

## Chairman's Annual Report

Meeting	<b>5 March 2020</b>
Report Author	<b>Chairman of the Standards Committee</b>
Status	<b>For Information</b>
Classification:	<b>Unrestricted</b>

### Executive Summary:

The Chairman's annual report summarises and comments on the work of the Standards Committee for the period March 2019 - March 2020.

### Recommendation(s):

Members note the report.

### CORPORATE IMPLICATIONS

<b>Financial and Value for Money</b>	None arising from this report.
<b>Legal</b>	The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct. This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.
<b>Corporate</b>	The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct. This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.
<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; civil partnership.</p>
	Please indicate which aim is relevant to the report.

	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	x
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	x
	Foster good relations between people who share a protected characteristic and people who do not share it.	x

<b>CORPORATE PRIORITIES (tick those relevant) ✓</b>	
Growth	
Environment	
Communities	✓

## 1.0 Introduction

1.1 My sixth report to Thanet District Council covers the Municipal Year 2019/2020. Throughout this year I have covered the duties of Independent Chair single handed, Mrs Janet Bacon appointed as Deputy Chair at the same time as I, was for family reasons compelled to resign from her position. It is fortunate therefore, and in contrast to some previous years, that the demands on my time to fulfil the role during this year, have been relatively modest.

## 2.0 Constitutional Review Working Party (CRWP) and Standards Committee Meetings

2.1 CRWP met on 21 June, 24 September and 21 November 2019. The extensive discussions that have taken place in these meetings have concerned the application of amended Statutory Regulations applying to the Council's Chief Executive, Director of Corporate Governance and Deputy Chief Executive. As a result of the personal duties placed upon them, these post holders have a degree of statutory protection from dismissal and disciplinary action. The Council's Employment Rules were revised as part of the review of the Constitution in 2016 but were silent on this specific point. This was because at the time there was uncertainty as to how the revised Regulations ought to be applied in practice. To progress this, a proposal for application across Kent was offered (Counsel's opinion having been sought).

2.2 A process was agreed by CRWP, then endorsed by the Standards Committee on 27 June, with the intention that these be presented at the next Full Council Meeting for approval. In the event, these proposals were withdrawn. This was because further reflections amongst some of the Members who had participated in the CRWP discussions, demanded further refinement. Accordingly two further meetings of CRWP were held.

2.3 Without revisiting the detail, the dialogue focused on the extent and limits of Member involvement in disciplinary matters concerning the Statutory Officers, particularly in the early stages of proposed process. External advice was sought from a national advisory body though their advice was not illuminating.

2.4 As Chair, I found myself in the position of having to broker differences of view between Members and the Monitoring Officer. On both occasions in the autumn meetings, some Members questioned the legitimacy of the Monitoring Officer engaging in the dialogue, as an interested party, notwithstanding that a formal declaration of interest had been made.. I viewed the practicalities of managing the Conflicts of Interest issue as requiring a maturity of approach; specifically a recognition that in these circumstances it just wasn't possible to be purist about how that principle was applied. The same Members did acknowledge as a given, the established employment terms of our Statutory Officers, and that such terms could not in any case, be substantially different from anywhere else in Kent.

2.5 Some scheduled Standards Committees were cancelled; the first because it was too soon after the Council elections, thereafter the Committee meetings were arranged primarily to manage the CRWP deliberations and all other business being accommodated alongside. One further scheduled meeting was cancelled because of the untimely sickness of the Monitoring Officer. I should state that I was placed under some pressure ( including being rung informally at home) to hold the meeting regardless. My view was that it would have been unconscionable to have held this meeting in the absence of the Monitoring Officer, especially in view of the business to be transacted. Further delay thereafter was occasioned by my own availability, and the December General Election. A Standards meeting was finally held on 9 January 2020; and the revised Standing Orders in Relation to the Statutory Officers were finally included in the agenda of the budget setting meeting of Full Council on 6th February 2020. Most of the revisions were approved, though I understand that some elements were referred back to Standards Committee for further consideration.

