

**Medway Council**  
**Meeting of Councillor Conduct Committee**  
**Wednesday, 13 March 2019**  
**6.00pm to 7.00pm**

**Record of the meeting**

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

- Present:** Councillors: Mrs Diane Chambers, Hicks (Chairman) and Shaw
- Substitutes:** Councillors:  
Griffiths (Substitute for Godwin)  
Joy (Substitute for Wicks)
- In Attendance:** Perry Holmes, Chief Legal Officer/Monitoring Officer  
Teri Reynolds, Democratic Services Officer

**876 Apologies for absence**

Apologies for absence were received from Councillors Godwin, Kemp and Wicks.

**877 Record of meeting**

The record of the meeting held on 9 January 2019 was agreed and signed by the Chairman as correct.

**878 Urgent matters by reason of special circumstances**

There were none.

**879 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

## 880 Guidance for Councillors on Ward Work

### Discussion:

The Democratic Services Officer introduced the report which asked the Committee to review proposed changes to the guidance for Councillors on ward work. It was explained that the amendments, which were demonstrated as tracked changes in Appendix B to the report, were not significant in nature but did highlight some innovations being made available later in the year, such as the member portal and a business intelligence tool providing in-depth ward level information. It also reflected the most recently adopted Member Code of Conduct and new regulations relating to GDPR.

Members then raised a number of questions and comments, which included:

- **Member training** – a member suggested that as well as doing an all member briefing on ward work, a briefing on this guidance should also be provided to each political group, to ensure all Members receive the training.
- **Rewording** – a member commented on the bullet point at 3.5 of the guidance, which stated “Councillors should not reply to resident’s enquiries on behalf of the Council” and asked what this actually meant. Officers responded that Councillors should not respond to residents in a way that commits the Council to anything that might not be deliverable and that Councillors should clarify positions with officers first, where relevant. Officers undertook to reword the point to make this clearer.
- **Ward Improvement Fund (WIF)** – a Member commented on the WIF section at section 6 of the guidance and suggested it be made clearer that WIFs can be used to support organisations that may not be based within the ward but where there was demonstrable evidence that the organisation can/does provide a service to residents within the ward. It was explained that this section was aligned to reflect what was detailed in the Council’s constitution but officers undertook to reflect on this suggestion with the Chief Finance Officer and consider how this could be made clearer for Members.
- **Response times** – A Member commented on officer response times to Member queries as he felt this needed strengthening to give further clarity to expected timescales. Officers undertook to look into this.
- **Useful contacts** – In response to a query about Members being supplied with useful contacts and guidance on where to direct particular queries, officers confirmed further advice and signposting would be made available via the member portal and would be picked up in training.

## **Councillor Conduct Committee, 13 March 2019**

### **Decision:**

The Committee authorised the Monitoring Officer to issue the guidance to all Councillors and co-opted members after the local elections in May 2019, subject to officers reviewing the comments made by Members as set out above and making any minor amendments required to update information.

### **881 Guidance for Councillors on Use of Council Resources**

#### **Discussion:**

The Democratic Services Officer introduced the report which suggested minor changes to the guidance for Councillors on the use of Council resources. Updates to the guidance were minimal, mainly reflecting the addition to the Member Code of Conduct on the use of social media.

#### **Decision:**

The Committee authorised the Monitoring Officer to re-issue the guidance to all Councillors and co-opted members after the local elections in May 2019.

### **882 Guidance for Councillors Appointed to Outside Bodies and Organisations**

#### **Discussion:**

The Monitoring Officer introduced the report which suggested updates to the guidance for Councillors appointed to outside bodies, explaining that these particularly reflected the increased use of alternative business structures.

Members then commented on the clarity needed for directors and trustees of teckal companies and similar bodies and what they should do when conflicts of interest arise in relation to their responsibilities as a Councillor and to the company as a director or trustee. The Monitoring Officer assured Members that this would be fully covered in the member induction process and that officers did support members on such issues, as did the organisations.

