

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

Monday, 19th January, 2015

Present: Cllr Miss J L Sergison (Chairman), Cllr D A S Davis (Vice-Chairman), Cllr M A C Balfour, Cllr Mrs P Bates, Cllr Mrs J M Bellamy, Cllr P F Bolt, Cllr V M C Branson, Cllr B J Luker, Cllr Mrs S Murray, Cllr M Parry-Waller, Cllr C P Smith, Mr D S Ashton, Mr J M Gledhill (Independent Persons), Mr W E Stead (Burham), Mr K J Terry (Hadlow) and Mr D Waller (Kings Hill). Voting rights were awarded to the representatives of Burham, Hadlow and Kings Hill Parish Councils.

Councillors O C Baldock, N J Heslop and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillor T Edmondston-Low, Mr D J Beach (Wrotham Parish Council), Mr J A Beadle (Ditton Parish Council), Mr M Carboni (Plaxtol Parish Council), Ms P Garrett (Addington Parish Council) and Mr D Thornewell (East Malling and Larkfield Parish Council).

PART 1 - PUBLIC

ST 15/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

ST 15/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Standards Committee held on 11 February 2014 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

ST 15/3 CODE OF CONDUCT COMPLAINTS - REVIEW OF ARRANGEMENTS


The report of the Monitoring Officer referred to a number of issues which had arisen in assessing complaints made to the Borough Council since the adoption of the arrangements for investigation of Code of Conduct complaints on 12 July 2012. Consideration was given to making small changes to the arrangements to address the practical operation of the complaints procedure. These related to the age of the complaint under the local assessment criteria, publicising decisions on assessments

under the Code of Conduct and provisions regarding informal resolution of complaints.

Discussion ensued on whether the three month rule in the local assessment criteria should be extended. However, it was agreed that a preferable course of action would be for the Monitoring Officer, in consultation with the Chairman, Vice-Chairman and Independent Persons, to determine whether exceptional circumstances existed, having regard to the seriousness of the alleged breach, whether it had only just come to light and the consequences of the delay for the fair disposal of the complaint.

The report referred to a decision of the Information Commissioner and the outcome of a First Tier Tribunal and proposed the removal of reference to publication of decision notices to avoid disclosing personal details of Complainants or Subject Members unless a complaint led to an investigation and public hearing before the Hearing Panel. Members expressed concern about the dilemma of needing to provide openness and a viable sanction as against contravention of data protection principles and asked that the situation be kept under review.

Finally, the report suggested an amendment to the arrangements to cover circumstances where a Subject Member refused to accept a proposed informal resolution of a complaint.

RECOMMENDED: That the amendments to the arrangements set out in the report be approved in respect of: 

- (1) circumstances for departure from the three month rule in paragraph 1.4(f) of Annex 2 to the report;
- (2) removal of reference to publication of decision notices in paragraph 4.7 of Annex 2 to the report; and
- (3) revised arrangements for informal resolution in paragraph 6.5 of Annex 2 to the report.
***Referred to Council**

MATTERS FOR CONSIDERATION IN PRIVATE

ST 15/4 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

MATTERS SUBMITTED FOR INFORMATION**ST 15/5 CODE OF CONDUCT COMPLAINT**

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Monitoring Officer gave details of a Code of Conduct complaint in respect of three members of a parish council who were not agreeable to the proposed informal resolution process. Since the arrangements did not provide for any further decision or action to be taken, this anomaly was being addressed for any future complaints by means of an amendment (Minute ST 15/3(3) refers).

RESOLVED: That the report be received and noted.

ST 15/6 UPDATE - CODE OF CONDUCT COMPLAINTS 2014

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Monitoring Officer provided an update on complaints received during 2014.

RESOLVED: That the report be received and noted.

The meeting ended at 8.07 pm