

AGENDA

STANDARDS COMMITTEE MEETING



Date: Wednesday 6 April 2011

Time: 2.00 pm

Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Hinder, Marchant, Parvin,
Mrs Robertson, Mrs Stockell and Vizzard

Independent Members: Mrs Phillips (Chairman),
Ms Hunt Mr Powis and
Mr Wright

Parish Representatives: Councillors Butcher,
Mrs Riden, Stead and Younger

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Disclosures by Members and Officers
5. Disclosures of Lobbying

Continued Over/:

Issued on 29 March 2011

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the meeting held on 10 February 2011 1 - 7
8. Address by Councillor Chris Garland - Leader of the Council
9. Discussion Item - Localism Bill - Update
10. Forward Plan 2010/2012 8 - 12
11. Annual Report to Council 2010/11 13 - 16
12. Reference from Cabinet - Future Role of the Strategic Housing Advisory Committee 17 - 22
13. Reference from Cabinet - Executive Procedure Rules - Petitions 23
14. Reference from the Audit Committee - Electronic Tendering - Amendment to Contract Procedure Rules 24 - 28
15. Applications for Dispensations (if any)
16. Chairman's Announcements

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON 10 FEBRUARY 2011

Present: **Councillors Marchant, Parvin, Mrs Robertson, Mrs Stockell and Vizzard**

Independent Members: **Mrs Phillips (Chairman), Mr Powis and Mr Wright**

Parish Council Representatives:
Councillors Butcher, Mrs Riden, Stead and Younger

55. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Mrs Hinder and Ms Hunt.

56. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

57. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

58. DISCLOSURES BY MEMBERS AND OFFICERS

Mrs Phillips, Mr Wright and Councillor Stead disclosed personal interests in item 12 of the agenda relating to the extension of the terms of office of two Independent Members and a Parish representative.

All Members and Co-opted Members disclosed personal interests in the report of the Joint Independent Remuneration Panel relating to the Members' Allowances Scheme by virtue of being potential recipients.

Councillor Mrs Stockell stated that she was a member of the Executive Committee of the Kent Association of Local Councils. Councillor Stead stated that he was a member of the Maidstone Area Committee of the Kent Association of Local Councils.

59. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

60. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

61. MINUTES

RESOLVED: That the Minutes of the meeting held on 1 December 2010 be approved as a correct record and signed.

62. URGENT ITEMS

Online Register of Interests

The Chairman stated that, in her opinion, any review of the decision taken at the last meeting not to proceed with the use of the Modern.Gov committee administration software to enable all Borough Councillors and Co-opted Members of the Standards Committee to register their interests online via the intranet and members of the public to inspect the Register of Interests forms online should be taken as an urgent item to enable a recommendation to be made to the next meeting of the Council scheduled to be held on 2 March 2011 if considered appropriate.

63. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 1 DECEMBER 2010

Minute 49 – Online Register of Interests

The Committee reviewed its decision not to proceed with the possible use of the Modern.Gov committee administration software to enable all Borough Councillors and Co-opted Members of the Standards Committee to register their interests online via the intranet and members of the public to inspect the Register of Interests forms online.

It was noted that Members/Co-opted Members were required to complete and submit the Register of Interests form to the Monitoring Officer within 28 days of being elected/re-elected/appointed and within 28 days of a change in circumstances. Currently, the forms were completed by hand and sent to the Monitoring Officer. The completion of the process through the intranet would be less time-consuming. The Monitoring Officer would be sent an automatic email notification when a form was submitted, together with a link to the form. The Monitoring Officer would then review the form and any queries could be resolved and amendments made before publication. The system would send automatic reminders to Members/Co-opted Members who had not submitted the forms and the Monitoring Officer would also be able to see this information. Training sessions would be arranged.

In response to questions, the Officers explained that:-

- Independent Members and Parish Council representatives on the Standards Committee who did not have access to the intranet could continue to send hard copy details to the Monitoring Officer/system administrator for inputting (and indeed any Member who did not want to do it online);
- Only the Member/Co-opted Member would be able to amend an entry although the Monitoring Officer/system administrator could

make changes if required, but only with the written approval of the Member/Co-opted Member concerned;

- If it did become necessary to amend a form, earlier versions would be archived for future reference if necessary;
- All Members/Co-opted Members would be asked to do the online version and not just those Members elected at the next election;
- It was proposed that Parish Councillors would continue to use the current paper system; and
- It was anticipated that the system provider would respond to changes in the regulations relating to the registration of interests.

The Committee felt that, in the interests of transparency, the Modern.Gov committee administration software should be used for the registration of interests.

RESOLVED to RECOMMEND to the COUNCIL: That the use of the Mod.Gov committee administration software to enable all Borough Councillors and Co-opted Members of the Standards Committee to register their interests online and members of the public to inspect the Register of Interests forms online be approved and that the new arrangements be introduced at the start of the new Municipal Year.

64. REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL - MEMBERS' ALLOWANCE SCHEME

The Committee considered the report of the Head of Democratic Services setting out the report and recommendations of the Joint Independent Remuneration Panel on Members' Allowances for Maidstone Borough Council which had met to consider and review suggestions made by the Borough Council regarding the Members' Allowances Scheme. It was noted that the recommendations would have no financial implications for the Council.