#### **Decisions:**

The Committee authorised the Monitoring Officer to:

- 1) Make minor changes to the guidance in order to ensure the list of outside bodies at Appendix B to the guidance is up to date when circulated; and
- 2) Reissue the guidance to all Councillors and co-opted members after the elections in May 2019.

**883 Update on a Review of Local Government Ethical Standards**

**Discussion:**

The Monitoring Officer introduced the report which provided the Committee with an overview of the key outcomes of the report published in January 2019 by the Committee on Standards in Public Life on the subject of ethical standards in local government. Appendix 1 to the report provided a summary of the highlights of the report, its recommendations to Central Government and its best practice recommendations to local authorities. The Monitoring Officer explained that in relation to the latter, Medway had already addressed many of these points in its current Member Code of Conduct and related arrangements.

A Member referred to the recommendation of the Committee on Standards in Public Life that local authorities should be given discretionary powers to establish decision making standards committees with voting independent members to decide on allegations and impose sanctions.

The Monitoring Officer also drew attention to the recommendation for local authorities that the Independent Person(s) appointed under s28(7) of the Localism Act 2011 should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the Monitoring Officer is minded to dismiss as trivial or vexatious.

Given the timing of this report and the forthcoming local elections, Members shared the view that no actions be taken on this report until later in the year.

**Decision:**

The Committee noted the report and agreed that it be reviewed and considered further in the next municipal year.

**884 Requests for Dispensation**

**Discussion:**

The Monitoring Officer introduced the report which informed the Committee of four dispensations that had been granted by the Monitoring Officer using the appropriate delegation provided to him in the Council's constitution.

**Decision:**

The Committee noted the Monitoring Officer had granted a dispensation to:

- 1) Dr Peter Green for four years for the reasons set out in paragraphs 4.1 – 4.5 of the report to allow participation in debate and/or to vote on the annual report on NHS Medway CCG's contribution to the Board's Joint Health and Wellbeing Strategy at Health and Wellbeing Board meetings

## **Councillor Conduct Committee, 13 March 2019**

in which he has a Disclosable Pecuniary Interest in relation to his paid position at NHS Medway Clinical Commissioning Group.

- 2) Stuart Jeffery for the meeting of the Health and Wellbeing Board on 19 February 2019 for the reasons set out in paragraphs 4.1 – 4.5 of the report to allow participation in debate and/or to vote on the annual report on NHS Medway CCG's contribution to the Board's Joint Health and Wellbeing Strategy at the meeting in which he had a Disclosable Pecuniary Interest in relation to his employment at NHS Medway Clinical Commissioning Group.
- 3) Fay Cordingley for four years for the reasons set out in paragraphs 4.6 – 4.9 of the report to allow participation in debate and/or to vote on the annual schools performance report at Children and Young People Overview and Scrutiny Committee meetings in which she has a Disclosable Pecuniary Interest in relation to her employment at St James' Church of England Academy and St Margaret's Junior School.
- 4) Nicola Forrest for two years for the reasons set out in paragraphs 4.6 – 4.9 of the report to allow participation in debate and/or to vote on the annual schools performance report on at Children and Young People Overview and Scrutiny Committee meetings in which she has a Disclosable Pecuniary Interest in relation to her employment at New Road Primary School.

### **885 Exclusion of the press and public**

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 11 because consideration of these matters in public would disclose information falling within Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 10, and, in all the circumstances of the case, the Committee considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **886 Screening of Complaint CCC/2019/001**

#### **Discussion:**

The Monitoring Officer introduced a report which detailed two complaints received on 6 and 21 February 2019 relating to a Medway Councillor. The Committee considered the complaint as detailed in section 2 of the report, along with the full complaint submissions, which were appended to the report.

#### **Decision:**

The Committee agreed to take no further action in relation to complaint CCC/2019/001, as having completed the Screening Process, the Committee determined that the complaint related to activity that occurred more than six

## **Councillor Conduct Committee, 13 March 2019**

months ago and it considered there to be no exceptional circumstances to justify further consideration of the complaint.

**Chairman**

**Date:**

**Teri Reynolds, Democratic Services Officer**

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