

Medway Council
Meeting of Councillor Conduct Committee
Wednesday, 6 November 2019
6.00pm to 6.19pm

Record of the meeting

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

Present: Councillors: Brake, Mrs Diane Chambers (Chairman), Howcroft-Scott, Kemp (Vice-Chairman), McDonald, Potter, Price and Tranter

In Attendance: Perry Holmes, Chief Legal Officer/Monitoring Officer
Michael Turner, Democratic Services Officer

411 Apologies for absence

There were none.

412 Record of meeting

The record of the meeting held on 19 June 2019 was agreed and signed by the Chairman as correct.

413 Urgent matters by reason of special circumstances

There were none.

414 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.

415 Update on a Review of Local Government Ethical Standards

Discussion:

Members considered a report which provided an update on the Council's response to the best practice recommendations made by the Committee on Standards in Public Life following its review of ethical standards in local government, which had been published in January 2019.

Regarding the best practice recommendation that councils should report on separate bodies they have set up or which they own as part of their annual Governance statement, the Monitoring Officer clarified the purpose of this recommendation was to ensure these bodies abided by the Nolan principles of openness and there was no need to amend the Code of Conduct. The next Annual Governance Statement would refer to these bodies and request each of them to publish board agendas, minutes and annual reports.

A Member referred to the recommendation that an Independent Person 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 was minded to dismiss as being without merit, vexatious, or trivial. The extent to which the Independent Person was currently consulted was queried. A Member made the point that it could sometimes be difficult for Members to be completely objective when they knew the person who was the subject of the complaint and welcomed this additional input from the Independent Person. The Monitoring Officer advised that the Independent Person, under the current procedures, was consulted once the Committee had decided to investigate a complaint. This recommendation, whilst adding an element of delay into the process, would strengthen the process by ensuring Members and the Monitoring Officer had the benefit of an independent, objective view before a decision was made to either carry out a formal investigation or dismiss a complaint as being without merit, vexatious or trivial.

A Member commented that it was encouraging to see that much of the best practice recommendations were already embedded in the Council's procedures and practices.

Members' attention was drawn to revised recommendations which had been tabled and which fully reflected the suggested way forward as set out in the report.

Decision:

The Committee agreed to:

- a) recommend the proposed changes to the Code, as demonstrated as tracked changes at Appendix 2 to the report, to Full Council;

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- b) approve the changes to the procedure for dealing with Member Conduct Complaints, as demonstrated as tracked changes at Appendix 3 to the report;
- c) agree to review the Member Code of Conduct every four years and make recommendations to full Council as necessary, and that where possible when substantial changes are proposed, the views of the public, community organisations and neighbouring authorities are sought;
- d) instruct officers to add a link to the Member Code of Conduct webpage from the page relating to Council complaints generally;
- e) agree that the current approach of publishing information on the website, as part of the Minutes of the Councillor Conduct Committee, continue instead of publishing a decision notice relating to the outcome of formal investigations, as recommended by the Committee on Standards in Public Life;
- f) agree that the Monitoring Officer seeks the views of the 11 parish councils in Medway on the recommendation that formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances, and report back to the Committee;
- g) request the Monitoring Officer to give consideration to the inclusion of a reference to all alternative delivery models set up by the local authority in the Council's annual governance statement and that he request each of them to publish board agendas, minutes and annual reports, and;
- h) note all other responses set out in the table at section 3 of the report where no specific or additional action is required.

416 Requests for Dispensation

Discussion:

Members considered a report which informed the Committee of a dispensation that had been granted by the Monitoring Officer for all Members of the Council.

Decision:

The Committee agreed to note that the Monitoring Officer granted a dispensation to all Members of the Council, for a four year period from 10 October 2019, for the reasons set out in paragraph 4.2 of the report, to allow Members to participate in debate and/or vote on reports relating to Members' allowances, in which they have an Other Significant Interest.

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Chairman

Date:

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