RESOLVED to RECOMMEND to the COUNCIL: That the recommendations of the Joint Independent Remuneration Panel on Members' Allowances for Maidstone Borough Council be approved.

65. ADDRESS BY ALISON BROOM, CHIEF EXECUTIVE, MAIDSTONE BOROUGH COUNCIL

As part of the process of introducing speakers to stimulate discussion about the role of the Standards Committee, Alison Broom, the Chief Executive of Maidstone Borough Council, addressed the meeting on the topical issue of standards in public life. She commented that:-

- Clearly, the Standards Committee was an important part of the framework for ensuring standards at Maidstone Borough Council, but she thought that there were wider issues of ethics, community leadership, reputation and reputation management.
- There was uncertainty about what, if anything, would replace the current Standards framework. However, in her view, creating a culture which engendered public trust in the workings of local government was the starting point. The Standards framework

provided a safety net with procedures to deal with complaints of Member misconduct and inappropriate behaviour. It was important for people to have trust and confidence that those responsible for governance and the delivery of services would act in the interests of the public and for the long term public good. Trust in the probity and honesty of Members and Officers was very important. The public expected Members and Officers to act with authenticity, integrity and honesty. They expected high standards from those in public life as demonstrated by the concerns expressed about MPs' expenses, the focus on the use of resources which had intensified as a result of public spending reductions and the interest in electoral issues.

- The Council's arrangements for achieving high standards in decision making included employing people with the appropriate expertise to provide advice; ensuring openness and transparency in decision making; having mechanisms in place for holding decision makers to account; and careful monitoring and use of feedback about standards of service from, for example, complaints and Ombudsman investigations.
- The Council's arrangements for ensuring high standards of behaviour included promoting good conduct to increase public confidence; adopting and promoting the Code of Conduct; providing training; and maintaining the Register of Interests for Members and Officers.
- There were mechanisms in place to enable the public to complain about service provision, the decision making process and inappropriate Member behaviour.
- A significant number of decisions were delegated to Officers and it was important to create the right environment for ethical behaviour in the decision making process, and to make clear that high standards were required.
- With regard to the proposed changes to the Standards regime set out in the Localism Bill, there would seem to be merit in retaining some sort of Code of Conduct to guide Members and to deal with inappropriate Member behaviour; for example, in terms of behaviour towards Officers.

During the ensuing discussion, reference was made to:-

- The likely public reaction to the anticipated abolition of the requirement to have a Code of Conduct.
- The need for some sort of Code of Conduct to guide Members, but this should not be as complex as the current one.
- The need for a protocol for dealing with complaints of Member misconduct quickly and cost effectively, with less bureaucracy, an emphasis on mediation, and including an independent element to maintain public trust and confidence.
- The merits of retaining a small group of Members (including Independent Members) with the expertise and skills to look into complaints of Member misconduct as and when required.
- The implications for Parish Councils, particularly in terms of whether to adopt a voluntary Code of Conduct and if so, its contents; training; and dealing with complaints of Member misconduct.

The Committee thanked the Chief Executive for an interesting discussion.

66. REVIEW OF COMPLAINTS OCTOBER TO DECEMBER 2010

The Committee considered the report of the Head of Change and Scrutiny reviewing the Council's performance in dealing with complaints during the period October to December 2010.

During the discussion, specific reference was made to the number of complaints relating to development control, which could be due to people being dissatisfied with the outcome rather than with how an application was processed; the need to understand the difference between a complaint, a service request and an appeal against, for example, a parking ticket; the position with regard to the introduction of a new customer complaints system; and the monitoring, analysis and management response to complaints about service and staff.

RESOLVED: That the Council's performance in responding to complaints during the period October to December 2010 and the action being taken to improve complaints handling, including the provision of training on responding to complaints in a consistent and customer friendly manner, be noted and endorsed.

67. FORWARD PLAN 2010/2011

The Committee considered the position with regard to the activities set out in the Forward Plan 2010/11. It was noted that:-

- The Localism Bill was laid before Parliament on 13 December 2010. The Head of Legal Services had circulated a summary of the provisions relating to pre-determination and the Standards regime to all Members and Co-opted Members of the Committee.
- The submission of an Annual Return to Standards for England was no longer required.
- Training would continue until at least the end of June, with an emphasis on the disclosure and registration of Members' interests as this requirement would continue when the Localism Bill received royal assent.
- The Chairman and the Head of Legal Services had met with Group Leaders, the Chairmen of the Audit and Overview and Scrutiny Committees and the Chief Executive to seek informal views on the future of the Standards regime.

The Chairman advised the Committee that, overall, the meetings were positive. There was a general interest in having a small, non-statutory, stand-alone Committee (including Independent Members) to look into complaints of misconduct and a locally agreed voluntary ethical Code, but with a "lighter touch" and an emphasis on mediation in dealing with complaints. It was accepted that there was a need to reassure the public that the Borough Council would have a system in place next year in which

they could have confidence. There was general agreement that the Borough Council should not seek to impose any regulatory function over Parish Councils. She would report back to these Groups of Members and the Standards Committee with any further information about what other Authorities were proposing to do following the meeting of the Liaison Group of Kent and Medway Independent Standards Committee Members on 22 February 2011 and her meeting with KALC.

