

18 October 2017 at 7.00 pm

Conference Room, Argyle Road, Sevenoaks
Despatched: 9.10.17



Standards Committee

Membership:

Chairman, Cllr. Gaywood; Vice-Chairman, Cllr. Ball
Cllrs. Bosley, McGregor, Mrs. Morris, McGarvey and Clark

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 11 January 2017, as a correct record	(Pages 1 - 2)	
2. Declarations of interest Any interests not already registered		
3. The Role of the Standards Committee	(Pages 3 - 8)	Martin Goodman Tel: 01732 227245

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

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STANDARDS COMMITTEE

Minutes of the meeting held on 11 January 2017 commencing at 7.04 pm

Present: Cllr. Gaywood (Chairman)

Cllrs. McGregor, Mrs. Morris and McGarvey

Apologies for absence were received from Cllrs. Ball and Bosley

WELCOME

The Chairman welcome John Linehan, the appointed Independent Person for Code of Conduct complaints to the meeting.

1. Minutes

Resolved: That the minutes of the Standards Committee held on 9 February 2016, be agreed and signed as a correct record.

2. Declarations of interest

There were no additional declarations of interest.

3. Monitoring Officer's Annual Report

The Monitoring Officer presented the twelfth Annual Report, which set out the role of the Monitoring Officer and provided an overview of the work of the Monitoring Officer, and the Standards Committee and the general governance arrangements of the Council during 2016. Members were advised that the current Monitoring Officer had joined the Council on 1 July 2016.

The Monitoring Officer advised that the 2015/16 annual letter from the Local Government Ombudsman set out that 21 complaints and enquiries had been received. Of the 21 complaints nine were closed after initial enquiries, five were referred back for local resolution, six were not upheld and one was upheld.

Members were advised that under the Localism Act 2011, the Council had appointed an Independent Person and a deputy to assist in considering complaints and who were consulted by the Monitoring Officer to help decide what action to. Members were reminded that at another Council a Member had been prosecuted for taking part and voting on a matter in which he had a disclosable pecuniary interest. In response to a question the Monitoring Officer advised that dispensations regarding disclosable pecuniary interests could be granted depending on the circumstances and that these would mostly be decided by the Standards Sub Committee for granting dispensations.

The Monitoring Officer provided details on the four complaints of Member misconduct received during 2016. Three complaints had been withdrawn and one had no further action due to insufficient evidence. In comparison there were six complaints received during 2015. Members were assured that robust procedures were in place to raise ethical standards, identify problems and to ensure that Members, Officers and the Public were aware of appropriate channels to raise concerns.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Members thanked the Monitoring Officer for the informative report.

Resolved: That it be recommended to Council that the report be noted.

Members took the opportunity to discuss the role of the Standards Committee going forward.

THE MEETING WAS CONCLUDED AT 7.40 PM

CHAIRMAN

THE ROLE OF THE STANDARDS COMMITTEE

Standards Committee - 18 October 2017

Report of Monitoring Officer

Status For consideration

Key Decision No

Executive Summary: This report sets out in brief the role of the Standards Committee.

This report supports the Key Aim of effective management of Council resources.

Contact Officer Martin Goodman - Monitoring Officer, Ext. 7245

Recommendation to the Standards Committee: That the report be noted.

Reason for recommendation: The report is for information.

Introduction and Background

- 1 The Standards Committee in its current format was introduced on 24 July 2012 as a consequence of the Localism Act 2011. The same legislative provisions led to the appointment of an Independent Person, the first of whom was introduced on 16 October 2012. This report is intended simply to remind Members of the role and responsibilities of the Committee.

Constitutional Provisions

- 2 The provisions relating to the Standards Committee are set out in Part 3 to the Constitution, appended to this report.
- 3 As Members will see, the Committee is charged with carrying out the Standards functions set out in the Localism Act 2011. A list of those functions is set out in the Constitution.
- 4 The Committee thus has an important and wide role in promoting adherence to the Code of Conduct, good governance and good Member Conduct. As necessary it is responsible for appointing sub-committees to deal with Code of Conduct Complaints. It may also grant dispensations, subject to provisos, pursuant to section 33(2) of the Localism Act 2011.

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- 5 The Committee also receives the Monitoring Officer's annual report which includes a summary of the District Council's ethical governance arrangements. Members are reminded of the role of the Committee.

Key Implications

Financial

None.

Legal Implications and Risk Assessment Statement.

None.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Conclusions

The provisions of Part 3 of the Constitution (appended) are brought to the attention of the Committee for noting.

Appendices Constitution - Part 3 - Standards Committee

Background Papers None.

