

STANDARDS COMMITTEE

Minutes of the meeting held on 16 September 2014 at 7.00 pm in Austen Room, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Councillors Mrs Janet Bacon (Independent Member of the Standards Committee), D Green, Roberts, H Scobie, M Tomlinson, Cllr Mrs Fletcher (Manston Parish Council) and Lawson (Broadstairs Town Council)

81. APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Marson, Nicholson and Parish Councillor Way.

82. MINUTES OF PREVIOUS MEETING

It was proposed by Town Councillor Lawson and seconded by Councillor M.Tomlinson and AGREED that the minutes of the meeting of 1 April 2014 were a correct record.

83. DECLARATIONS OF INTEREST

There were no declarations of interest.

84. CHANGES TO THE FILMING PROTOCOL

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, Members of the Committee made the following comments:

1. Considerable time had been spent at the Constitutional Review Working Party debating the issues contained within the report and this had highlighted a number of instances where the new regulations caused a conflict of rights with existing regulations.
2. Reviewing the Scheme after a year to see how it was performing was a very good idea.
3. There was concern regarding Councillors filming meetings as they would be distracted from focusing on the actual business under discussion.
4. The Council should film all its meetings in order for there to be a true copy of the meeting in case a member of the public selectively edited a recording they had made.
5. Flash photography should be prohibited as it was very distracting to those present.
6. Filming equipment should be set up before a meeting started rather than half way through as happened at the last cabinet meeting.

The Chairman then explained that flash photography was already included in the list of disruptive behaviour as was a link to the guidance on social media use for Councillors. He also added that other Councils were considering adding filming of members of the public who had expressly asked not to be filmed to their list of disruptive behaviours.

The Committee Services Manager added that there could be cost implications to the Council filming all of its meetings and these would need to be assessed before any such policy was introduced.

The Committee asked that a form of words be found to add filming of members of the public who had expressly asked not to be filmed to the list of disruptive behaviours and that wording be agreed by the Chairman outside of the meeting.

It was proposed by Councillor D.Green and seconded by Town Councillor Lawson that the Standards Committee recommend to Council that:

- 1) The amended Filming and Recording of Council Meetings Media Protocol be approved subject to the addition of the information under the "if I am a Councillor, can I tweet and blog during Council meetings?" section of the "Open and Accountable Local Government – A guide for the press and public on attending and reporting meetings of local government" document.
- 2) Council Procedure Rules 30 and 35 are amended as follows:

"30.00 Application to Committees and Sub-Committees

Unless otherwise stated in these Rules, all of the Council Rules of Procedure apply to meetings of full Council and Rules 2.4, 4, 7–11, 14, 16–28 (but not 22.2 or 27.1) and Rules 30, ~~and 34 and 35~~ apply to meetings of Committees and Sub-Committees. None of the Rules apply to meetings of the Cabinet except for Rules 24, ~~27.3 - 27.5, 28, and 34 and 35~~"

"35.0 Audio and Visual recordings of Council Meetings

35.1 ~~No Audio or visual recordings shall be allowed made at meetings except for official recordings by the clerk or recordings agreed by the Chairman in advance~~ in accordance with the "Protocol for Filming and Recording of Council meetings" which is included in Part 5 of this constitution."

- 3) A review of how the new filming protocol has worked should be undertaken a year after the protocol has come in to effect.
- 4) A form of words be included in the amended filming protocol that would add the act of filming members of the public who had objected to being filmed to the list of disruptive behaviours.
- 5) In future the Council should film all Council meetings.
- 6) Any consequential changes to the Council's constitution needed as a result of these recommendations are made.

85. REVIEW OF THE COUNCIL'S PETITIONS SCHEME

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

The Chairman of the Standards Committee announced he had received an Email from Cllr Johnston, who could not attend the meeting to speak under Council Procedure Rule 24.1 making a number of points regarding the petitions scheme. He listed the points made by Cllr Johnston, namely that Epetitions should contain; the prayer, a printed name, a printed address, a signature and the date of signing.