RESOLVED:

1. That position with regard to the activities set out in the Standards Committee Forward Plan 2010/11 be noted.
2. That no further action be taken on the proposed survey of all Borough and Parish Councillors and Parish Clerks on the effectiveness of their training on the Code of Conduct, but the Training Officer be asked to provide a summary of feedback about the training provided over the last two years for inclusion in the Committee's annual report to the Council.

68. EXTENSION OF TERMS OF OFFICE OF INDEPENDENT MEMBERS/PARISH REPRESENTATIVE

The Committee considered the arrangements for the recruitment of two Independent Members and one Parish representative as the terms of office of Mrs Phillips, Mr Wright and Councillor Stead were due to expire in May 2011. It was suggested that, in view of the uncertainty regarding the future of the Standards regime following the anticipated abolition of the requirement to have a Code of Conduct and a Standards Committee when the Localism Bill received royal assent, the extension of the terms of office of Mrs Phillips and Mr Wright until the Annual Meeting of the Council in May 2012 was a cost effective way to deal with the impending vacancies in the office of Independent Member without having to go through the usual recruitment process. The extension of Councillor Stead's term of office for the same period could be raised with the Maidstone Area Committee of the Kent Association of Local Councils.

RESOLVED:

1. To RECOMMEND to the GENERAL PURPOSES GROUP: That the Council be recommended to agree that the terms of office of Mrs Phillips and Mr Wright as Independent Members of the Standards Committee be extended until the Annual Meeting of the Council in May 2012 as a cost effective way to deal with the impending vacancies given the uncertainty regarding whatever arrangements might take the place of the current Standards regime.
2. That the issue of the extension of Councillor Stead's term of office for the same period be raised with the Maidstone Area Committee of the Kent Association of Local Councils.

69. BOUGHTON MONCHELSEA PARISH COUNCIL - APPLICATION FOR DISPENSATION

The Head of Legal Services reported that an application had been received from Councillor Nigel White, a new Member of Boughton Monchelsea Parish Council, to enable him to speak and vote at meetings of the Parish Council when matters relating to the Boughton Monchelsea Amenity Trust were being considered notwithstanding the fact that he had a prejudicial interest by virtue of being a Trustee. All of the other Parish Councillors had been granted dispensations.

RESOLVED: That a dispensation be granted to Councillor Nigel White to enable him to speak and vote at meetings of the Boughton Monchelsea Parish Council when matters relating to the Boughton Monchelsea Amenity Trust are being discussed notwithstanding the fact that he has a prejudicial interest by virtue of being a Trustee, such dispensation to expire on 30 June 2012.

70. CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that the next meeting of the Committee would be held on Wednesday 6 April 2011, commencing at 10.00 a.m.

71. DURATION OF MEETING

10.00 a.m. to 12.15 p.m.

Agenda Item 10

Standards Committee – Forward Plan 2010/2012

To promote and maintain good governance in Maidstone

Activity	Action/Progress	Timescale
CODE OF CONDUCT		
<p>To consider the changing requirements of central government in respect of the ethical standards regime.</p>	<p>To comment on and thereby influence future government legislation and guidance.</p> <p>Send letter to the Secretary of State urging effective consultation process.</p> <p>Reply received confirming there would be no consultation process. Localism Bill published mid-December.</p> <p>All Members and Co-opted Members of the Committee have been sent a summary of the Bill and extracts of the relevant chapters.</p> <p>Chairman and Monitoring Officer to attend meeting of Maidstone KALC on 5 April 2011 to discuss the implications of the Localism Bill.</p>	<p>Comment within time limits set by any consultation process keeping Members up-to-date at Committee meetings and by e-mail when necessary.</p> <p>Agreed at September meeting.</p> <p>Chairman and Monitoring Officer to report back to Committee on 6 April.</p>
<p>To liaise with other local standards networks on good practice.</p>	<p>Independent Co-opted Members to attend Kent/Medway Independent Standards Committee Liaison Group, work with other local authorities and report back to the Committee.</p> <p>No further action to be taken on the "Working with Parishes" Protocol in</p>	<p>New developments e.g. toolkits to be reported to and discussed by the Committee.</p> <p>Agreed at December meeting.</p>

	light of lack of comments from KALC and the Society of Parish Clerks.	
Monitoring the role and effectiveness of the Committee.	Monitoring take up and effectiveness of training, monitoring complaints, reviewing practice against national best practice advice.	Ongoing.
Annual Return to SfE (or other national body).	No longer required.	
Chairman's Annual Report.	Discussion in Committee in April 2011. Consider wider circulation within MBC.	Report to Council in June 2011. Circulate to Parish Clerks and add to MBC's website.
Forward Plan.	Regular monitoring.	Include as a standing item to the agenda for Committee meetings.
Consider dispensation requests from Parish and Borough Councillors.	Deal with requests expeditiously when received. Urgent requests to be determined by Sub-Committee. Promote the use of the pro forma.	Ongoing.
COMPLAINTS PROCESS (CODE OF CONDUCT)		
Operate the local complaints process.	To carry out the work efficiently, choosing the most effective and economical means to fulfil the Committee's statutory duties.	Ongoing.
Consideration of complaints and 6-monthly returns.	Monitoring.	MO to prepare 6-monthly report to Committee in June 2011.
Monitor progress of investigations.	MO to agree work plan for each investigation in consultation with Chairman of Sub-	Agreed at September meeting.

