

Medway Council
Meeting of Standards Committee
Wednesday, 24 November 2010
7.00pm to 7.40pm

Record of the meeting

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

Present: Councillors: Burt, O'Brien, Shaw and Smith

Independent Members:

Gray, Sanford and Sindrey

Parish Council Representatives:

Buckwell and Marsh

In Attendance: Peter Holland, Committee Co-ordinator
Deborah Upton, Monitoring Officer
Duncan Milne, Investigating Officer

535 Record of meeting

The record of the meeting held on 7 July 2010 was agreed and signed by the Chairman as correct.

536 Apologies for absence

Apologies for absence were received from Parish Councillor Coomber, Tony Dance, Fatima Shah and Charles Thompson.

537 Urgent matters by reason of special circumstances

There were no urgent matters.

538 Declarations of interest

Parish Councillor Marsh declared a personal interest in agenda item 8 as he is Vice Chairman of Allhallows Parish Council.

539 Work Programme

Discussion:

The Monitoring Officer introduced a report that set out the proposed work programme for the Committee and the position relating to complaints considered by the Referrals Sub-Committee.

The Monitoring Officer stated that complaints being dealt with by the investigating officer had taken longer than expected but she had now appointed a new Investigating Officer and that outstanding complaints would be dealt with. It was noted that the Investigating Officer was giving weekly updates to the Monitoring Officer on the progress of the investigation into complaints, and the Investigating Officer was present at the meeting to answer questions.

Members asked the Monitoring Officer to keep them informed of any significant delays in complaints under investigation and the Investigating Officer advised that he did not anticipate any.

The Monitoring Officer noted that the Standards Hearing Sub-Committee on 16 September 2010 had decided to seek a view from each Group Leader on the development of a protocol or written guidance to assist Councillors in handling ward work. The Standards Hearing Sub-Committee had also asked the Director of Regeneration, Community and Culture if he would review whether or not Members should be involved in evidence gathering for potential enforcement action and if so to provide guidance to councillors on this.

The Monitoring Officer reported that Group Leaders had responded and indicated that they were happy for a protocol to be drafted but one Group Leader asked that any protocol that is presented should not be compulsory but simply be just "guidelines" for councillors to follow if they so desire. Two Group Leaders asked that they be given the opportunity to see the protocol once it has been drafted, prior to it being agreed by this committee.

It was reported that the Director of Regeneration, Community and Culture had responded as set out in the report and that the Members of the Council's Planning Committee had received a briefing from the Development Manager on 27 October 2010 in respect of gathering evidence relating to enforcement proceedings.

Members were concerned that it may not be appropriate for Members to be citing cases of breaches of planning permission and stated that investigations into such breaches should be left for officers. Members agreed that a common sense approach should be taken with respect to gathering evidence and at no time should put themselves in a situation whereby they are in danger or give the perception of bias.

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Decision:

The committee agreed:

- (a) to note the work programme for 2010/11.
- (b) to note the position on complaints referred for investigation by the Referrals Sub-Committee and that the Monitoring Officer should keep Members of the Standards Committee up to date on any significant delays in specific complaints under investigation.
- (c) That the draft protocol on ward work is added to the committee's work programme for consideration at its next meeting on 2 February 2011.

540 Standards for England - Bulletin 48

Discussion:

The Monitoring Officer introduced a report on the Standards for England's regular Bulletin that gives up to date news and information about developments in ethical issues that affect local government.

The Monitoring Officer informed members that the Government's "Programme for Government" of 20 May 2010 contained the commitment to "abolish the Standards Board regime". The Bulletin gave members indicative timescales as to when the changes are to take place and what services Standards for England would be providing within those timescales.

The Monitoring Officer noted that the Bulletin stated that there would be no further requests for local authorities to submit quarterly or annual returns and that Standards for England would continue to accept cases in the public interest, referred to Standards for England by local standards committees, for investigation. The Bulletin also advised that in the light of the current uncertainty regarding the future of the standards regime, authorities could extend the term of office for independent members coming towards their maximum of two terms of four years.

The Monitoring Officer advised the Committee that it was her intention to ask Tony Dance if he would be prepared to continue in office for a further year.

Decision:

The committee agreed to note the contents of the Standards for England Bulletin 48.

541 Exclusion of the press and public

The Committee agreed to ask the press and public to leave the meeting as the report contained information under paragraph 7C of the Local Government Act, information presented to a standards committee, or to a sub-committee of 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 to under section 58(1)(c) of the Local Government Act 2000.

542 Allhallows Parish Council - Governance Review

Discussion:

The Monitoring Officer introduced a report that set out the progress to date of the Governance review being undertaken at Allhallows Parish Council.

Decision:

The committee agreed:

- (a) to note the Governance report.
- (b) that the Monitoring Officer continue with the actions and training as set out in the report and bring a further report back to this committee in February 2011.

Chairman

Date:

Peter Holland, Committee Co-ordinator

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