

## Standards Committee

Thursday, 1 August 2019

7.30 pm

### Present:

Cllr John Caller (Chair)  
Cllr Lyn Milner (Vice-Chair)

Councillors: Gary Harding  
Leslie Hills  
Diane Marsh  
Gurbax Singh  
Narinder Singh Thandi  
Jordan Meade

**Note:** Councillor: Frank Wardle was also in attendance

Perry Holmes Chief Legal Officer and Monitoring Officer  
Jan Guylar Head of Legal Services and Deputy Monitoring Officer  
Lauren Wallis Committee Services Officer (Minutes)

### 1. Apologies for absence

An apology for absence was received from Cllr Emma Elliott and Cllr Jordan Meade attended as her substitute.

An apology for absence was also received from Cllr Ruth Martin.

### 2. To sign the minutes of the previous meeting

The minutes of the meeting held on 27 September 2016 were signed by the Chair.

### 3. To declare any interests members may have in the items contained on this agenda. When declaring an interest a member must state what their interest is.

Cllr Diane Marsh made a declaration of an other interest in relation to the report on Screening of Complaints SC 2019/001 in that she had known one of the subjects of the complaint for 10 to 15 years. However, she advised that she was not a close friend of the person.

Cllrs Gary Harding, Jordan Meade and Lyn Milner also a made similar declaration of an other interest in relation to the report on Screening of Complaints SC 2019/001 in that they all knew that person in their capacity as Borough Councillors.

#### 4. Update on a Review of Local Government Ethical Standards

The Committee was provided with an overview of the key outcomes of the report published in January 2019 by the Committee on Standard in Public Life on the subject of ethical standards in local government. The report contained recommendations in relation to Government and local authority processes. The Monitoring Officer advised that it was suggested that he and the Deputy Monitoring Officer review the document and make suggestions on appropriate changes to the Council's Constitution which would be brought back to the Committee for consideration.

The following points were made during discussion on this item:

- Assurance was sought on how certain wording would be applied in the technical sense in relation to, for example, bringing the Council into disrepute, bullying, inappropriate conduct etc. There had been an instance in the last year where no action had been taken against such an individual. The Monitoring Officer replied that there had been a very specific legal reason why no action had been taken and a formal written complaint on this subject had not been received by the Council. The Chair requested that Members not use the Committee to resurrect individual issues.
- A question was raised in relation to the Screening Criteria and the question of whether the conduct complained of was older than 6 months and were there any circumstances when this timescale could be set aside. Members were advised special circumstances could be applied which might include the complainant being too unwell to submit a formal complaint immediately after the incident or the complaint had been delayed by the outcome of an associated legal case or police investigation for example.
- The Committee was informed that the 6 month rule applied to Medway Council and Gravesham Borough Council. Kent County Council had applied a 3 month rule. It was recognised that as time passed it became more and more difficult for those involved in the complaint to accurately remember what had happened.
- Should new evidence come to light with regard to a complaint, the 6 month rule would still apply but that might amount to exceptional circumstances.
- The Monitoring Officer advised the Committee that the Code of Conduct did not apply to Honorary Freemen and Aldermen of the Borough.

**Resolved that:**

- a) **The report be noted; and**
- b) **The Monitoring Officer be authorised to review and propose amendments to the Councillor Code of Conduct and its processes and procedures in order to comply with the best practice recommendations contained in the Review of Local Government Ethical Standards.**

#### 5. Exclusion of the Press and Public

A member of the Committee stated his reservations about Borough Councillors not being allowed to stay during the consideration of the Part B (exempt) report as he felt it detracted from the accountability and transparency of the process.

Note: Cllr Frank Wardle left the Council Chamber.

**Resolved pursuant to Section 100A(4) of the Local Government Act 1972 that the public be excluded during the following item of business because it was likely in view of the nature of business to be transacted that, if members of the public were present during this item, there would be disclosure to them of exempt information.**

## **6. Screening of Complaints SC 2019/001**

The Committee scrutinised eight specific elements of the complaint in turn, using the published screening flowchart and decided that two of the elements related to a period of more than six months prior to the lodging of the complaint and there were no exceptional circumstances, there they would not be considered. In relation to the other six elements, although they were just over 6 months prior to the lodging of the complaint, the Committee agreed they would be reviewed. After careful consideration and on the basis of the evidence provided, the Committee agreed that there was no apparent breach of the Code of Conduct.

Three advisory points were made:

- That the Parish Council instigates a logging process for complaints to ensure transparency for members of the public.
- The Clerk to remind all Councillors to use appropriate tone and language in correspondence given their position in public office.
- That the Clerk arrange Code of Conduct training for the Parish Council in the coming municipal year at the expense of the Parish Council.

### **Decision:**

The Committee agreed that no further action be taken in relation to complaint SC/2019/001, but that three sets of advice should be provided to the Parish Council via the Clerk.

### **Reason:**

On the basis of the evidence provided there was no apparent breach of the Councillor Code of Conduct.

### **Close of meeting**

The meeting ended at 9.10 pm