

Standards Committee

Minutes of a Meeting of the Standards Committee held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **30th January 2024**.

Present:

Cllr. Mrs Bell (Chair);
Cllr. Harman (Vice-Chair);

Cllrs. Bell, Chilton, Gathern, Pauley, Pickering.

Mrs C Vant – Independent Person.

Mr P Bartlett – Parish Council Representative

Apologies:

Mr C Morley – Parish Council Representative.

Also Present:

Solicitor to the Council and Monitoring Officer, Deputy Monitoring Officer, Corporate Director of Housing, Customer, Technology and Finance, Member Services Manager.

Development Partnership Manager (joined remotely).

296 Declarations of Interest

Councillor	Interest	Minute No.
Mr Bartlett	Made a 'Voluntary Announcement' as a Member of Kennington Community Council and Sevington with Finberry Parish Council.	298
Bell	Made a 'Voluntary Announcement' as a Member of Biddenden Parish Council.	298
Chilton	Made a 'Voluntary Announcement' as Vice-Chair of Stanhope Parish Council.	298
Gathern	Made a 'Voluntary Announcement' as her husband was a Member of Great Chart with Singleton Parish Council.	298
Harman	Made a 'Voluntary Announcement' as Chair of Aldington and Bonnington Parish Council.	298

Pauley Made a 'Voluntary Announcement' as a Member of 298
Kennington Community Council.

297 Minutes

Resolved:

That the Minutes of the Meeting of this Committee held on the 31st January 2023 be approved and confirmed as a correct record.

298 Annual Report of the Council's Monitoring Officer 2023

The Monitoring Officer introduced his Annual Report for the calendar year 2023, which would be presented to the Council on the 29th February 2024. The report assessed activity in probity and related governance matters, in particular in relation to formal complaints about alleged breaches of protocols and codes of conduct by Borough and Parish Councillors. These related to the calendar year 2023. The report also provided an opportunity to review the effectiveness of current procedures.

In addition, the report included data on Ombudsman complaints as these were also handled by, or on behalf of the Monitoring Officer. The relevant period for these related to the most recent data provided by the Ombudsman, namely 1st April 2022 to 31st March 2023.

With regard to Code of Conduct Complaints, the Monitoring Officer advised there had been a significant increase in the number of complaints received during 2023. Complaints had been predominantly at Parish Council level with a concentration of activity around a small number of Councils. The registered formal complaints were detailed at Table 1 on Page 11 of the report and he regarded the volume as extraordinary and unsustainable.

In response to the significant growth of complaint activity, the Monitoring Officer had proposed a number of steps which he considered should be taken as a priority, in an endeavour to drive down complaint numbers and manage workloads. These were detailed at Paragraph 11 to the report, but in summary included: - further engagement with the Kent Association of Local Councils (KALC) regarding training for their members, including a mid-term training event; discussions with the Society of Local Clerks to explore further training to strengthen good governance, social media use, mediation and conflict management.

In terms of governance issues, the Kent Monitoring Officers Group continued its work on the LGA's new Model Code of Conduct and reviewing the "Arrangements for Handling Complaints". A further report on recommended changes would be presented to this Committee as soon as possible.

In relation to Ombudsman Complaints, the report advised that there had been 16 received by the Local Government Ombudsman (LGO), a similar number to 17 in the previous year. However, none of these complaints had been upheld (a decrease

from three in the previous year). In addition, five complaints had been investigated by the Housing Ombudsman Service resulting in a total of 12 findings including eight maladministration findings. Details were provided in the table within the report.

The Chair thanked the Monitoring Officer for his report and said that this Committee did seem to have similar discussions each year about the number of Code of Conduct complaints, particularly about Parish Councils. The legislation offered limited practical solutions and the burden was significant for the Monitoring Officer and the Borough Council. The Code of Conduct complaint process was a stressful one for all involved and an expensive one for the Borough Council. This was something she was concerned about and wondered if there were any practical solutions this Committee could suggest. She was not sure this was something that the general public was aware of and wondered if more publicity would help the situation.

The Annual Report was then opened up to the Committee and the following points were made: -

- In response to questions about whether there were any stronger measures that could be taken as a deterrent for poor conduct, the Monitoring Officer explained that the range of sanctions in the system were widely regarded as weak. The Local Government sector had been making this point to Government for several years, but it had declined to act, viewing Local Councillor conduct as essentially an issue for electors to deal with at the ballot box.
- Mid-term training for Parish Councillors was supported.
- Complaints were assessed by the Monitoring Officer via an initial 'Jurisdiction Test' and some did not pass this stage, particularly if they did not justify spending public funds to investigate or were not in the public interest. However, there had to be caution taken as this did involve a number of value judgments. Informal resolution was a route that was also often pursued in relatively minor complaints where the issue could often be resolved by an apology. Mediation was also a possible solution that the Monitoring Officer would like to promote more and since this was an option available through KALC, this would be part of the discussions with them.
- There was currently no provision to pass costs for investigation of complaints on to Parish Councils in the same way as By-Elections.
- A fair number of complaints seemed to relate to the use of social media and it was considered that some appropriate training on this should be included in the work with KALC.
- Mr Bartlett agreed to raise the issue of training at the next KALC meeting. The Monitoring Officer would also continue his own discussions with KALC.
- Points around publicity and making the public aware of the situation were seen as one of the few practical measures available to act as a deterrent.

There was a view that if people were aware of what was happening and how much it was all costing, it could place pressure on those involved to correct their behaviours. Various measures such as 'naming and shaming', press releases and league tables were mentioned, particularly with regard to the costs to the public purse that were incurred. The Monitoring Officer said that publicising some costs information would be worthwhile, but he did have some concerns about league tables and naming and shaming particular Parish Councils as this could be a bit misleading as they had no control over the volume of complaints made and some or all may be unmeritorious. Any league table would only really be able to include cases where there were findings of a breach, which were rare. Some interesting points had been raised and it was agreed that the Committee should have an additional meeting, in approximately six months' time, to discuss progress.

- The Monitoring Officer said he was intending to share his Annual Report with all Parish Councils and ask them to include it on their agendas for upcoming meetings. He would also make them aware of the concerns expressed by this Committee, particularly with regard to costs. The information was all publically available, but he hoped this would better draw it to their attention. This was supported by the Committee.
- Mr Morley had apologised for the meeting, but had asked whether the "earlier complaint still outstanding following referral for investigation" referred to in the report, was the same complaint carried forward from the previous year? The Monitoring Officer confirmed that it was but it would be coming forward to the Committee in the near future.

Resolved:

- That**
- (i) the Annual Report of the Monitoring Officer for 2023 be received, noted and forwarded to Full Council for approval.**
 - (ii) the Monitoring Officer report to a future meeting of the Standards Committee in relation to the Kent Monitoring Officers' review of the LGA Model Code and of the current Arrangements for Handling Code of Conduct Complaints.**
 - (iii) the Monitoring Officer take the steps identified in Paragraph 11 of the report in order to improve training, awareness and skills, especially at Local Council level, and seek to drive down incidence of formal complaints.**
 - (iv) the Standards Committee hold an additional meeting in approximately six months' time to discuss progress.**