

Medway Council
Meeting of Standards Committee
Wednesday, 23 March 2011
7.00pm to 7.55pm

Record of the meeting

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

Present: Councillors: Burt, Shaw and Smith

Independent Members:

Dance, Gray, Shah, Sindrey and Thompson

Parish Council Representatives:

Parish Councillors Buckwell and Coomber

In Attendance: Paula Charker, Head of HR Services
Duncan Milne, Investigating Officer
Teri Reynolds, Overview and Scrutiny Co-ordinator
Deborah Upton, Assistant Director, Housing and Corporate Services/Monitoring Officer

907 Record of meeting

The record of the meeting held on 2 February 2011 was agreed and signed by the Chairman as correct.

908 Apologies for absence

Apologies for absence were received from Councillor O'Brien and Chris Sanford.

909 Urgent matters by reason of special circumstances

There were none.

910 Declarations of interest

Parish Councillor Buckwell declared a personal interest in item 5 (Work Programme), as he was a potential witness for cases DU/MO/123 and 126.

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Paula Charker (Head of HR Services) declared a personal interest on agenda item 6 (Politically Restricted Posts) on behalf of those staff present who may have been affected by the proposals.

911 Work Programme

Discussion:

The Monitoring Officer introduced the report and updated the Committee on the progress made with the cases detailed in the table at paragraph 2.6 of the report. She also updated the Committee on the outcome of a Referrals Sub-Committee meeting which had considered a new complaint earlier that day.

Decision:

The Committee noted the report.

912 Politically restricted posts

Discussion:

The Head of HR Services introduced the report to the committee, explaining that the Local Democracy, Economic Development and Construction Act 2009 had resulted in local authorities reviewing and maintaining a list of politically restricted posts under two broad categories; specified posts and sensitive posts. She informed the Committee that the proposals had been consulted widely and the proposed list of politically restricted posts was attached to the report at appendix A. She confirmed that the legislation did not prevent staff from becoming Parish Councillors and that the overall number of politically restricted posts within the Council had been reduced by 80 posts.

The Committee then asked various questions, which included, the level of involvement staff could have in Parish Council elections and clarification on the inclusion of posts within the list. In response, officers confirmed that although Parish Councils were not covered by the legislation, staff in politically restricted posts would not be able to campaign on behalf of a political party and would be expected to be politically neutral. The Head of HR also undertook to remove posts, which would be deleted from 1 April 2011 and one that had been entered on the list twice in error.

Decision:

The Standards Committee agreed: -

- (1) that the existing remuneration level of SCP 44 and above is removed and all posts graded PO3 and above are included in the list of Politically Restricted Posts;
- (2) the revised list of sensitive posts (attached as Appendix A to the report);

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- (3) to delegate authority to the Assistant Director, Organisational Services, to update the list of Politically Restricted Posts, as necessary, in accordance with decision (1) above;
- (4) that any proposed amendments to sensitive posts are reported back to this Committee for approval;
- (5) to note that all affected staff will be written to regarding the change of restrictions and staff newly included in the list will be given the right of appeal.

913 Annual report of the Monitoring Officer

Discussion:

The Monitoring Officer introduced the report highlighting that 18 complaints had been received in the reporting year of 1 April 2010 to 31 March 2011 and in the same period investigations had amounted to a cost of £29,964.61, which averaged out at approximately £3,500 per case, which was cheaper than the estimated cost per case by Standards for England.

During the debate on the report it was confirmed that of the complaints received relating to Parish Councillors, with the exception of one, all related to Allhallows Parish Council.

The Committee also raised concern about the expenditure of independent investigations, which had risen significantly from previous years and it was felt that all Members should be made aware of this. In response the Monitoring Officer confirmed that investigations could not be carried out internally due to the lack of capacity for internal staff to carry out the work. She also advised that the budget allocated for such costs was not overspent. In addition it was advised that wherever possible situations are dealt with internally and informally but that not all complainants were happy with this as an approach.

Decision:

The Committee noted the report and agreed that it be forwarded to full Council with the Committee's comments.

914 Allhallows Parish Council - governance review update

Discussion:

The Monitoring Officer introduced the report to the committee and explained that she had met with some of the Parish Councillors and had drafted a licence for the youth club, which had since been granted. She also advised that the work on the governance review should be deferred until after the elections in May 2011, in case there was a change in the Parish Councillors and that when this work is undertaken, it should be carried out in accordance with the checklist for effective governance which was published by the National Association of

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Local Councils and was attached to the report at Appendix 2. The Monitoring Officer also confirmed that she was still receiving complaints regarding Allhallows Parish Councillors but that these were being dealt with as part of the governance review, in accordance with the Standards Committee's decision at its last meeting.

The Committee then asked various questions, such as, the Parish Clerk's involvement in the governance review and further obligations if the issues at the Parish Council were not resolved after the governance review and training is completed. In response, the Monitoring Officer confirmed that the Parish Clerk would be included in training on good governance and would also be encouraged to use the network of parish clerks for advice and guidance. She added that once the governance review and training is completed, the obligation in relation to the Standards Committee would be fulfilled and future complaints would be considered as new complaints. It was also suggested that the Parish Council could obtain advice from local and national associations of local councils.

Decision:

The Committee noted the report and agreed that: -

- (1) the governance review and training at Allhallows Parish Council be deferred until after the local election;
- (2) the checklist for effective governance, as attached at appendix 2 of the report, be used as part of the governance review;
- (3) the governance review be reported back to the Committee when finalised.

Chairman

Date:

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