Martin Goodman

Monitoring Officer

PART 3 -STANDARDS COMMITTEE

1. Establishment

1.1 The Council will establish a Standards Committee.

2. Composition

2.1 Standards Committees have to comply with the political balance rules under the Local Government Act 1972.

3. Membership

3.1 The Standards Committee will be composed of:

- Seven Members other than the Leader of the Council and no more than one Member selected from a particular Parish Boundary.
- Only one Member out of the above seven Members to be an Executive Member without being a Chair of the Committee as Standards is a Council function as opposed to an Executive function (s.27(8), Part 1, Chapter 7 of the Localism Act 2011.
- Up to two co-opted Members of a Parish or Town Council (a Parish/Town Council Member)

4. Voting

4.1 All Sevenoaks District Council members of the Committee will be entitled to vote at meetings of the Committee.

4.2 Any Co-opted Parish or Town Council representatives would not have voting rights.

5. Quorum

5.1 The quorum of the Standards Committee will be three voting members.

6. Number of meetings

6.1 At least one meeting will be held each year.

7. Role and Function (Terms of Reference)

7.1 To discharge the functions as set out in Part 1, Chapter 7 of the Localism Act 2011 including:

- (a) to promote and maintain high standards of conduct by Members and Co-opted Members of the District Council and to make recommendations to Council on improving standards;

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- (b) to advise and assist Parish/Town Councils and Parish/Town Councillors to maintain high standards of conduct and to make recommendations to Parish/Town Councils on improving standards;
- (c) to advise the District Council on the adoption of or revisions to its Code of Conduct;
- (d) to advise, train or arrange to train Members, Co-opted Members of the District Council on matters relating to the Code of Conduct;
- (e) to assist the Members and Co-opted Members of the District Council to observe their respective Codes of Conduct;
- (f) to monitor and assess the operation and effectiveness of the District Council Code of Conduct and to review and manage the Arrangements for dealing with Code of Conduct Complaints;
- (g) to advise on local ethical governance protocols and procedures;
- (h) to maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints;
- (i) to act as an advisory body in respect of any ethical governance matter;
- (j) to monitor and review the procedures for the Register of Members' Interests including reviewing interests other than Disclosable Pecuniary Interests (DPIs) called Non Pecuniary Interests (NPIs);
- (k) to receive reports from the Monitoring Officer on the number and nature of complaints received and action taken as a result in consultation with the Independent Person;
- (l) to receive the Monitoring Officer's annual report which includes a summary of the District Council's ethical governance arrangements;
- (m) to appoint a Sub-Committee being a Standards Assessment Working Party to consider complaints of an extremely serious nature or other similar exceptional circumstance that may exist as set out within the procedures entitled "Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011";
- (n) to appoint a Sub-Committee being a Standards Hearing Sub Committee following an investigation and finding that a breach of the Code of Conduct has occurred and no informal resolution can be found in accordance with "Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011";

- (o) delegated authority to grant dispensations pursuant to S33(2) of the Localism Act 2011 only if, after having had regard to all relevant circumstances, it is considered that:
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business (s.33(2)(b) of Part 1, Chapter 7 of the Localism Act 2011;
 - granting the dispensation is in the interests of persons living in the authority's area (s.33(2)(c) of Part 1, Chapter 7 of the Localism Act 2011;
 - it is otherwise appropriate to grant a dispensation (s.33(2)(e) of Part 1, Chapter 7 of the Localism Act 2011.

8. Standards Assessment Working Party (Terms of Reference)

- 8.1 It is recognised that complaints may be received which are of an extremely serious nature or other similar exceptional circumstances exist as set out within the procedures entitled "Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011". In such a situation the Monitoring Officer can set up a Working Party comprising three members of the Standards Committee.
- 8.2 The Working Party will examine thoroughly the contents of the complaint and after consultation with the Independent Person make recommendations to the Monitoring Officer on whether an investigation should take place.
- 8.3 The Working Party will produce a written summary of its consideration of the complaint to include the main points considered, its conclusion on the complaint and the reasons for that conclusion.

9. Standards Hearings Sub-Committee (Terms of Reference)

- 9.1 A Sub-Committee comprising three voting Members of the Standards Committee having a quorum of three established to conduct Hearings into allegations referred to it by the Monitoring Officer that a Member or Co-opted Member (the Subject Member) has failed to comply with the relevant Code of Conduct appertaining to that Subject Member.
- 9.2 To hold a hearing and make a determination in relation to a complaint referred to it by the Monitoring Officer alleging a breach of the Code of Conduct appertaining to the Subject Member.
- 9.3 Where the Sub-Committee determines that a Subject Member has failed to comply with the Subject Member's Code of Conduct to determine what action to take in respect thereof including the power to make recommendations to the Subject Member's Council and power to instruct

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the Monitoring Officer to publicise its decision on the District Council's web site and/or newspaper circulating in the locality.

- 9.4 To give notice in writing of any of its determinations including the reasons for such determination.

10. Standards Sub-Committee for Granting Dispensations

10.1 The Sub-Committee can be summoned by the Monitoring Officer to grant dispensations in accordance with its delegated powers referred to above at paragraph 7.1(n).

10.2 The Sub-Committee will comprise three voting Members of the Standards Committee having a quorum of three.

10.4 A written record of the Sub-Committee decision will be made and given to the Monitoring Officer. The written record will specify the reasons for the Sub-Committee's decision and if a dispensation is granted the written record will evidence the name of the Member or Co-opted Member receiving the dispensation and the period for which it has effect.

11. Codes and Protocols

11.1 High standards lie at the root of the Council's activities and the work of the Standards Committee is supported by policies and protocols including:

Members' Code of Conduct

Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011

Procedure for Making a Recommendation for the Appointment of an Independent Person

Protocol on Gifts and Hospitality

Members' Register of Interest Form

Powers to Grant Dispensations

Guidance of Disclosure of Confidential Information by Members