

<i>COMMITTEE</i>	<b>STANDARDS COMMITTEE</b>
<i>DATE</i>	<b>WEDNESDAY, 16 NOVEMBER 2005</b>
<i>TITLE OF REPORT</i>	<b>GENERAL UPDATE ON STANDARDS ISSUES</b>
<i>RESPONSIBLE OFFICER</i>	<b>Mark Bowen, assistant director, legal, contract and property services</b>

**1 PURPOSE OF THE REPORT**

- 1.1 The purpose of the report is to update members on developments relating to the work of the committee.

**2 RECOMMENDATION**

- 2.1 Members note the feedback given from the meeting of Independent Members.
- 2.2 Members suggest matters to be considered at the joint Monitoring officer/Parish Clerks` meeting

**3 DECISION ISSUES**

- 3.1 The constitution gives the Standards Committee a key role in ensuring good practice across the authority

**4 KENT AND MEDWAY INDEPENDENT MEMBERS OF STANDARDS COMMITTEES GROUP**

- 4.1 As has been previously discussed the Chair of this committee is the Secretary of the above Group. The Chair will update the committee on issues arising relating to the work of the Independent Members at the meeting on 16 November.

**5 PARISH COUNCIL ISSUES**

- 5.1 The second meeting between the Monitoring Officer and the Parish Councils is due to take place on 22 November. It will cover a range of standards, general operation and liaison issues including looking to give further clarification around personal and prejudicial interests. If there are issues that members wish to raise then these can be taken forward to the meeting by the Monitoring Officer.

## **6 LOCAL COMPLAINTS**

- 6.1 At the previous meeting members requested that the Monitoring Officer provide an update on whether he was aware of any matters which may be referred to the Standards Board for England relating to Medway councillors or parish councillors within Medway's area. At the date of writing the report the Monitoring Officer is not aware of any such matters.

## **7 RECENT COURT AND ADJUDICATION PANEL DECISIONS**

- 7.1 There continues to develop a body of case law and adjudication panel decisions, which will prove of assistance to authorities such as Medway at a future date when we come to consider any complaints at our Standards Committee. In particular, there has been consideration of the impact of the Human Rights Acts, particularly Article 10 of the European Convention of Human Rights which deals with freedom of expression.
- 7.2 As a consequence an Adjudication Panel or Standards Committee, which looks to deal with an issue where there may be considerations around a member's freedom of speech, must balance what is said against the various constraints and freedoms in the Convention. This is likely to be of particular importance where a member makes a controversial statement or more significantly where a member discloses confidential information and argues that it is in the public interest to do so.
- 7.3 However there will be a distinction between what is genuinely in the public interest and what is in the political interest of a member or group on the council and until the proposed revision is made to the code of conduct then members should proceed with caution as particularly since the freedom of information legislation came into force, a general public interest judgement will have been made before a decision to keep information confidential.
- 7.4 If the Standards committee considers a matter dealing with such arguments it will need to receive specific advice on and take into account convention issues.

## **8 LEGAL AND FINANCIAL IMPLICATIONS**

- 8.1 The legal implications are set out in the body of the report. There are no direct financial implications.

### **Background Documents**

None.

**Lead officer contact**

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