	Committee.	
TRAINING		
Regular training for Borough, Parish Representatives and Independent Members and Parish Members and Clerks on the Ethical Framework.	Training for Borough, Parish Representatives and Independent Members and Parish Members and Clerks.	Continue the bi-monthly programme started on 4 October 2010 until June 2011.
Training for Members of the Standards Committee on the work of the Assessment Sub-Committees.	Training for new Members to include refresher training for existing Members.	New Member training as required. Refresher training on annual basis.
Guidance for MBC Officers on how to complain about Members' conduct.	Review MBC complaints and grievance advice for MBC Officers.	Ongoing.
Review and Monitor Training on the Code of Conduct.	Identify further training and evaluate feedback from training sessions. Training Officer to provide a summary of feedback about the training provided over the last two years.	Training Officer to report feedback annually to Committee. Agreed at February meeting. Report to 6 April 2011 meeting.
Consider recommending to Council that it ask all Borough Councillors to undergo initial and periodic refresher training on the Code of Conduct.	Discussion in Committee.	2011-2012.
To consider how to integrate Equality Act 2006 and Human Rights Act 1998 into the training.	Discussion in Committee.	2011-2012.
WORKING WITH MBC		
Chairman of Standards Committee to meet the Leader of the Council, Group Leaders, Chief Executive with Monitoring	To promote and enhance the ethical agenda, raise status of work of the Committee, outline ways by which the Committee	Meet on a quarterly basis. Chairman to report back to Committee.

Officer.	can support the Council as part of MBC's accountability to the public.	
Chairman of Standards Committee to meet Chairmen of Audit/Overview and Scrutiny Committees.	Exchange information to complement and not duplicate effort, and to review arrangements for dealing with complaints.	Meet on a six monthly basis. First meeting held on 14 January 2011.
Standards for England Partnership Behaviour Protocol.	To consider the ethical governance aspects of the partnership arrangements entered into by the Council.	MBC Partnerships Protocol endorsed at December meeting.
Publication of the Members' Register of Interests, Gifts and Hospitality on Council's website.	Consider public accessibility on website and data protection issues. Decision to proceed.	Agreed by Council on 2 March 2011.
Appointment of Independent Chairman, and Vice-Chairman.	Independent Chairman, and Vice-Chairman to be appointed annually.	Appointed at first meeting after Annual Council Meeting.
Review policy and practice of recruiting Independent and Parish Members.	Consider standardising recruitment procedure and length of service of Independent and Parish Members.	Chairman and Monitoring Officer met with KALC to discuss appointment of Parish representatives.
Recruitment of 2 Independent Members and 1 Parish Member at end of 3 year term.	Recommendation to Council to extend existing terms of office until Annual Council Meeting in May 2012.	Decision by Council in April 2011.
Deputy Monitoring Officer/legal support.	Consider ways the new shared legal working arrangements can provide effective support to Committee and can minimise delay in dealing with complaints and investigations.	Raised by Chairman at meeting with Group Leaders, Chief Executive and Monitoring Officer – in hand.
Consideration of MBC complaints and quarterly	Monitoring.	Officers to prepare quarterly reports to Committee on regular

reports.		basis.
Undertake an audit of the awareness of ethics and standards amongst Officers and Members at the Borough and Parish Councils.	Discuss with Audit Committee and Leaders/CEO whether an internal ethical questionnaire would be beneficial given cost.	Raised at meeting with Leaders/CEO and at joint meeting with Audit and Overview and Scrutiny Committee Chairmen.
Standards Committee Independent and Parish Members encouraged to attend Council meetings.	To obtain greater understanding of the workings of the Council.	For individual Members to decide according to personal preference and availability.
DISSEMINATION OF INFORMATION		
Disseminate information, guidance, toolkits to Committee to raise awareness and stimulate discussion of current issues at Committee meetings.	Reports to Committee, monitoring and updating website, issuing standards bulletins, introduction of speakers at Committee meetings to stimulate discussion.	To be considered at regular intervals at Committee meetings. Leader of the Opposition and CEO have addressed the Committee. Leader of the Council and the Leader of the Independent Group to be invited in due course.
RAISING AWARENESS		
Promoting awareness of role and work of the Standards Committee both internally and with the public.	Press releases, increased and up-to-date information on website to show importance of standards in public life, integrated with MBC media strategy.	Ongoing. Develop media strategy to fit in with MBC's media plans.

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

ANNUAL REPORT TO COUNCIL 2010-11

1 APRIL 2010 – 31 MARCH 2011

This is the Committee's fourth Annual Report to the Council.

Members of the Standards Committee

During the year, the following served as Members of the Standards Committee:

Borough Members:

Cllr Julia Batt (to May 2010)
Cllr Wendy Hinder
Cllr David Marchant
Cllr David Naghi (from May to September 2010)
Cllr Peter Parvin (Vice Chairman)
Cllr Cynthia Robertson (from September 2010)
Cllr Paulina Stockell
Cllr John Verrall (to May 2010)
Cllr Bryan Vizzard

Parish Members:

Cllr Paul Butcher (from September 2010)
Cllr Eileen Riden (from September 2010)
Cllr Bill Stead
Cllr Ian Younger

Independent Members:

Hilary Hunt (from May 2010)
Dorothy Phillips (Chairman)
Mike Powis
Don Wright

Chairman's Remarks

Councillors may wish to note the changes in the membership of the Committee. Two additional members – 1 Independent and 1 Parish representative – have been appointed in order to ensure that the local code of conduct complaints system continues to operate efficiently and effectively.

