
INDEPENDENT CHAIR OF STANDARDS: ANNUAL REPORT TO COUNCIL 2015/16

To: **Standards Committee – 19 April 2016**

By: **Jonathan Sexton – Independent Chairman of Standards Committee**

Classification: **Unrestricted**

Summary: **The Chairman’s annual report summarises and comments on the work of the Standards Committee for the period May 2015-April 2016.**

For Information

1.0 Introduction and Background

1.1 This is my second report to Thanet District Council and covers the Municipal Year 2015/16.

2.0 Officer support and management of the complaints process

2.1 Since my appointment in spring 2014 I have been supported by three separate Monitoring Officers. It is therefore reassuring that after rapid staff turnover, the substantive appointment of Mr Timothy Howes has now been made. He has come to Thanet with extensive career experience in local government and possesses a robust legal background. I would like to express my appreciation for his continuing support and also acknowledge the contribution of his acting predecessor, Mr Stephen Boyle.

2.2 I must also express my appreciation to the staff of the Council’s Democratic Services, who have steadfastly engaged with a varied and complex agenda. They have taken active steps to strengthen the management of the complaints process. In last year’s report I expressed concern at the length of time it was taking for some complaints to be progressed to formal scrutiny. However, during the course of this year (aided by some staff changes) the process has been speeded up. Informally the staff aim to work to a six week episode from receiving an initial complaint, through examination, determination and response to the complainant in a typical case; (it should be stressed that the this six week period is a target rather than a formalised standard).

2.3 Exceptionally, a complaint is judged by a Standards Sub-Committee as necessary for detailed factual investigation by a person external to the Council. Democratic Services are seeking to recruit to a list of persons able to undertake such work: not it should be stressed in anticipation of an increase in the number of complaints but in promotion of the relevant skills base.

3.0 Main focus of work commitment for this year

- 3.1 The Review of the Council's Constitution has been the main focus of my own workload in my parallel capacity as Chair of the Council's Constitutional Review Working Party, and in furtherance of the Local Government Association's (LGA) Peer Review of Thanet in 2014. The product of that work was presented to and approved by Full Council at its meeting of 25 February 2016. It would not be appropriate to repeat here the detail of that extensive undertaking. However, it is relevant to mention that as part of the changes agreed by Full Council, some additional sanctions against Members should their behaviour be judged to fall short have been added.
- 3.2 One consequence of my commitment to the Constitution review process is that a greater number of Standards Sub Committees convened to consider individual complaints have been chaired by the Vice Chair of Standards, Mrs Janet Bacon. I wish to record my thanks to her for both this and for her general support.
- 3.3 Member behaviour being judged a key issue by the 2014 LGA Peer Review has also justified my presence on the time limited Thanet Improvement Board, which has overseen the necessary response measures undertaken across the Council. I have attended all such meetings with the exception of a two-month period during last autumn when I was diverted to urgent family matters. The final meeting of the Improvement Board was scheduled for 18 April 2016.

4.0 Member induction training

- 4.1 The May 2015 elections resulted in a large number of new Members with little or no previous experience in that role. The Council organised an extensive training programme for all Members both new and established. In that context, I gave a short overview of what is expected of Member behaviour, highlighting that this had been a serious issue in the recent past. These took place on 13 and 14 May 2015.

5.0 Attendance to observe Council meetings

- 5.1 As well as attending the Annual Meeting of Council (21 May 2015), I have attended all meetings of Full Council this year. In addition because of the high profile business being discussed, I attended the Overview and Scrutiny Meeting convened to review the Cabinet's decision not to continue with Riveroak as a potential partner in any attempt to compulsorily purchase the Manston Airport site. It has not been possible for me to attend any routine meeting of any Committees of the Council during this municipal year because of my other commitments.

6.0 Conduct of Parish Councils within the Thanet District Council area

- 6.1 I am conscious that my role also covers Standards for parish and town councils within the district. Through the kind offices of Sue Pengelly, Clerk to Broadstairs Town Council, I attended a meeting of the Thanet Parish Clerks and Chairs held at Birchington Parish Council on 7 September 2015, and it was agreed that I would undertake visits to two such councils the autumn of 2015 (Broadstairs and one other).

