

Medway Council
STANDARDS COMMITTEE
21 JANUARY 2003
7pm to 8.00pm
RECORD OF THE MEETING

PRESENT:

Committee members: Councillors Buckwell, Councillor Coomber (parish representative), Michael Coulson (independent member), Councillor Alan Povey (independent member) and Councillor Julie Shaw

In attendance: Councillor Swaby

5016 RECORD OF THE MEETING

The record of the meeting held on 15 October 2002 was agreed and signed by the chair as correct subject to minute 4736 (Complaints procedure) decision (a), the word "from" being replaced with the word "form".

5017 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jefferies and Laura Wren (independent member).

5018 GENERAL UPDATE ON CODE OF CONDUCT ISSUES

Discussion:

The monitoring officer presented a report that advised members of the committee on the progress of the regulations to be made under section 66 of the Local Government Act 2000, the Standards Board for England Conference 2003, referral of the adjudication by the Standards Board for England and guidance for candidates for the May 2003 elections.

The monitoring officer advised that the section 66 regulations in respect of the determination of local complaints were expected by Spring 2003 and advised the committee that the Standards Committee would have two to three months grace before any local complaints were put before them.

The committee was advised that the Standards Board had produced forms which could be used by individuals to complain to the Standards Board for England on alleged breaches of the code of conduct. The form was incorporated in a new leaflet. The Board advised that they would not

Standards Committee, 21 January 2003

accept allegations by proxy such as those made by a monitoring officer on behalf of an individual and complaints would need to be made by the member or other person making the complaint direct to the Standards Board, in writing. The monitoring officer noted that he would be writing to all members advising of this change and forms would be sent out to all parish clerks and that complaint forms would be held by the monitoring officer and his personal assistant. Forms were to be put on display at all council offices so that members of the public could have access to the forms. In addition, the monitoring officer distributed to the committee a brief summary document of key obligations under the code of conduct produced by the Standards Board. It was noted that a copy would be circulated to all members of Medway Council and to parish clerks.

Members were informed that the Standards Board for England Conference 2003 was to be held in Birmingham over two days – the 9 and 10 June 2003. It was agreed that the monitoring officer, an independent member and an elected member would represent the committee at the conference and that if there was a substantial parish item on the agenda, that a place be reserved for a parish member. The monitoring officer advised the committee that it was envisaged that there would be no charge for the event and that any travel and subsistence costs would need to be covered and suggested that travel and subsistence be met from the same budget, as would have been the case for elected members.

Referral of adjudications by the Standards Board for England

Discussion:

The monitoring officer advised the committee that there had been one complaint concerning a member of this authority alleging breach of the code and had been considered by the ethical standards officer at the request of the Standards Board for England. The ethical standards officer's finding was that there was no evidence of any failure to comply with the council's code of conduct. Members noted that the Standards Board website now included case summaries of investigations undertaken nationally.

Members of the committee were concerned that the relevant councillor's name and facts regarding the complaint were mentioned, in circumstances where no breach of code had been identified. Members also questioned how long the information would be kept on the website. The committee asked the chair to raise their concerns in writing with the Standards Board and asked that their further concern over the length of time in completing the investigation was looked into. Members recognised that the principals of decisions were valuable but stated that the website did not need to contain the name of the member complained of, the complainant or the authority concerned where a complaint was dismissed.

Guidance for candidates for the May 2003 elections

Discussion:

The monitoring officer noted the members of the committee's concerns to ensure that prospective candidates for Medway and parish councils were apprised of their requirements of the code of conduct and reported the following proposals that could be put in place to assist in this:

- the head of council office will appraise electoral agents at the agents' meeting in February of the requirements of the code of conduct;
- a copy of the code of conduct, together with the guidance leaflet from the Standards Board would be included in the nomination packs.

Members of the committee discussed various examples over what would constitute breach of the Medway code of conduct, especially with regard to criminal offences. The monitoring officer noted that no such offences had been, as yet, through the system and that such matters were for the individual conscience of each member.

Decision:

- (a) that the monitoring officer write to all members advising that the Standard Board would now only consider allegations in writing from the person who wishes to make a complaint and that the Board cannot accept allegations by proxy. That all parish clerks be provided with copies of the relevant complaints form and these forms be put on display in all public offices for public use and advise members that complaints forms will be held by the monitoring officer and his personal assistant;
- (b) that the following members of the Standards Committee attend the Standards Board Conference for 2003:

the monitoring officer, Laura Wren (independent member), one elected member (to be named after the May 2003 election) and that a place be reserved for the parish member subject to there being substantial parish items on the agenda at the conference;
- (c) that the chair raise the committee's concerns in writing with the Standards Board, that members' names and facts were mentioned on the website giving case summaries of investigations undertaken nationally;
- (d) that the head of council office appraise electoral agents at the agents' meeting in February of the requirements of the code of conduct and that a copy of the code of conduct, together with the guidance leaflet from the Standards Board, be included in the nomination packs.

5019 FUTURE WORK PROGRAMME

Discussion:

The monitoring officer advised the committee that the Standards Board had advised that independent members should not have an unlimited term of office and the committee discussed the length of office of independent members and the possibility of increasing the number of independent members of the committee to four.

Decision:

- (a) the committee agreed to incorporate the following into the work programme:
 - (i) the timing and length of office of independent members and the possibility of increasing the number of independent members of the committee.

Chair

Date

Peter Holland

Committee co-ordinator

Telephone: 01634 332011

E-mail: peter.holland@medway.gov.uk