It has been an interesting and challenging year in which the Committee has built on the achievements of previous years whilst considering the proposals for a future standards regime set out in the Localism Bill.

Our prime responsibility has been to meet our statutory duties to administer the local complaints system, to manage the Code of Conduct and to carry out a training programme for Members. We have also liaised with other Committees on good practice issues and promoted standards issues within Maidstone

Borough Council and to our parish authorities. We have made a particular point of improving the user friendliness of the website, and of designing relevant and clear training courses for Borough and Parish Members and Parish Clerks.

We looked at our Committee's working practices and agreed to a Forward Work Plan for 2010-2011, centred on the statutory duties and functions of the Committee and providing a way of measuring the Committee's performance. We also decided to invite guest speakers to Committee meetings to prompt discussion on ethical standards and provide an insight into the work of the Council. We are grateful to the Leading Members and the Chief Executive for their contributions.

Details of the Localism Bill and the progress the Committee, Chairman and the Monitoring Officer have made towards considering the future can be found towards the end of this Report.

Forward Work Plan 2010-2011

The Committee agreed a Forward Work Plan for 2010/11 in September 2010. It was drafted and proposed by the four Independent Members of the Committee in consultation with the Vice-Chairman and the Monitoring Officer. The Plan lists objectives, sets targets and monitors the Committee's performance. It deals with the statutory duties of the Committee and the ways by which the Committee can support and work with Maidstone Borough Council and other local bodies. It identifies how the Committee can best keep up-to-date with new developments and how to raise awareness of standards issues both in Maidstone Borough Council and amongst the public. It has become an important part of the agenda for each meeting.

Promotion of ethical standards

The Chairman and the Monitoring Officer have held regular quarterly meetings with the Group Leaders and the Chief Executive to discuss ethical standards and good governance and, more recently, the implications of the Localism Bill. Other meetings have been held with the Chairmen of Audit and the Scrutiny and Overview Committees. The Chairman with Independent Members attend liaison meetings with other Independent Members of Standards Committees in Kent which have proved useful in gaining an insight into how other Councils' Standards Committees encourage and develop best practices and in keeping up-to-date with the views of their Councils on a future standards regime.

Notwithstanding the accessibility of ward and parish Members, we are acutely aware that members of the public may feel daunted when approaching the Council on a sensitive matter such as a complaint about conduct. We have sought to ensure that the Council website gives members of the public a clearer picture of the work of the Committee and a straightforward explanation of how to make a complaint about a Councillor.

Training

The training programme on the Code of Conduct for Borough and Parish Councillors and Parish clerks started in the autumn 2009. It has continued on a

regular basis this year. Attendance has been good and one group of Parish Councils requested an "in-house" session which was well attended. To date, a total 81 Councillors (Borough and Parish) and Parish Clerks from 22 parishes have attended the sessions. The Training Officer's evaluation report shows that the content and format of the sessions were well-received and in some cases those attending recommended that all Members of their councils make the effort to attend.

The content of the sessions is under continual review by the trainers – the Independent Members, Councillor Marchant, Councillor Stead and the Monitoring Officer – so that we can take account promptly of feedback from participants. The issues which most frequently have concerned participants include how to deal with declarations of interest, bullying, intimidation, confidential information, and dispensations. We very much appreciated the help that we received from the Chairman of the Planning Committee (Councillor Lusty), who attended some of the later sessions to offer advice on planning issues raised by the participants.

In addition to these general courses, all new Members of the Standards Committee received training in local assessment procedures and determination and new Borough councillors are offered training in the Code of Conduct as part of their induction course.

Complaints Received

In the current year there were 3 complaints, all involving Parish Councillors. Of these, one hearing led to the censure of the Councillor involved; one case was referred to the Assessment sub-committee resulting in a decision to take no further action; and there was one review of a decision to take no action which confirmed the agreed decision. In this case, the Monitoring Officer was asked to recommend training for members of the Parish Council in question. The Monitoring Officer continued to report half-yearly to the Committee on the number of complaints.

Given the number and range of decisions made by Borough and Parish councillors, we have been pleased to note the low number of complaints. It may be that the level of training given to Members has been one of the factors contributing to the reduction in the number of complaints.

Dispensations

The Committee granted 2 dispensations during the year.

The Localism Bill

The Bill was laid before Parliament on 13 December 2010. It provides for the abolition of the national body (Standards for England), of each Council's Standards Committee and of the national Code of Conduct. It makes provision for a criminal offence if Members fail to register and/or declare financial and other interests. All Councils, Borough and Parish, will be able to decide whether they wish to adopt a non-statutory voluntary Code, and to appoint a Committee to deal with complaints and monitor compliance. There will be no statutory sanctions against Members. The Bill makes it clear that all Councils "must

promote and maintain high standards of conduct by members and co-opted members of the authority.”

The current Code of Conduct and the statutory duties of each Standards Committee will remain in place until the Bill receives Royal Assent, possibly in early 2012. There is much which has yet to be determined and the Bill may be amended during its progress through Parliament. At the time of writing, the Bill is at the Report Stage.

