

Medway Council
Meeting of Councillor Conduct Committee
Wednesday, 20 January 2021
6.00pm to 7.17pm

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), Potter, Price and Tranter

Substitutes: None

In Attendance: Jan Guyler, Head of Legal Services, Local Land Charges and Licensing/Deputy Monitoring Officer
Perry Holmes, Chief Legal Officer/Monitoring Officer
Michael Turner, Democratic Services Officer

644 Apologies for absence

An apology for absence was received from Councillor McDonald.

645 Record of meeting

The record of the meeting held on 16 December 2020 was approved and signed by the Chairman as correct.

646 Urgent matters by reason of special circumstances

There were none.

647 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

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Other interests

There were none.

648 Update on LGA's Model Code of Conduct

Discussion:

Members considered a report regarding the Local Government Association's (LGA's) Model Code of Conduct.

The Deputy Monitoring Officer advised that she was the chair of the Kent Secretaries Group, a forum for Heads of Legal and Monitoring Officers, which had proposed that this Group set up an officer working group to consider the final version of the Model Code of Conduct and advise on the contents to try to gain consistency across the county. This could then be considered by the Committee in the spring with any suggestions as to how the Council's Member Code of Conduct could be amended to mirror the Model Code.

Decision:

The Committee agreed to note the report and also that a further report would come to the Committee in the spring following discussions with Heads of Legal and Monitoring Officers across Kent on the new Model Code.

649 Monitoring Officer Annual Report

Discussion:

Members discussed a report which set out the activity of the Monitoring Officer and the Councillor Conduct Committee for the calendar year of 2020.

Decision:

The Committee agreed to note the Annual Report

650 Request for dispensation

Discussion:

Members considered a report regarding a request that a dispensation be granted to a nonvoting co-optee of the Children and Young People Overview and Scrutiny Committee.

Decision:

The Committee agreed to grant a dispensation to Carl Guerin-Hassett for two years for the reasons set out in paragraphs 4.1 – 4.3 of the report to allow participation in debate on the annual schools performance report at Children and Young People Overview and Scrutiny Committee meetings in which he has

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a Disclosable Pecuniary Interest in relation to his employment at Hundred of Hoo Academy.

651 Exclusion of the press and public

The Committee agreed that the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 9 because consideration of this matter 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 8, and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

652 Screening of complaint CCC/2020/005

Discussion:

The Monitoring Officer introduced a report which detailed a complaint received on 31 December 2020 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.

An assessment of the complaint was undertaken in accordance with the screening process that the Committee had adopted for this purpose.

Decision:

The Committee agreed to take no further action in relation to complaint CCC/2020/005.

Reasons:

The Committee completed the Screening Process and determined from the evidence provided that the decision to which the complaint related had been taken by an officer following feedback from several users and not by the Member who was the subject of the complaint. In addition, there was no evidence to suggest that the Member subject to the complaint had improperly used their position to influence this decision or to suggest that the subject Member's role in the decision-making process was a potential breach of the Council's Code of Conduct.

The Committee also noted that, under the Council's Constitution, the Member subject to the complaint had no authority to make a decision on this matter and that the requirement in the Code of Conduct to declare interests only applied in relation to formal meetings of the Council.

(In accordance with Council Rule 12.6, Councillors Howcroft-Scott and Price asked that their votes against be recorded.)

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Chairman

Date:

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