**3.0 Complaints about Member Behaviour Considered by a Standards Sub Committee of Thanet District Council 2019/20**

3.1 The totality of complaints received relating to both District and Town/Parish Councils is set out in the table below. It should be noted that the data covers a period between one report and the next; which because of the Committee timetabling and reporting sequence, does not fully coincide perfectly with the Municipal Year. The significance of the latter point will be seen later in this commentary. In view 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	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
TDCSC213/19	18/02/19	Informal Dispute Resolution procedure instigated.  Closed.	Parish Cllr	Parish Cllrs	Complainant alleges that subject members are bullying and harassing them.
TDCSC214/19	18/02/19	Did not meet jurisdiction test.  Closed	Member of the public	-	-

TDCSC215/19	18/02/19	Did not meet jurisdiction test.  Closed	Member of the public	-	-
TDCSC216/19	20/02/19	Did not meet jurisdiction test.  Closed	Member of the public	-	-
TDCSC217/19	25/02/19	Initial jurisdiction test.  Closed	Parish Cllr	Parish Cllrs	-
TDCSC218/19	28/02/19	Did not meet jurisdiction test.  Closed	Member of the public	Parish Cllr	-
TDCSC219/19	28/02/19	Did not meet jurisdiction test.  Closed	Member of the public	TDC Cllr	-
TDCSC220/19	08/03/19	Referred to MO for investigation. Cllr not re-elected.  Closed.	TDC Officer	TDC Cllr	Allegations of bullying and bringing the council into disrepute with posts made on social media.
TDCSC221/19	12/03/19	Insufficient evidence. NFA.  Closed.	Member of the public	TDC Cllr	Allegations of bullying and "trolling" on social media.
TDCSC222/19	27/03/19	Did not meet jurisdiction test.  Closed	Member of the public	Parish Cllr	-
TDCSC223/19	18/04/19	Complainant requested anonymity but did not advise on what grounds. No response to follow up.  Cllr not re-elected.	Member of the public	TDC Cllr	Allegations made regarding offensive posts on social media.

		Closed.			
TDCSC224/19	25/04/19	Cllr not re-elected.  Closed.	Other council officer or authority employee	TDC Cllr	Allegations made regarding offensive posts on social media.
TDCSC225/19	28/04/19	Did not meet jurisdiction test.  Closed	Member of the public	Officer	-
TDCSC226/19	31/05/19	Did not meet jurisdiction test.  Closed	Members of the public	TDC Cllr	-
TDCSC227/19	25/06/19	Did not meet jurisdiction test.  Closed	Member of the public	Officer	-
TDCSC228/19	19/07/19	Did not meet jurisdiction test.  Closed	Member of the public	TDC Cllr	-
TDCSC229/19	30/07/19	NFA  Closed.	Members of the public	Parish Cllr	Allegations that the subject member was not eligible to hold office, had brought the parish into disrepute, dishonest and rude.
TDCSC230/19	12/08/19	Did not meet jurisdiction test.  Closed	Member of the public	Officer	-
TDCSC231/19	21/08/19	NFA  Closed.	Officer	TDC Cllr	Allegations that the subject member had made inappropriate comments to the media regarding staffing matters.

TDCSC232/19	29/08/19	NFA  Closed.	Member of the public	TDC Cllr	Allegations that the subject member had made inappropriate comments to the media regarding staffing matters.
TDCSC233/19	09/09/19	Did not meet jurisdiction test.  Closed	Member of the public	Dover District Council	-
TDCSC234/19	19/09/19	Did not meet jurisdiction test.  Closed	Member of the public	TDC Cllr	-
TDCSC235/19	23/09/19	Did not meet jurisdiction test.  Closed	Member of the public	KCC	-
TDCSC236/19	16/10/19	Did not meet jurisdiction test.  Closed	Member of the public	TDC Cllr	-
TDCSC237/19	20/12/19	Did not meet jurisdiction test.  Closed	Member of the public	TDC Cllr	-
TDCSC238/20	17/01/20	Did not meet the jurisdiction test.  Closed	Member of the public	Corporate complaint	-
TDCSC239/20	17/01/20	Did not meet the jurisdiction test.  Closed	Member of the public	TDC Cllr	-

3.2 Of the 27 complaints received, 19 were judged not to meet the jurisdiction test. 8 cases were therefore progressed for consideration by a sub-committee. It was judged that in 4 cases no further action was deemed the appropriate response. 1 case was judged to have been a breach of the Code of Conduct and in consequence, a process of informal resolution was instituted. The 3 remaining complaints related to one Member, who ceased holding such office by virtue of the Council elections in 2019.