The Standards Committee has been active in trying to clarify the terms of the Bill starting with writing to the Secretary of State (and local Members of Parliament) urging effective consultation albeit to little effect. The Chairman and the Monitoring Officer, on behalf of the Standards Committee, have met Group Leaders, the Chief Executive, the Chairmen of Audit Committee and the Overview and Scrutiny Committees, the Chairman of Kent Association of Local Councils (KALC) and some parish councillors to sound out their first thoughts on future arrangements.

The meetings with Members have been positive. There was interest in pursuing the idea of a small, non-statutory, stand-alone committee with non-councillor input; a locally agreed voluntary ethical code with a “light touch” and with emphasis on mediation to look into complaints of councillor misconduct and inappropriate behaviour: a system designed to ensure high standards of behaviour, in which the public can have confidence. It was generally considered that while the Council should not seek to impose a regulatory function over parishes, if parishes wanted help the Council would be willing to provide advice subject to an agreed financial arrangement. An informal view from KALC indicates that parishes may wish to maintain the status quo within Maidstone Borough Council - a standards regime with a Code and an independent non-councillor standards committee to advise on a Code, deal with complaints, sanctions and training for parishes.

The Chairman and Monitoring Officer, on behalf of the Standards Committee, agreed to continue to report back to both groups of Councillors with any further views gleaned from other councils through meetings of the Kent and Medway Independent Liaison Group and from KALC.

The Chairman and Monitoring Officer present a report on the Localism Bill at each Committee meeting for discussion by Members and it is proposed to present a consolidated report to Council in September 2011, a timetable tailored to allow for any changes to the Bill or in the views of Members.

Conclusion

I should like to thank all Members of the Committee for their hard work and good humour throughout this eventful year.

Mrs D Phillips
Chairman
Maidstone Standards Committee

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

6 APRIL 2011

REFERENCE FROM CABINET

1. FUTURE ROLE OF THE STRATEGIC HOUSING ADVISORY COMMITTEE

1.1 The Cabinet, at its meeting held on 09 March 2011, considered a recommendation by the Head of Housing and Community Safety to consider the future role of the Strategic Housing Advisory Committee. A copy of the report is attached as an Appendix to this reference.

1.2 The Cabinet agreed to recommend to Council:

1.2.1 That the Strategic Housing Advisory Committee be disbanded

1.2.2 That a new body named the 'Housing Consultative Board' be created, with the terms of reference as set out below:

Revised terms of reference

Committee and Membership	Functions	Delegated of Functions
Housing Consultative Board 7 Members of the Authority	To give advice to the Cabinet and the Cabinet Member with responsibility for housing on; a) Housing Strategy, housing needs and the Housing Investment Programme b) The provision of housing including the type, size and tenure c) The delivery of new affordable homes d) Homelessness, temporary accommodation and the provision of housing advice e) The council's Allocation Scheme and performance of the housing register f) The Supporting People programme g) Changes to housing legislation, regulation and policy	Not Applicable

- 1.2.3 That the new Housing Consultative Board be reviewed after 12 months to determine its effectiveness and its continued existence.
- 1.2.4 Cabinet also agreed that as part of the review of standing committees, an all-party advisory body for Cabinet and the Cabinet Member for Regeneration be formed with terms of reference as set out above.
- 1.3 **RECOMMENDED: That the Standards Committee evaluate the proposed future role of the Housing Consultative Board.**

MAIDSTONE BOROUGH COUNCIL

CABINET

9 MARCH 2011

**REPORT OF THE DIRECTOR OF REGENERATION AND
COMMUNITIES**

Report prepared by John Littlemore

**1. ADDENDUM TO THE CABINET REPORT 9TH FEBRUARY 2011
FUTURE ROLE OF THE STRATEGIC HOUSING ADVISORY
COMMITTEE**

1.1 Revised Recommendation of the Director for Regeneration and
Communities

1.1.1 That the Cabinet recommends the Council disbands the Strategic Housing Advisory Committee;

1.1.2 That the Cabinet agrees as part of the review of standing committees an all-party advisory body for Cabinet and Cabinet Member be formed with terms of reference on matters relating to housing in Maidstone;

1.1.3 That the Cabinet recommends to the Council that the new body is named the Housing Consultative Board; and exists for an initial 12 month period after which time its effectiveness is reviewed.

1.2 Background

1.2.1 The coalition government has proposed a number of major changes to housing statute and policy that have will have a significant impact across a number of areas including the economic wellbeing of Maidstone. The Cabinet deferred making a decision to the report presented to Cabinet on 9 February 2011 and requested that officers review the role and purpose of a housing advisory body in the light of these proposals.

1.2.2 A discussion with Cabinet Members suggested that there is merit in having an all-party body to advise the Cabinet and Cabinet Members on matters related to housing. However, it was also felt important to differentiate this new body from the role of SHAC, which was in effect to monitor the progress of the promises made prior to stock transfer.

