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STANDARDS COMMITTEE

Minutes of the meeting held on 1 July 2015 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Dr Jonathan Sexton (Chairman); Mrs Janet Bacon (Independent Member of the Standards Committee)
Councillors: Way (Monkton Parish Council), Ashbee, Buckley, Dexter, Johnston and Tomlinson

96. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Fairbrass and Braidwood.

97. MINUTES OF PREVIOUS MEETING

It was proposed by Councillor Tomlinson and seconded by Councillor Johnston and AGREED that the minutes of the meeting of 9 April 2015 were a correct record and signed by the Chairman subject to the following changes:

The Chairman referred to item 94 and requested that:

“he did not advocate the employment of sanctions” and “could be effective” be replaced respectively with “he did not believe that acceptable member behaviour was assured by the overt threat of sanctions” and “had also been shown to be an effective mean of maintaining good member behaviour”.

98. DECLARATIONS OF INTEREST

There were no declarations of interest.

99. MEMBER SANCTIONS

Timothy Howes, Head of Legal and Democratic Services outlined his report. He recommended that:

“A sanction to restrict a member’s access to defined staff is added to the list of sanctions and a clause be added to the effect that the list of actions is not intended to be prescriptive or exhaustive.”

The Committee were advised that there had been a change in legislation which meant that once a councillor had been elected, the relationship with the electorate could not be interfered with. Some had expressed that this was regrettable and had alleged that were no sanctions.

Those present heard that the Committee had the power to decide what actions should be taken in individual cases and would be able to refer issues to other bodies as appropriate. The sanctions employed should reflect the nature of the breach by the councillor.

An example was given of a Standards complaint where an officer had been bullied by a councillor and it was considered that an appropriate sanction in this case would be to restrict contact with the officer.

Councillor Johnston asked if it was possible to remove allowances as a sanction and was advised the Committee does not have this power.

Concerns were raised by the Committee about how consistency and fairness could be achieved. It was questioned whether a 'sliding scale' could be used similar to in the armed services or a 'menu' with guidelines.

Members were advised that a different approach has been taken with Standards issues as each breach was subtly different and sanctions should not be thought of as punishments for crimes.

The Chairman advised that the issue of sanctions must be put into context; the Standards process is only dealing with a small number of people and he accepted that the Committee would need to be mindful in circumstances where a councillor has had more than one complaint. It would need to be judged whether sanctions would be appropriate based on the nature of the concerns.

Further to this discussion, Councillor Johnston proposed, Councillor Tomlinson seconded and it was AGREED that the officer's recommendations be adopted.

The Committee were informed that the approved additions to the section in the Members' Code of Conduct relating to sanctions would be reported to the Improvement Board. The changes made would be referred to the Constitutional Review Working Party for consideration before finally being brought to Full Council for final resolution.

100. STANDARDS COMPLAINTS TABLE 2015

The Committee noted that the Standards Complaints statistics.

101. UPDATE REGARDING THE REVIEW OF THE COUNCIL'S CONSTITUTION

The Chairman provided an update for the Committee and advised that Members could expect to receive paperwork in relation to work completed to revise the Council's Constitution, as well as Member and Officer Protocol documents.

Meeting concluded : 8.30pm