

Minutes of the meeting of the **STANDARDS COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 4 December 2013 at 10.07 am.

Present:

Chairman: Councillor B W Butcher

Councillors: P J Hawkins
L A Keen
M A Russell
C J Smith

Also Present: Mr B P S Dowley
Councillor M R Eddy
Ian Martin (Worth Parish Council)

Officers: Director of Governance
Solicitor to the Council
Democratic Support Officer
Corporate Complaints and Resilience Officer

372 APOLOGIES

An apology for absence was received from Councillor K Mills.

373 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

374 DECLARATIONS OF INTEREST

There were no declarations of interest.

375 MINUTES

The Minutes of the meeting of the Committee held on 25 September 2013 were approved as a correct record and signed by the Chairman.

376 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on formal complaints received by the Council that had been investigated by the Corporate Services Team.

The Corporate Complaints and Resilience Officer (CCRO) advised that four complaints had been investigated at stage two of the Council's complaints process since the last meeting of the Committee. In respect of Complaint No DEV148, it was accepted that failure to advertise the planning application in the local press had been an oversight, notwithstanding that the Council had clear criteria governing which applications should be advertised in the press. Although there had been maladministration, it was the view of the CCRO that the outcome would not have been any different and therefore no injustice had been caused.

Councillors P J Hawkins and L A Keen requested that the issue of advertising applications in the local press be explored. Although information could be found on

the website, they argued that many residents did not have access to the internet and relied on the press for such information. Councillors Hawkins and Keen believed that, given the level of interest which often surrounded planning applications, it was incumbent upon the Council to do everything it could to publish them effectively. The Director of Governance advised Members that, at a time of budgetary restraints, internet publication was a cost-effective tool approved by the Cabinet.

Councillor L A Keen raised concerns regarding two complaints that had been received in respect of Lydden race circuit, querying how many breaches had to occur before they were deemed to be regular and seeking details of the enforcement action taken. Residents had raised numerous complaints about the circuit, but it was not clear what action was being taken by the Council. The CCRO advised that Planning Enforcement (PE) and Environmental Health were aware of the issues and had recently held meetings with the site owner.

The CCRO reported that two complaints had been investigated by the Local Government Ombudsman (LGO). The first related to housing and no fault had been found. The second related to breaches of planning conditions. The LGO considered that further information could have been provided to the complainant, but was satisfied with the Council's explanation and had closed the investigation.

Councillor Keen commented on what she considered to be a significant number of complaints involving Development Control and EK Services. She thought this was worrying and recommended that it be monitored.

- RESOLVED: (a) That the complaints report be noted and the actions taken endorsed.
- (b) That the Scrutiny (Policy and Performance) Committee be requested to review the fact that the Council no longer advertises all planning applications in the local press, and to investigate how much it is likely to cost to resume advertising all applications in the press.

377 LOCALISM ACT 2011 - REVIEW OF THE CODE OF CONDUCT FOR MEMBERS AND PROPOSED AMENDMENTS

Referring Members to the report, the Director of Governance advised that, since its introduction in July 2012, the new Code of Conduct had been kept under review by a working group of the Association of Kent Secretaries. A couple of minor amendments to the Code were being recommended relating to the definitions of 'Associated Person' and 'Member'. In addition, it was proposed that Members should be invited to make a voluntary declaration of interest at meetings following Nolan Principles. This provision would enable Members to declare an interest which did not fall within the definition of a Disclosable Pecuniary Interest (DPI) or Other Significant Interest. It was encouraging that the number of complaints against elected Members had fallen significantly since the new Code had been adopted.

The Solicitor to the Council reported that a suggested text for local authorities' Codes of Conduct had appeared on the Department for Communities and Local Government's website in September. This was a revision of a document issued in advance of the Localism Act 2011, and appeared to be something of a reversion to the Code of Conduct that existed before July 2012 as it referred to declaring both

financial and non-financial interests. The working group would look at this over the coming year and make recommendations in due course. It was clarified for Members that a Member making a voluntary declaration was not obliged to absent him/herself from the decision making. Any DPI, whether registered or only becoming apparent at the meeting, must be declared at the meeting.

It was confirmed that town and parish councils would be encouraged to adopt any provision relating to voluntary declarations.

RESOLVED: That it be recommended to Council:

- (a) That the Council revises the Code of Conduct for Members as indicated at Appendix 1 and incorporates the proposed amendments, bringing them into effect from 1 February 2014.
- (b) That the Council commends the revised Code of Conduct to the town and parish councils within the district, incorporating the additional change explained at paragraph 3.4 of the report.
- (c) That the Council adopts the practice of inviting Members to make voluntary declarations of interest, as explained at paragraph 4 of the report.

The meeting ended at 11.01 am.