1.2.3 Key Issues

Over the next 12 months the key areas the Council needs to respond to are:

- (i) Affordable rent – respond to the new regime for providing affordable housing; develop the Council’s policy with affordable housing providers in connection with new and existing homes; develop cross-authority agreements and delivery of the West Kent Local Investment Partnership
- (ii) Tenure strategy – the Localism Bill propose a new duty on local authorities to adopt a tenure strategy and there will be a need to develop the new tenure strategy in conjunction with our housing providers to take account of the range of suggested changes e.g. the use of fixed term tenancies
- (iii) Allocation scheme – the Localism Bill provides the context for greater self determination as to who can access the housing register and who is given priority which will require a review the current allocation scheme
- (iv) Alterations to the homelessness statute – review our homelessness strategy; policy and practice in response to the proposed changes to the homelessness legislation; review the impact of housing benefit changes
- (v) The impact of welfare reform and changes to housing benefit – including the provision of homes in multiple occupation; collective response with partners to encouraging employment, increased poverty and homelessness; responding to migration from London as a consequence of housing benefit changes

1.3 Action Plan

1.3.1 To assist the Housing Consultative Board in developing its work programme an action plan was suggested and the table below sets this out around the five key issues. The action plan, once developed further, could then be used to assess the impact and relevance of the HCB at its 12 month review.

Issue	Outcome	Key milestones
Affordable rent	<p>New affordable homes continue to be delivered</p> <p>The new affordable rents remain accessible to applicants on the housing register</p> <p>A broader range of applicant is assisted</p> <p>Agreement is reached with registered providers as to the percentage of existing social rented homes that are converted to affordable rent</p>	<p>Follow progress of the Localism Bill</p> <p>Influence government policy</p> <p>Negotiate with registered providers and other stakeholders</p> <p>Develop new policy on affordable rent</p> <p>MBC adopts affordable rent policy in partnership with local affordable housing providers</p>

<p>Tenure Strategy</p>	<p>Consensus is reached between registered providers and MBC on the application of new tenures</p> <p>A tenure strategy is adopted expeditiously in order to support new housing delivery</p> <p>The new approach does not result in an increase in homelessness or use of temporary accommodation</p>	<p>Follow progress of the Localism Bill</p> <p>Influence government policy</p> <p>Negotiate with registered providers and other stakeholders</p> <p>Develop new tenure strategy</p> <p>Develop advisory services to inform and assist tenants on fixed term tenancies</p> <p>MBC adopts tenure strategy</p>
<p>Allocation scheme</p>	<p>MBC has a clear mandate as to who should be given access and priority to affordable housing</p> <p>The identified priority groups housing needs are met through a scheme quota or other outcome lead measure</p>	<p>Review the allocation scheme</p> <p>Consult with stakeholders and service users</p> <p>Review position in relation to Kent wide scheme</p> <p>Adopt new allocation scheme or confirm existing</p>
<p>Homelessness</p>	<p>Homelessness Strategy is updated</p> <p>Homelessness prevention outcomes remain positive in proportion to the approaches for assistance</p> <p>The use of inappropriate temporary accommodation does not exceed the agreed target</p>	<p>Follow progress of the Localism Bill</p> <p>Review homelessness strategy in the response to statutory reform</p> <p>Agree new policy and procedure as required</p>
<p>Benefit changes</p>	<p>The changes do not have a negative impact on Maidstone's economy</p> <p>Homelessness does not increase as a result of the changes</p>	<p>Develop our understanding of the impact of the changes</p> <p>Respond to changes in a positive and active manner</p> <p>Work with partners and stakeholders to implement initiatives to bring about positive change</p>

1.4 Revised terms of reference

Committee and Membership	Functions	Delegated of Functions
<p>Strategic Housing Advisory Committee</p> <p>7 Members of the Authority</p>	<p>To give advice to the Cabinet and the Cabinet Member with responsibility for housing on;</p> <ul style="list-style-type: none"> a) Housing Strategy, housing needs and the Housing Investment Programme b) The provision of housing including the type, size and tenure c) The delivery of new affordable homes d) Homelessness, temporary accommodation and the provision of housing advice e) The council's Allocation Scheme and performance of the housing register f) The Supporting People programme g) Changes to housing legislation, regulation and policy 	<p>Not Applicable</p>

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

6 APRIL 2011

REFERENCE FROM CABINET

1. EXECUTIVE PROCEDURE RULES - PETITIONS

1.1 The Cabinet, at its meeting held on 09 March 2011, considered an oral report of the Head of Democratic Services seeking an amendment to the Executive Procedure Rules' age restriction on submission of petitions to Cabinet.

1.2 At the meeting, the Cabinet agreed

1. That the Council amend the Executive Procedure Rules relating to petitions so that there is no age limit on who can sign a petition or present a petition to the Cabinet or a Cabinet Member.
2. That the Standards Committee evaluates the above recommendation and submits their comments to Council.

1.3 At the Council meeting on 22 September 2010, it was agreed that the Council's Petition Scheme should be amended so that there was no age limit on who can sign the petition or present the petition to Council. The amendment made by Council to the Council Procedure Rules did not change the rules for the presentation of petitions to Cabinet which was dealt with separately in the Constitution's Executive Procedure Rules. On being made aware of this anomaly the Cabinet determined to make the change in order to have consistency across the Council.

1.4 The Cabinet is recommending to Council that paragraph 2.6 (ii) of the Executive Procedure Rules should be amended from:

'Only petitions containing signatures of 100 persons of voting age will be eligible for submission to the Cabinet or Cabinet Member but the Leader or the Cabinet Member may at his discretion waive this requirement....'

to:

'Only petitions containing signatures of 100 persons will be eligible for submission to the Cabinet or Cabinet Member but the Leader or the Cabinet Member may at his discretion waive this requirement....'.