- 6.2 Regretfully such visits have not taken place. For family reasons I have had to travel up to Scotland on occasions since the end of September 2015, a pattern that may continue well into the current calendar year. It seems unlikely that I will be able to fulfil this specific oversight function for some while.
- 6.3 It should however be stated that TDC's Monitoring Officer has made a specific visit (at their request) to Cliffsend Parish Council.
- 6.4 The fact remains that during this year, the Thanet District Council complaints process has had to consider 8 separate complaints concerning Member conduct within the local parish councils; 5 of these complaints have come from Cliffsend Parish Council, and 3 from Birchington Parish Council.
- 6.5 The Cliffsend complaints concerned claim and counter claim of bad behaviour by individual parish council members, strongly suggesting dysfunctional differences. The Standards Sub Committees in question (two separate meetings) resolved that it would be inappropriate to become involved with the individual rights and wrongs of these cases. It resolved that Cliffsend Council should collectively recognise that it was in trouble and seek remedial help secured at its own expense from the Kent Association of Local Councils (KALC). Two of the Birchington Council complaints have been referred for more intensive external investigation. Both concern one specific Member. I am grateful for the help received from the parish council members who are nominated to sit on the Thanet Standards Committee and whose insight is valuable when Sub Committees are formed to address complaints involving parish and town councils.

7.0 Complaints about member behaviour in Thanet District Council 2015/16

- 7.1 The totality of complaints considered by a convened Sub Committee of the Councils Standards Committee, relating to both District and Parish Councils is set out in the table below. In view of the size of the data (small numbers), an expression in percentage terms might lead to misleading or sensational interpretation. Absolute numbers are therefore used:

| | COMPLAINT NO: | DATE | INVESTIGATE | COMPLAINANT | AGAINST | ALLEGATION / FINDING |
|-----|---------------|----------|---|-------------------|-------------------|---|
| | 2015-16 | | | | | |
| 122 | TDCSC122/15 | 19/05/15 | Other action-letter from the Monitoring Officer Closed | TDC Officer | TDC Councillor | Allegation regarding reported comments made by a councillor to a member of staff. |
| 123 | TDCSC123/15 | 03/06/15 | No further action. Closed | TDC Councillor | TDC Councillor | Allegation regarding comments posted on social media. |
| 124 | TDCSC124/15 | 06/08/15 | No further action. Closed | Parish Councillor | Parish Councillor | Allegation regarding councillor's behaviour in public meeting. |

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|-----|-------------|----------|---------------------------------------|----------------------|-------------------|---|
| 125 | TDCSC125/15 | 26/08/15 | No further action. | Parish Councillor | Parish Councillor | Allegation regarding email communication and councillor's behaviour in public meeting. |
| | | | Closed | | | |
| 126 | TDCSC126/15 | 03/09/15 | No further action. | TDC Councillor | TDC Councillors | Allegations regarding behaviour in meeting. |
| | | | Closed | | | |
| 127 | TDCSC127/15 | 03/09/15 | No further action. | Parish Councillor | Parish Councillor | Allegations regarding poor communication and bullying. |
| | | | Closed | | | |
| 128 | TDCSC128/15 | 16/09/15 | No further action- | Member of the public | TDC Councillor | Allegations regarding poor and inappropriate communication. |
| | | | Letter from the Monitoring Officer | | | |
| | | | Closed | | | |
| 129 | TDCSC129/15 | 24/09/15 | No further action. | Parish Councillor | Parish Councillor | Allegations of bullying and poor administration of council business. |
| | | | Closed. | | | |
| 130 | TDCSC130/15 | 24/09/15 | No further action. | Member of the public | Parish Councillor | Allegations regarding poor administration of council business. |
| | | | Closed | | | |
| 131 | TDCSC131/15 | 01/10/15 | No further action. | TDC Councillor | TDC Councillor | Allegations regarding discrimination. |
| | | | Closed | | | |
| 132 | TDCSC132/15 | 01/10/15 | No further action – | TDC Councillor | TDC Councillor | Allegations regarding inappropriate communication with a member of the public. |
| | | | Letter from the Monitoring Officer | | | |
| | | | Closed | | | |
| 133 | TDCSC133/15 | 05/10/15 | Currently on hold | Member of the public | TDC Councillor | Allegations regarding aggressive behaviour towards another councillor and member of the public. |
| | | | Open | | | |
| 134 | TDCSC134/15 | 27/10/15 | Closed | Parish Councillor | Parish Councillor | Allegations of rudeness and bullying. |
| 135 | TDCSC135/15 | 09/11/15 | Letter from the Monitoring Officer | Member of the public | TDC Councillor | Allegations regarding post on social media. |
| | | | Closed | | | |
| 136 | TDCSC136/15 | 19/11/15 | Did not meet legal jurisdiction test. | TDC Councillor | TDC Councillor | - |
| | | | Closed | | | |

