

**Medway Council**  
**STANDARDS COMMITTEE**

**3 February 2010**  
**7:00 pm to 7:45 pm**  
**RECORD OF THE MEETING**

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**PRESENT:**

**Committee members:** Councillor Coomber (Parish Council representative)  
Councillor Marsh (Parish Council representative)  
Michael Coulson (Independent Member)  
Anthony Dance (Independent Member)  
Janet Gray (Independent Member)  
Sue Jenkins (Independent Member)  
Alan Povey (Independent Member)  
Councillors Burt, O'Brien, Shaw and Smith

**In attendance:** Peter Holland (Committee Co-ordinator)  
Deborah Upton (Monitoring Officer)

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**580 RECORD OF THE MEETING**

The record of the meeting held on 1 December 2009 was signed by the Chairman as correct subject to minute 437 being corrected to read "four" political groups and amendments to Alan Povey and Janet Gray's names on the list of Members present at the meeting.

**581 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Parish Councillor Buckwell.

**582 DECLARATIONS OF INTEREST**

Councillors Burt, O'Brien, Shaw and Smith and Parish Councillors Coomber and Marsh declared personal interests in agenda item 8 as they all knew the Councillor referred to in the report.

**583 STANDARDS FOR ENGLAND GUIDANCE ON OTHER ACTION**

**Discussion:**

The Monitoring Officer presented a report that advised Members of new guidance issued by Standards for England on the sanction of “other action” and requested Members to consider and comment on the assessment criteria, and to adopt it for use.

**Decision:**

Members noted the content of the “Other Action Guidance” published by Standards for England and agreed that:

- (a) the Committee adopt the assessment criteria at Appendix 2 of the report and that it be applied with immediate effect.

**584 MEMBERS' CODE OF CONDUCT CASE REPORTS**

**Discussion:**

The Monitoring Officer presented a report that gave Members an update on recent decisions of the Adjudication Panel Appeals Tribunal and case Tribunal. The report was produced for information and training purposes. The report also contained summaries of certain complaints that have been investigated by ethical standards officers from Standards for England following referral by local authorities.

Whilst discussing this item Members asked the Monitoring Officer to investigate whether the Council had a policy governing the use of Council Information Technology by Members of the Council and if so how often this policy was reviewed.

**Decision:**

Members noted the content of the report and asked the Monitoring Officer to investigate whether the Council had a policy governing the use of Council Information Technology by Members of the Council and if so how often this policy was reviewed.

**585 EXCLUSION OF THE PRESS AND PUBLIC**

The Committee agreed to ask the press and public to leave the meeting because the following item contained sensitive information presented to a Standards Committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58 (1)(c) of the Local Government Act 2000.

**586 UPDATE REPORT ON CASE NO. SBR 20626.07**

**Discussion:**

Members received an update on a complaint made in June 2008 against Councillor Ken Bamber. The complaint was that Councillor Ken Bamber had breached paragraph 3(i) and 5 of the Medway Code of Conduct – a Member must treat others with respect, and a Member must not conduct himself in a matter which could be regarded as bringing his office or authority into disrepute.

This case was heard by a Standards Hearing Panel on 19 June 2008, the Panel decided that the matter should be stayed as the matter was the subject of an Employment Tribunal.

The Council negotiated with the complainant and agreed to settle prior to the tribunal by way of a COT3.

The Monitoring Officer informed the Committee that as the matter was not decided and the details of the Employment Tribunal are confidential as all parties signed a confidentiality agreement as part of the settlement Standards for England were contacted to ask for advice on how to deal with this matter.

Members were informed that there was a large delay in receiving this advice, however, the Monitoring Officer stated that Standards for England had advised that there was no provision in the regulations for discontinuing a hearing and the options that they saw available were as follows:

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- (a) The Investigating Officer report that the matter was withdrawn from the Employment Tribunal based on a COT 3 agreement, which included a confidentiality clause (as they all do) and so he is unable to provide any information. The Standards Committee would then decide that they cannot find a breach.
- (b) The Standards Committee review their decision to refer back to the Investigating Officer, and rescind it.

### **Decision:**

The Committee decided that they were not able to find a breach of the Code of Conduct in this matter as no further information could be provided by the investigating officer due to the confidentiality agreement entered into by the Council and the complainant.

**Chairman**

**Date**

**Peter Holland**

Committee Co-ordinator

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