

Standards Committee
7 pm Wednesday 7 February 2024
The Guildhall, St Peters Place

DRAFT minutes

Present:

Councillor Keji Moses (Chair)
Councillor Alex Ricketts (Vice Chair)
Councillor Pat Edwards
Councillor Andrew Harvey (substitute for Councillor Steven Wheeler)
Councillor Robert Jones
Councillor Harry McKenzie
Councillor Peter Old
Councillor Ian Stockley

In attendance:

Barnaby Riggs (PC representative)
Alan Atkinson (PC representative)

Officers:

Matthew Archer- Head of Corporate Governance
Jan Guylar - Head of Legal and Monitoring Officer
Andrea James - Democratic Services Officer

520. Apologies for absence

Apologies were received from Councillors Steven Wheeler and Elizabeth Carr-Ellis, Independent Person Jacque Dabnor, and PC representative Dr Andrea Nicholson]

521. Substitute members

Councillor Andrew Harvey was present as a substitute for Councillor Steven Wheeler.

522. Declarations of interest by members or officers

Councillor Ian Stockley made a voluntary announcement that at least two people present knew the former councillor who was involved in the complaint that led to the governance review.

523. Councillor Interest Governance Review Recommendations

The Head of Legal and Monitoring Officer introduced the report, which asked the Committee to consider proposed solutions to address recommendations made by the Councillor Interest Governance Review.

She also gave a verbal update as follows:

Christine Parker, who undertook the Governance Review presented to the Audit Committee on 24 January 2024, has asked me to make a correction regarding updated advice she had previously relied on in her report.

The former Councillor's directorship in the company CCH Milton Manor Park Limited does not amount to a Disclosable Pecuniary Interest and did not therefore need to be registered as an interest at the time.

Having reviewed the information available on Companies House and the relevant legislation (Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464) it is noted that in order to be a DPI the company needs to be registered in or own land in Canterbury City Council's area PLUS the Councillor has shares over a set threshold.

In this case the company is registered to an address in Hythe and does not own any land. The shares being over the threshold is not enough in itself to amount to a DPI.

This clarification does not however have any impact on the recommendations made in the Governance Review and the suggested way forward to implement those recommendations set out in the report to the Standards Committee remains as set out in the report.

The Legal Officer then talked through the recommendations at page 4 of the agenda and the recommended changes.

Members discussed the report, asked questions and made recommendations including the following:

- There needed to be some measure considered so that former councillors could be held accountable for failure to uphold the Code of Conduct during their time in office, even if they became former councillors before the issue came to light.
- The Council was limited in how it could deal with former councillors, as when they became former councillors, they were no longer subject to the Code of Conduct.
- Disclosures had to be made because people were councillors: when they ceased being councillors, that necessity also ceased.
- When a Subject Councillor was no longer a councillor, the Council had no way of requiring them to cooperate with any investigations and could not sanction them. However, if the matter in question was potentially criminal, the police would have the power to investigate.
- Parish councils operated under the Code of Conduct too. Unless the Council could prevent councillors committing substantial breaches and then walking away, it and every parish might become a laughing stock.
- How could the current circumstances be avoided in the future so that residents could have trust in the Council?
- Members of the public could refer councillors and former councillors to the police, but evidence would be needed of wrongdoing during their time as councillors.
- Robust measures needed to be put in place
- Additional time would be needed to consider the proposal that the Monitoring Officer reports former councillors to the police.
- Perhaps elements of the Code of Conduct should continue to be requirements even after councillors became former councillors.
- Amendments would be made as quickly as possible once approved by Full Council, but due to problems with the Council's online systems, the Head of Legal could not give a firm date by which agreed changes would be made.

It was proposed, seconded and when put the vote

AGREED

To recommend to Governance Committee / Full Council an amendment under recommendation 2) c) by adding the words 'or former councillor' after the words '...of other regulations by the Subject Councillor-' so that paragraph 4.4 of Annex 1 of the Arrangements would read as follows:

'If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Councillor or Former Councillor, or any other person, the Monitoring Officer shall report the complaint to the police or other prosecuting or regulatory authority...'

Record of the voting:

For (5): Councillors Harvey, Jones, Moses, Old, Ricketts

Against (3): Edwards, McKenzie, I Stockley

Abstained (0): none

It was then proposed, seconded and when put to the vote

AGREED

To recommend to Governance Committee:

1) to note the adoption by Management Team of the new forms/processes listed below:

a) Call for Sites Submission Form (attached as Appendix 2) which includes an Authority Employee / Member Declaration to be completed by employees or members putting forward sites to alert Planners of a potential conflict of interest so the Monitoring Officer can be informed;

b) Call for Sites Authority Employee / Member Declaration - Process Note (attached as Appendix 3) requiring planning colleagues to record on a spreadsheet that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary

c) Sensitive Interests form (see Appendix 3 of the Councillor Interest Governance Review) for use by the Monitoring Officer to record applications for a sensitive interest in accordance with s32 Localism Act

and

2) to recommend to the Governance Committee a recommendation to Full Council that delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:

a) amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;

b) make further changes to the constitution that relate to the proposed amendments to the Members' Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to sensitive interests;

c) amend the Arrangements for dealing with Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor **or Former Councillor** to appropriately disclose a Disclosable Pecuniary Interest.

Record of the voting:

For (8): Councillors Edwards, Harvey, Jones, McKenzie, Moses, Old, Ricketts, I Stockley

Against (0): none

Abstained (0): none

524. Any other urgent business to be dealt with in public

There was no other urgent business to be dealt with in public.

525. Exclusion of the press and public

This item was not required.

526. Any other urgent business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

There was no other urgent business which fell under the exempt provisions.

The meeting ended at 19:33.