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|-----|--------------|----------|--|-----------------------|-------------------|--|
| 137 | TDCSC137/15 | 03/12/15 | Investigation in progress. | TDC Councillor | Parish Councillor | Allegations of rudeness, bullying and sexism. |
| | | | Open | | | |
| 138 | TDCSC138/15 | 03/12/15 | Investigation in progress. | Parish Councillor | Parish Councillor | Allegations of sexism. |
| | | | Open | | | |
| 139 | TDCSC139/16 | 08/01/16 | Informal complaint resolution instigated. | Members of the Public | TDC Councillors | Allegations regarding poor and misleading communication |
| | | | Closed. | | | |
| 140 | TDCSC140/16 | 11/01/16 | Investigation – investigator to be appointed | Officer | TDC Councillor | Allegations of rudeness and inappropriate behaviour in front of members of the public. |
| | | | Open | | | |
| 141 | TDCSC141/16A | 27/01/16 | Investigation – investigator to be appointed | Member of the Public | TDC Councillor | Allegations relating to misrepresentation in regard to military honours and of bringing office into disrepute. |
| | | | Open | | | |
| 142 | TDCSC142/16 | 25/02/16 | Closed | Member of the Public | TDC Councillor | Allegations of inappropriate comments made to media bringing office into disrepute. |
| 143 | TDCSC143/16 | 17/03/16 | Open | Member of the Public | TDC Councillor | Allegations of inappropriate comments made on social media bringing office into disrepute. |
| 144 | TDCSC144/16 | 29/03/16 | Open | Members of the Public | TDC Councillor | Allegations of inappropriate comments made on social media bringing office into disrepute. |

7.2 I also feel bound to place on record, the outcome of one complaint against a Member, unresolved by the end of the previous municipal year. This was frustrated from further pursuance through the complaints process by the removal of that Member from office by the electorate in the May 2015 election.

7.3 Focusing now upon complaints concerning Thanet District Council Members, a number of points can be made.

7.3.1 15 complaints were received. This is an increase from the previous year (7). However, this does not approach the excessive levels of some previous years and one of the justifications for the 2014 Peer Review. In any case one legacy from that period is that resort to the complaints process may now be more

readily sought. A key task for the Standards Committee is, over time, to contain the number of complaints.

- 7.3.2 Of the 15 complaints 7 were judged to be of substance, their outcome resulting mostly in a formal letter of admonishment from the Monitoring Officer, reflecting the judgement of that convened Standards Sub Committee. However three of the complaints were judged to be of a severity that justified investigation by a person external to the Council. Some complaints remain unresolved at the time of writing; two of these have attracted national attention.
- 7.3.3 8 complaints were received from members of the public.
- 7.3.4 5 of the complaints meeting the legal jurisdiction test originated from other Thanet District Council Members. My judgement is that this specific complaint pattern is regrettable, since political differences aside, there should be ways of finding resolution of differences between Members without resorting to a formal Council process.
- 7.3.5 2 complaints were initiated by staff employed by the Council against Members. Within the suite of recently approved constitutional changes, a revised Member/Officer Protocol may help clarify the discrete but related contributions towards the development of policy; and the delivery of Council business and services.
- 7.3.6 1 complaint has been initiated by a District Council Member, concerning the conduct of a Parish Council Member. 5 of the complaints concern one Member, whether as a complainant or as the subject thereof. One of the latter has attracted some national attention.
- 7.3.8 As a general observation it has to be pointed out both in respect of parish and district councils that the substance of some of the complaints concern equality issues (specifically in this context racism, sexism, disability).
- 7.3.9 A further feature of these complaints relates to the trouble that some Members appear to get themselves into when involved with social media. TDC has an excellent policy on the risks that arise from using social media, and training was offered as part of the Members' induction programme. Arranging further training as regards the risks in this area of activity should be considered.

8.0 **Complaints are marginal matters**

In spite of a necessary focus on complaints against Members in a report on Standards, it is right to stress that these very much are minority incidents. The large majority of Members succeed in working diligently within the Council's conventions and protocols to serve their communities, to determine and scrutinise Council policy and generally promote the good of the area. That so many are new to working in the role of Member and have had to learn a lot in a very short time, and do so in accordance with the Standards regime is also worthy of acknowledgement.

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| Contact Officer: | <i>Tim Howes, Director of Corporate Governance</i> |
| Reporting to: | <i>Madeline Homer, Chief Executive</i> |

Corporate Consultation Undertaken

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|----------------|--|
| Finance | <i>Matt Sanham, Corporate Finance Manager</i> |
| Legal | <i>Tim Howes, Director of Corporate Governance</i> |
| Communications | <i>Hannah Thorpe, Interim Head of Communications</i> |