities Training

- 4.3.1 The corpus of equality duties, some of which are enshrined in legislation, has had a real impact on all public policy and institutional behaviour generally. Equalities training for some Members, specifically a greater awareness that what might constitute racism now goes well beyond overt individual behaviour, is appropriate at this time. Equalities training will be part of an extensive training programme for Members of the new council.

4.4 Complaints Evidence Material

- 4.4.1 Currently complaints are limited to a written pro forma and thus disallow contextual information as supporting evidence. The case for broadening this limitation will be

explored during the coming period. Where possible relevant background material is also considered.

- 4.4.2 Any material proposed changes to procedure would in any case need to be scrutinised by the Constitutional Review Working Party, the Standards Committee and approved by Full Council.

5.0 Involvement With Other Committees

- 5.1 The LGA Peer Review of Thanet District Council (2014) highlighted Member behaviour as a key issue to address, accordingly I was asked to join the Thanet Council Improvement Board set up to project manage the necessary response strategy. The project management team has met monthly since it was set up in the autumn of last year.

- 5.2 As well as chairing the Council's complaints process I also am required to Chair the Constitutional Review Working Party and the Standards Committee. As a result of the work of these two committees the following amendments to the constitution have been approved by the Full Council:

- Changes to the Council's filming protocol
- Amendments to the Council's petitions scheme
- The addition to Council agendas of a regular report from the Chairman of the Overview and Scrutiny Panel.
- Reducing the level at which Councillors should declare gifts and hospitality.
- Amendments to the scheme of Officer delegation.

- 5.3 We hope that by the end of the current year to have secured a revised draft protocol for Member/Officer relations. This will then be taken forward to go through the process for implementation.

6.0 Thanks

- 6.1 I am grateful to Members who have participated in all the complaints standards and constitutional work under my chairmanship this year. The substance of much of our work whilst absolutely necessary is often 'dry' and I suspect not what Members were originally attracted to when seeking election!

7.0 Overall Impressions So Far

- 7.1 I have been asked by the Council Leader to comment on the impressions gained one year into post.

- 7.2 The nature of any healthy political process is that it demands contention. Largely the Council proceedings and the conduct of Members are acceptable and comparable with anywhere else in my view and from my observations and experience. My view is also supported by independent observations undertaken by representatives of the LGA.

- 7.3 However there have been instances of unacceptable behaviour, including verbal and physical grandstanding, unwarranted and unnecessary criticism of officers (hastily withdrawn when challenged) and on one occasion regrettably through the actions of one Member, and in defiance of the standing orders of the time, it was necessary to suspend proceedings and call police officers to the council chamber. The

consequences of some instances of poor Member behaviour have been managed through the Council's complaints process.

- 7.4 2014/15 has been a year in which the Council continued to face a wide range of longstanding challenges in the area, with further reductions in its funding. In addition 2014 witnessed the loss of a long established area amenity (Manston Airport) and the Council has been a focus for the strong differences of view regarding the airport's closure. The Council faces comprehensive local elections for all of its Councillors and Parishes as well as a high profile general election contest for one of the two Thanet parliamentary seats.
- 7.5 There is undoubtedly cynicism amongst many in the general public towards the Council, which will take some years to modify.
- 7.6 Overall I judge that whilst the behaviour of a small minority of Members has been decidedly questionable, most Members work hard within the necessary processes and conventions of the Council, to serve the people of Thanet; all in quite challenging contextual circumstances.

8.0 Recommendation

That Members note the report and thank Dr Sexton for his helpful comments and observations

Future Meeting if applicable: N/A	Date:
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Contact Officer:	<i>Steven Boyle – Head of Legal & Democratic Services</i>
Reporting to:	<i>Madeline Homer – Acting Chief Executive</i>

Annex List

None	
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>Paul Cook- Director of Corporate Resources</i>
Legal	<i>Steven Boyle - Head of Legal & Democratic Services</i>