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## STANDARDS COMMITTEE

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**MINUTES** of the Meeting held in the Committee Room, Swale House, East Street, Sittingbourne on Thursday 8th June 2005 from 7.00 p.m. to 8.21 p.m.

**PRESENT:** Councillors Jackie Constable, Cindy Davis, Brenda Hammond and David Simmons.

**ALSO IN ATTENDANCE:** Messrs Long, Osborne and Rogers (Independent Members).

**OFFICERS PRESENT:** Miss New and Messrs Milne and Radford.

53 **ELECTION OF CHAIRMAN**

**RESOLVED** *That Mr Osborne be elected as Chairman for the Municipal Year.*

54 **NEW INDEPENDENT MEMBERS**

The Chairman welcomed Mr Philip Long and Mr Stephen Rogers who had recently been appointed as Independent Members on the Standards Committee.

55 **ELECTION OF VICE-CHAIRMAN**

**RESOLVED** *That Councillor Brenda Hammond be elected as Vice-Chairman for the Municipal Year.*

56 **MINUTES**

The Minutes of the Meeting held on 16th October 2003 (Page Nos. 295 to 297) were taken as read, confirmed and signed by the Chairman as a correct record.

57 **CONSULTATION ON THE REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

The Director of Corporate Services, Governance and Scrutiny and the Borough Solicitor, in their capacity as Monitoring Officer and Deputy Monitoring Officer respectively, submitted a report which set out details of the Standards Board for England's Consultation on the Review of the Code of Conduct for Members. It had been three years since the Code had come into effect and as such, the review provided an opportunity to examine the Code's effectiveness and address the issues that had given rise to debate. Members were asked to consider the consultation document and to formulate a response.

To assist with this, Members attention was drawn to paragraphs 13 of the report onwards, which highlighted the main areas that the Director of Corporate Services Governance and Scrutiny and the Borough Solicitor considered were important for the Committee to consider. The Committee considered each of these areas in detail, and the Director of Corporate Services, Governance and Scrutiny and the Borough Solicitor gave their advice and referred to the Association of Council Secretaries and Solicitors (ACSeS) response and responses from other Authorities.

**RESOLVED** *That the Director of Corporate Services, Governance and Scrutiny and the Borough Solicitor, in consultation with the Chairman of the Standards Committee, prepare a response on the consultation document, to include the following points:-*

- (i) That the general principles of the Code of Conduct be maintained.
- (ii) That the suggestion to adopt the ACAS definition of bullying seemed a practical way forward.
- (iii) That an amendment to the Code that sought to ensure maximum objectivity on the broad test for disrespect be welcomed.
- (iv) That any explicit public interest defence for Members should correlate to the public interest test in the Freedom of Information Act.
- (v) That regarding the 'public/private' life question, the current position should prevail, it being the general view that there is a greater responsibility and duty placed on those holding public office.
- (vi) That the word "must" should be replaced by "should" in paragraph 7 as follows:-
- " A Member should, if he becomes aware of any conduct by another Member which he reasonably believes involves a failure to comply with the Authority's Code of Conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so."*
- (vii) That in respect of the duty to report breaches, the Committee suggests that there should be a local 'filter' so that some less serious breaches could be dealt with on a local basis subject to the Member agreeing to this approach.
- (viii) That the definition of 'friendship' be left as guidance.
- (ix) That the definition of 'Inhabitants of an Authority's Area' is too large and further guidance is welcomed.
- (x) That in respect of the Richardson question, Members clearly have a greater potential to influence than ordinary members of the public and as such should be subject to a more rigorous test.
- (xi) That if a Member has a prejudicial interest arising from membership of charities (and lobby groups) then they should declare that interest and leave the meeting.
- (xii) That the proposal to provide Members with a dispensation from publicly registering sensitive information about their employment in certain circumstances be welcomed.
- (xiii) That the registering of membership of private clubs and organisations be supported.
- (xiv) That the £25 limit of registering gifts and hospitality be maintained, and this requirement should also apply in the Officer's Code of Conduct.

Chairman