1.5 **RECOMMENDED:** That the Standards Committee evaluate the proposed amendment to paragraph 2.6 (ii) of the Executive Procedure Rules.

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

6 APRIL 2011

REFERENCE FROM AUDIT COMMITTEE

1. ELECTRONIC TENDERING – AMENDMENT TO CONTRACT PROCEDURE RULES

- 1.1** The Audit Committee, at its meeting held on 21 March 2011, considered a report by the Assistant Director of Environment and Regulatory Services setting out a suggested amendment to the Contract Procedure Rules within the Constitution arising out of the introduction of electronic tendering. A copy of the report is attached as an Appendix to this reference.
- 1.2** It was noted that following the purchase of an electronic tendering system, the procedure for the submission of tenders required minor changes to be made to the Contract Procedure Rules within the Constitution to ensure compliance. The proposed amendment related to the deletion of the specific reference to an email address as the new system was web-based. It was the intention that the new system would be used for the submission of tenders in respect of contracts in excess of £75,000.
- 1.3** The Committee asked a number of questions of the Officers relating to, inter alia, the arrangements for storing, opening and recording the tenders; the safeguards in place; and the possibility of smaller businesses being disadvantaged by the new system.
- 1.4** Having received replies to its questions, the Committee:-

RESOLVED:

1. **To RECOMMEND to the Council:** That the Contract Procedure Rules within the Constitution be amended by the deletion of Rule 11.3 and the insertion of the following:-

11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:

- 11.3.1** in the format specified in the Invitation to Tender
11.3.2 stored securely with a secure method of opening

11.3.3 retained unopened until the date and time specified for their opening.

2. That the Standards Committee be requested to evaluate the proposed amendment to the Contract Procedure Rules prior to it being considered by the Council.
3. That the Officers be requested to submit a short report to the Audit Committee in six months time setting out any issues arising from the first six months of e-tendering, including any concerns raised by local traders about using the system.

1.5 RECOMMENDED: That the Standards Committee evaluate the proposed amendment to the Contract Procedure Rules within the Constitution prior to it being considered by the Council.

MAIDSTONE BOROUGH COUNCIL

AUDIT COMMITTEE

21st March 2011

**REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENT AND
REGULATORY SERVICES**

Report prepared by Steve Trigg

1. **ELECTRONIC TENDERING – AMENDMENT TO CONTRACT
PROCEDURE RULES**
- 1.1 **Issue for Decision**
- 1.1.1 To consider amendments to the Contract Procedure Rules arising out of the introduction of Electronic Tendering.
- 1.2 **Recommendation of The Assistant Director of Environment and
Regulatory Services**
- 1.2.1 That the Audit Committee recommend to Council to amend the Contract Procedure Rules within the Constitution by deleting Rule 11.3 and inserting the revised wording set out below:-
 - 11.3** Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:
 - 11.3.1** in the format specified in the Invitation to Tender
 - 11.3.2** stored securely with a secure method of opening
 - 11.3.3** retained unopened until the date and time specified for their opening
- 1.2.2 That the Audit Committee request that Standards Committee evaluate this proposed change to the Contract Procedure Rules prior to consideration by Council.
- 1.3 **Reasons for Recommendation**
- 1.3.1 Following the purchase of an electronic tendering system, the procedure for the submission of tenders requires minor changes to the Contract Procedure Rules within the Constitution to ensure full compliance. The proposed change relates to the deletion of the specific reference to an e-mail address as the new system is a web-based system.

1.3.2 Currently the existing Contract Procedure Rules state:

“11.3 Where the Council has indicated in the Invitation to Tender that a tender can or must be submitted electronically, then those tenders shall be:

- 11.3.1 Addressed to the e-mail address as notified in the Invitation to Tender
- 11.3.2 in the format specified in the Invitation to Tender
- 11.3.3 stored in a secure mailbox, which requires a code or other appropriate security measure, to open it
- 11.3.4 retained unopened until the date and time specified for its opening”

It is proposed that the rules are amended by deleting Rule 11.3.1 and amending Rule 11.3.3 (11.3.2) as follows:

- “11.3.1 in the format specified in the Invitation to Tender
- 11.3.2 stored securely with a secure method of opening”

“11.3.3 retained unopened until the date and time specified for its opening”

1.4 **Alternative Action and why not Recommended**

1.4.1 The Council could choose not to amend the Contract Procedure Rules, however, this would mean that tenders submitted using the new system would not be fully compliant.

1.5 **Impact on Corporate Objectives**

1.5.1 The recommendation supports the priority of Corporate and Customer Excellence.

1.6 **Risk Management**

1.6.1 There are no risks associated with this recommendation

1.7 **Other Implications**

1.7.1

- 1. Financial
- 2. Staffing
- 3. Legal
- 4. Equality Impact Needs Assessment
- 5. Environmental/Sustainable Development

X

- 6. Community Safety
- 7. Human Rights Act
- 8. Procurement
- 9. Asset Management

1.7.2 Legal implications have been covered within the report

1.8 **Relevant Documents**

1.8.1 **Appendices**

None

1.8.2 **Background Documents**

The Constitution

IS THIS A KEY DECISION REPORT?

Yes No

If yes, when did it first appear in the Forward Plan?

.....

This is a Key Decision because:

.....

Wards/Parishes affected:

.....