

Medway Council
Meeting of Councillor Conduct Committee
Tuesday, 18 September 2012
6.00pm to 6.40pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

Present: Councillors: Griffiths, Adrian Gulvin, Hicks, O'Brien, Shaw, Smith and Tolhurst

In Attendance: Perry Holmes, Monitoring Officer
Teri Reynolds, Democratic Services Officer
Linda Veloso, Independent Person

377 Election of Chairman

Councillor O'Brien was elected as Chairman for the remainder of the 2012/13 municipal year.

Councillor Hicks was elected as Vice-Chairman for the remainder of the 2012/13 municipal year.

378 Apologies for absence

An apology of absence was received from Councillor Kemp.

379 Urgent matters by reason of special circumstances

There were none.

380 Declarations of disclosable pecuniary interests

There were none.

381 Criteria and procedure for dealing with Councillor conduct complaints

Discussion:

The Monitoring Officer introduced the report and highlighted to the Committee the suggested criteria flowchart to be used when assessing complaints, attached at Appendix 1 to the report and two amendments being recommended within the procedure for dealing with Councillor conduct complaints, which were: -

- That complaints between 6-12 months not be investigated where it is unreasonable to do so bearing in mind the circumstances of the case;

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- That complaints should not be investigated where it is disproportionate to do so and none of the other informal resolutions apply.

Members then considered the report, the assessment criteria and suggested amendments. In relation to complaints made that were between six and twelve months from the incident complained about, Members agreed that it was useful to have this criteria as it was often very difficult to remember events that happened more than six months ago and it was also felt that the circumstances for why a complaint would be made six or more months after an event would be limited. It was therefore suggested that the emphasis of the phrasing be made so that complaints that were between six and twelve months old would not be considered unless there were reasonable grounds for the delay.

Members also requested that the email address provided in the procedure guidance was corrected and that a copy of the complaints form be circulated to committee members for information. It was also confirmed to Members that these alterations did not have to be referred back to full Council.

Decision

The Committee agreed the assessment criteria flowchart attached at Appendix 1 to the report and the Medway Council procedure for dealing with Councillor Conduct complaints under the Localism Act 2011, attached at Appendix 2 to the report, subject to the following wording being used; "Complainants are expected to bring their complaints to the Monitoring Officer as soon as possible. When a complaint is made about an event that occurred more than six months ago, unless there are extenuating circumstances, it will not be investigated".

382 Disclosable Pecuniary Interests

Discussion:

The Monitoring Officer introduced the report and informed the Committee that a large number of Members had attended a training session on Disclosable Pecuniary Interests (DPIs) and the Medway Code of Conduct in August 2012. He explained that at the training he had advised that Members also needed to be mindful of bias, predetermination and conflicts of interest. The committee were then asked if the training session had been considered helpful, whether more was needed, whether an additional training session should be provided for Members that could not make the previous session and whether there should be an annual refresher training event. The Monitoring Officer also confirmed that all of the Members' DPI forms had now been submitted.

The Committee commented that the session had been very helpful and felt that other Members who had been unable to attend the session should be provided with the opportunity of another event to ensure all Members were fully aware of the rules and advice.

In relation to an annual refresher it was suggested that another training session be provided in approximately one year and that before that session this

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committee consider what other advice and guidance should be provided at the session.

Decision:

- 1) The committee noted the report and agreed that the Monitoring Officer hold an additional DPI and Code of Conduct training session for Members who were unable to make the previous event.
- 2) The committee also agreed that a further training session be provided in approximately one year and that before that session, this committee consider what other guidance and advice should be provided.

383 General dispensations

Discussion:

The Monitoring Officer introduced the report which recommended a general dispensation to be granted to all Members on the following matters, where may affect so many Councillors that the Council or Committee would be inquorate: -

- Housing – where the Councillor (or spouse/partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Councillor's particular tenancy or lease;
- Housing benefit – where the Councillor (or spouse/partner) is in receipt;
- Statutory sick pay
- Allowance – travelling expenses, payment or indemnity for Councillors
- Ceremonial honour
- Council Tax or a precept

Members then discussed issues around the appropriateness of dispensations where Councillors are in positions at partner organisations to which funding is provided or contracts let to by the Council. The Monitoring Officer firstly explained that where Councillors were in such positions that were in their own capacity and were paid then these would be considered as Disclosable Pecuniary Interests (DPIs) but that if Councillors were in these positions as non-paid Council representatives, then these did not qualify as a DPI but may be considered as conflicts of interest. Discussion then took places about when it was appropriate to grant dispensations, for example where the Council is setting the budget and a proportion of the budget affects an organisation that is linked to a Councillor but that this proportion is a small fraction of the overall budget being set. It was suggested that a *de minimis* threshold be developed to help in terms of guidance as to when a dispensation is and is not appropriate.

Decision:

- 1) The Committee agreed to grant a general dispensation to all current Members of Medway Council to speak and vote on matters set out above and at paragraph 3.2 of the report for a period of four years from the date of this decision.

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- 2) That the Monitoring Officer report back to a future meeting of this committee on a *de minimis* threshold to be considered when granting dispensations.

384 Timetable of Committee meetings 2012/13

Discussion:

The Democratic Services Officer introduced the report, which recommended that the Committee schedule monthly meetings to avoid delays in dealing with complaints but that meetings be cancelled when not required.

The Committee raised concerns with one of the proposed dates, 17 October 2012, as this clashed with another meeting involving a number of the Committee Members and therefore requested that an alternative date be sought.

Decision:

The Committee agreed that its meetings be set on a monthly basis and agreed the dates as set out at paragraph 3.1 of the report, subject to an alternative date being sought for October 2012.

Chairman

Date:

Teri Reynolds. Democratic Services Officer

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