

STANDARDS COMMITTEE

Minutes of the meeting held on 10 November 2022 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Mr Peter Tucker (Chair); Councillors J Bayford, Braidwood, Crittenden, Dexter, Scobie, Quittenden (Minster Parish Council), Michael Clarke (Independent Member of the Standards Committee) and Peter Lorenzo (Independent Member of the Standards Committee)

In Attendance:

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Crow-Brown, Councillor Kup and Independent Member of Standards Carolyn Ruston.

2. MINUTES OF PREVIOUS MEETING

Mr Tucker proposed, Councillor Scobie seconded and members AGREED that the minutes of the meeting held on 10 March 2022 be approved, and signed as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. CHAIRMAN'S REPORT

Mr Tucker, the Independent Chairman introduced the Chairman's report. He explained that Members of the public had been complaining about Councillors using the title "Councillor" before their name on social media. This had been outlined in the chair's annual report each year, the Chairman was looking to include this issue in his report again next year, the Chairman was seeking support from the Councillors in this regard.

Members supported Mr Tucker including this in his annual report.

5. REVISED MEMBERS CODE OF CONDUCT

Sameera Khan, Interim Head of Legal & Monitoring Officer, introduced the report She explained that the Kent Secretaries group had reviewed the "Kent Code" as a result of the publication of the LGA Model Code of Conduct and had made numerous suggested changes to the code.

These changes included:

- Under "Other Significant Interests", the proposed amended code conduct changes would add the terms:
"... to a great extent, than the majority of: (i) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or (ii) (in other cases) other council tax payers, ratepayers or inhabitants of the Authority's area"
- Under "Scope" the proposed amended code conduct changes would add the terms:

“This Code applies to all forms of communication and interaction including social media.”

- Under “General Obligations” the proposed amended code conduct changes would add the terms:
 - (i) *the Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Their website contains examples;*
 - (ii) *harassment will have the meaning set out in The Protection from Harassment Act 1997 and other relevant legislation.”*
- Also under “General Obligations” the proposed amended code conduct changes would add the terms:
 - (i) *Where you have not undertaken training relating to conduct matters, you shall not be able to use this as a defence where a complaint has been made*
 - (ii) *You must cooperate with any Code of Conduct investigation and/or determination*

Members then discussed the report and made the following points:

- The £100 Limit on Gifts and Hospitality would be too high, the current £25 limit was already too high
- Why was the change to the Limit on Gifts and Hospitality being proposed?
- The limit should remain at £25

Sameera Khan explained that members of the CRWP had spoken about receiving gifts and hospitality and that as time had progressed these would now often exceed £25.

Mr Tucker proposed, Councillor Fellows seconded and members AGREED:

The Standards Committee accepted the recommendations from the CRWP, excluding the proposed change made to the Limit on Gifts and Hospitality and that it should remain at £25.

6. REVISED COMPLAINTS ARRANGEMENTS

Sameera Khan, Interim Head of Legal & Monitoring Officer, introduced the report and explained that the amendments to the complaint handling arrangements were complementary to the previous item on the amended code of conduct. In addition Sameera Khan also explained that the CRWP had made a recommendation that the investigating officer would notify the subject within 20 days

Members then discussed the report and made the following points:

- What was the reasoning for extending the days for notifying the subject to 20 days?
- Increasing the time for notification could have a negative impact on the subject
- Extending to 20 days did make sense, but ideally 10 days should be limit due to the impact it might have on the subject
- The new electronic form would alienate people who don't have internet access or the ability to use the internet freely
- The wording of the new proposals and procedures could be too complex for people to fully understand

Sameera Khan made the following points in response:

- The process of appointing an investigating officer can be a problem if that officer is already busy, this is often the case if they are external to the Council. This was the reason for the proposed extension
- The electronic form would not stop people from making a complaint as writing an email would still be just as valid
- The wording provided for the procedures was standard wording provided by the Kent Secretaries and based on the work of the LGA

Councillor Crittenden proposed, Councillor Bayford seconded and members AGREED:

- The 2.1.1 (Procedure on Receipt of a Complaint), section involving "Investigation Deadline", be amended to 20 days

Councillor Scobie proposed, Councillor Fellows seconded and members AGREED:

- The Standards Committee agreed the other recommendation from the CRWP, namely that membership of hearing sub-committees continue to include an independent member as the chair of the hearing panel and recommended the remaining amended arrangements to Council

7. STANDARDS COMPLAINT STATISTICS

The committee discussed the statistics and made the following points:

- What the current situation was with complaint TDCSC273/22 as it had been open since April 2022
- Members agreed that if a complaint didn't pass the jurisdiction test then it should not be recorded as a complaint

Sameera Khan provided the following points in response:

- In maintaining confidentiality regarding complaint TDCSC273/22 had been dealt with since the publication of the agenda and was now closed
- Other authorities provided reports in further detail of the complaints and what the resolutions were. She was happy to bring a report (confidential) into the next Standards Committee meeting to this effect

Members noted the item.

Meeting concluded: 7:47pm