Accordingly, all further consideration of these specific complaints ceased. One of these cases, involving an employee of the Council as complainant, might on the basis of the allegations, have necessitated a formal investigation and consequential expense of an external investigator; fortunately avoided in this instance by democratic process.

- 3.3 It will be noted that some of the cases originate from Town and Parish Councils within the Thanet area. The challenge of managing Member Conduct within these bodies remains a concern, notwithstanding that past attempts have been made by myself, the Monitoring Officer and the Kent Association of Local Councils (KALC) to promote best practice. To the extent that it is reassuring, I am advised that the current national dialogue to draft a new national Code of Conduct, pursuant of the Review of Local Government Ethical Standards, ( referred to in last years Report) , has identified that Member behaviour in Parish/ Town Councils, as a common challenge. It is not therefore a unique characteristic of our area!
- 3.4 I am grateful for the help received from Cllr John Quickenden and Cllr Derek Crow-Brown, both of Minster Parish Council; the parish council members nominated to sit on the Thanet Standards Committee. Their insight is valuable when Sub Committees are formed to address complaints involving Parish and Town Council Members.
- 3.5 Since the new District Council has been elected in May 2019, the issue of Member behaviour so far, appears to be less of an issue for the purposes of Standards compliance. I would like to attribute some of this to the Member training programme that officers laid on at the beginning of the new Council and in accordance with the recently acquired Charter status for Elected Member Development.

#### **4.0 Thanks**

- 4.1 I would like to thank Tim Howes, Monitoring Officer for his wisdom knowledge and professional integrity. My thanks also go to the officers of Democratic Services who continue to serve the Standards agenda with diligence. In particular I must commend Emily Kennedy for her personal commitment to maintaining the informal performance management standard of an average acknowledgment from receipt of 3 working days, and an average of 28 days to the meeting of an assessment Sub Committee. I must also note the contribution of Mr Dennis James and his assistant Mr Peter Tucker, for their assessment of potential complaints to determine whether they meet the jurisdiction test. Finally I must acknowledge those elected Members of Standards Committee particularly those who have severally served on convened Standards Sub-Committees and also separately, those who have served on the CRWP.

#### **5.0 Valediction**

- 5.1 This will be my last Annual Report and at the Council's Annual Meeting in May I will cease to be Independent Chair. To dispel any possibility of rumour or 'fake news' I have chosen to step down for no other reason than following my appointment in 2013, I have stayed in the role for far longer than I ever intended! Resisting an expressed preference by Democratic Services, I have declined to be Chair for a fixed term, preferring to seek annual renewal in post. This was in part a personal preference to regularly renew credibility with Members, but chiefly because an annual reappointment allowed me the flexibility to leave the role if and when I desired.

5.2 In the nearly seven years that have passed, there have been 5 administrations and with the exception of one period, these have been minority administrations of changing political leadership. There has been a substantial turnover in elected Members. This has been against a backdrop of significant political change in the country, some of which has directly imposed itself upon Thanet and on the affairs of this Council.

5.3 It has also been a difficult time for local government generally, which has borne a significant burden of centrally imposed financial austerity. As someone who has spent his professional life working in another part of the public sector where funding has to some extent been safeguarded by public opinion, I can only express my admiration for the leadership from Officers and Members necessary for services to be adapted and improvised so as to maintain delivery.

5.4 Holding this position has been a learning experience. I wish my successor and indeed the Council well for the future.

**Annex List**

	<i>No annexes</i>
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**Background Papers**

Title	Details of where to access copy
None	

**Corporate Consultation**

<b>Finance</b>	
<b>Legal</b>	Timothy Howes, Director of Corporate Governance and Monitoring Officer