Upon consideration of the report and the representation made by Councillor Johnston, Members of the Committee made the following comments:

- 1) It was unclear whether many people would have an electronic signature and even if they did it would possibly be inappropriate for that to be provided when signing an Epetition.
- 2) The recommendations from the Constitutional Review Working Party were appropriate; however members of the public should provide a postal address when signing an Epetition.
- 3) Reports presenting petitions to Council or the Overview and Scrutiny Committee should state the number of people who had provided a Thanet address when they signed and the number who had provided an outside of Thanet address.

It was proposed by Councillor H.Scobie and seconded by Town Councillor Lawson that the Standards Committee recommended to Council that:

- 1) Paper petitions and Epetitions may be run concurrently providing that the petition prayers of the paper and Epetition were identical, that the end date of the Epetition and the date of submission of the paper petition were the same date and that the numbers signing the paper petition and Epetition were reported separately and not added together.
- 2) When a petition report is presented to Council or the Overview and Scrutiny Panel it should include the number of people who had signed the petition using a Thanet address and the number of people who had signed the petition using an outside of Thanet address.
- 3) That a postal address be provided when signing an Epetition on the Council's website.
- 4) The existing deadlines for the submission of petitions should be retained as they are.
- 5) The minimum threshold for a petition to be valid did not need to be amended from its current level of 25 signatories.
- 6) That the Council introduces the Petition proforma and places it on the Council's petition webpages.

86. REPORTING BACK TO COUNCIL ON DECISIONS MADE RELATING TO PETITIONS AND MOTIONS ON NOTICE

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, Members of the Committee made the following comments:

- 1) The Chairman of Council should be in a position to be able to judge whether a debate is needed.
- 2) It should really depend on whether the item under discussion was a Cabinet function or not. If it was a cabinet function then there shouldn't be any further discussion at Council, but if it was a Council function then there should be.

It was proposed by Town Councillor Lawson and seconded by Parish Councillor Fletcher that the Standards Committee recommend to Council that:

The current practices relating to reporting back on decisions relating to petitions and motions on notice continue and no changes should be made.

87. MEMBER ATTENDANCE AT GENERAL PURPOSES COMMITTEE WHEN IT SITS AS A HUMAN RESOURCES COMMITTEE

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, Members of the Committee made the following comments:

- 1) Restricting Councillor attendance at meetings they were legally entitled to attend would set a dangerous precedent.
- 2) The meeting of the General Purposes Committee in March had discussed a number of sensitive issues; however the law was clear, Members had a right to attend.
- 3) The issue was a minefield and it was difficult to think of any other walk of life where individuals not involved in the decision making would be allowed to sit and watch such sensitive proceedings.
- 4) The issue was a reflection of the unique nature of a Council.

It was proposed by Councillor M.Tomlinson and seconded by Councillor Roberts that the Standards Committee recommend to Council that:

No changes be made to the rules regarding attendance at General Purposes meetings.

88. GIFTS AND HOSPITALITY

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, members of the committee made the following points:

- 1) The report that had originally set the threshold at which gifts and hospitality needed to be declared at £100 had been considered late at night and may well have been rushed through.
- 2) The level should be set at £25, which was reasonable. However one Councillor felt that it should be £10.
- 3) There was a balance to be struck between the recording and monitoring of gifts and transparency.
- 4) In the eyes of the public the threshold should be zero and all gifts and hospitality should be declared.

The Monitoring Officer explained that he had some concerns with the current level of £100.

It was proposed by Councillor D.Green and seconded by Councillor M.Tomlinson that the Standards Committee recommend to Council that:

The level at which Councillors declare any gift or hospitality or a series of gifts from the same donor should be reduced to £25.

89. PROPOSED REPORTS FROM THE CHAIRMAN OF THE OVERVIEW & SCRUTINY PANEL TO COUNCIL

The Committee Services Manager outlined the report and highlighted the recommendations from the Constitutional Review Working Party.

Upon consideration of the report, the Members of the Committee made the following point:

- 1) The idea of a report from the Chairman of the Overview and Scrutiny Panel to each Full Council meeting was a good one, but the report should be open for debate in the usual way.

It was proposed by Councillor D.Green and seconded by Councillor H.Scobie that the Standards Committee recommends to Council that the amendments to the Council Procedure Rules, as outlined at Annex 1 be approved.

90. STANDARDS COMPLAINT STATISTICS

The Committee noted the Standards Complaint Statistics.

Meeting concluded : 8.22 pm