

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON 8 JUNE 2011

Present: **Councillors:** Parvin, Mrs Gibson, Mrs Gooch and Vizzard

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

Parish Council Representatives: Councillors Butcher, Mrs Riden and Stead

Also Present: **Councillor Mrs Wilson**

1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors FitzGerald, Mrs Hinder, Mrs Robertson, Mrs Stockell and Younger.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:-

Councillor Mrs Gibson for Councillor Mrs Hinder
Councillor Mrs Gooch for Councillor FitzGerald

3. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Wilson indicated her wish to speak on the reference from the Corporate Services Overview and Scrutiny Committee relating to the proposed amendment of the Overview and Scrutiny Procedure Rules to remove the requirement that the Chairman of the Corporate Services Overview and Scrutiny Committee should come from a Political Group not represented on the Executive, except where all Political Groups are represented on the Executive.

4. ELECTION OF CHAIRMAN

RESOLVED: That Mrs Phillips be elected as Chairman of the Committee for the Municipal Year 2011/12.

5. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Parvin be elected as Vice-Chairman of the Committee for the Municipal Year 2011/12.

6. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors Mrs Gibson and Mrs Gooch stated that they were Members of the Corporate Services Overview and Scrutiny Committee which had asked the Standards Committee to evaluate the proposed amendment of the Overview and Scrutiny Procedure Rules.

7. DISCLOSURES OF LOBBYING

All Members and Co-opted Members stated that they had been lobbied on the reference from the Corporate Services Overview and Scrutiny Committee relating to the proposed amendment of the Overview and Scrutiny Procedure Rules.

8. EXEMPT ITEMS

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

9. MINUTES OF THE MEETING HELD ON 27 APRIL 2011

RESOLVED: That the Minutes of the meeting held on 27 April 2011 be approved as a correct record and signed.

10. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 6 APRIL 2011

There were no matters arising from the Minutes of the meeting held on 6 April 2011.

11. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Members be appointed as the Political Group Spokespersons for the Municipal Year 2011/12:-

Councillor Parvin – Conservative Group
Councillor Vizzard – Liberal Democrat Group
Councillor FitzGerald – Independent Group

12. LOCALISM BILL - UPDATE

The Chairman updated the Committee on matters relating to the Localism Bill in so far as it related to the ethical standards regime. It was noted that:-

- The Maidstone Area Committee of the Kent Association of Local Councils had written to the Borough Council and the National Association of Local Councils (NALC) confirming its interest in a joint Code of Conduct for Parishes and the Borough Council.
- NALC had published a report with the recommendation that Parishes need not adopt a Code of Conduct.

- The Independent Members would be attending a meeting of the Liaison Group of Kent and Medway Independent Standards Committee Members on 21 June 2011 when consideration would be given to the options and the views of the various Councils on what was required.
- The meeting of the Committee scheduled to be held on 31 August 2011 had been rearranged to take place on 25 August 2011. At that meeting, there would be a discussion on localism with a view to making recommendations to the Council at its meeting on 21 September 2011. The main issues for consideration would be was there a need for a voluntary Code of Conduct and, if so, who would monitor and advise on the Code; was there a need for an advisory committee and, if so, should it include non-Councillors; what arrangements should be made to deal with complaints of Member misconduct; and how could the public be made more aware/reassured of ethical standards in local government. It was hoped that the Monitoring Officer's report would address these issues and include the views of Group Leaders.
- It was not known when the Localism Bill would receive Royal Assent.

RESOLVED: That the position be noted.

13. FORWARD PLAN 2010/12

The Committee considered the position with regard to the activities set out in the Forward Plan 2010/12. It was noted that Code of Conduct training for Parish Councils had been arranged to take place on 27 June 2011. Councillor Butcher said that Staplehurst Parish Council would be happy to host a "cluster" Code of Conduct training session.

RESOLVED:

1. That the position with regard to the activities set out in the Forward Plan 2010/12 be noted.
2. That notwithstanding the offer made by Staplehurst Parish Council, no further Code of Conduct training sessions should be arranged for Parish Councils until it is known what, if anything, will replace the current ethical standards regime.
3. That, at the next meeting, the Leader of the Independent Group be invited to discuss his views on the proposals contained in the Localism Bill in so far as they relate to the ethical standards regime.

14. CODE OF CONDUCT COMPLAINTS - 1 SEPTEMBER 2010 TO 31 MAY 2011

The Monitoring Officer submitted details of the Code of Conduct complaints received by the Council during the period 1 September 2010 to 31 May 2011. It was noted that:-

- The Sub-Committees had made two assessments; in one case the Sub-Committee had decided to take no further action and in the other case the Sub-Committee had referred the complaint to the Monitoring Officer for investigation and this was now being carried out by a colleague from the Mid-Kent Legal Service. The report was due to be completed in July. Both complaints were about Parish Councillors.
- During the timescale of the report, one complaint had been determined by the Sub-Committee. The Parish Councillor concerned was found to be in breach of the Code of Conduct and the sanction was a censure.

RESOLVED: That the report be noted.

15. REFERENCE FROM THE CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE - CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE - CHAIRMAN

The Committee was asked to evaluate the proposed amendment of the Overview and Scrutiny Procedure Rules of the Constitution to remove the requirement that the Chairman of the Corporate Services Overview and Scrutiny Committee should come from a Political Group not represented on the Executive, except where all Political Groups are represented on the Executive.

Councillor Mrs Wilson informed the Committee that she and the other Liberal Democrat Members of the Corporate Services Overview and Scrutiny Committee did not support the proposal believing that one of the Overview and Scrutiny Committees should be chaired by a Member of the Opposition and that Committee should be the Corporate Services Overview and Scrutiny Committee as it was the Committee that held the Cabinet to account. Opening up the Chairmanship of the Corporate Services Overview and Scrutiny Committee to any Political Group could be viewed as attempting to fetter effective scrutiny of the administration.

RESOLVED to RECOMMEND to the COUNCIL: That it be noted that the Standards Committee does not wish to offer an evaluation of the proposed amendment of the Overview and Scrutiny Procedure Rules.

16. REVIEW OF COMPLAINTS JANUARY TO MARCH 2011

The Committee considered the report of the Head of Change and Scrutiny reviewing the Council's performance in dealing with complaints during the period January to March 2011. The Officers undertook to investigate and correct a number of numerical discrepancies in the Appendix to the report.

In response to questions by Members and Co-opted Members, the Officers explained that:-

- Complaints arising from Council decisions were classified as policy complaints. It was important to differentiate between a request for a service and a complaint which could, for example, result from the

Council's failure to respond to such a request. Also, complaints about the conduct of Members were dealt with separately by the Monitoring Officer. It was proposed that staff be reminded about what constituted a complaint.

- The complaints procedure permitted a period of ten days in which to investigate and respond to complaints. Failure to close a complaint in the prescribed timescale could be due to the complexity of the subject matter, but a holding response would be sent.

RESOLVED:

1. That the Council's performance in responding to complaints during the period January to March 2011 be noted and that the recommendations made in the report to bring about improvements in complaints handling be endorsed.
2. That the broad categories of complaint be noted as well as the service area to enable easier trend analysis.
3. That staff be reminded of what constitutes a complaint.

17. REVIEW OF COMPLAINTS 2010/11

The Committee considered the report of the Head of Change and Scrutiny reviewing the Council's performance in dealing with complaints during the period 1 April 2010 to 31 March 2011. It was noted that a further report detailing the results of the Local Government Ombudsman's annual review of the complaints his office had dealt with about the Council during the year ended 31 March 2011 would be submitted to the Committee at a later date. In response to a suggestion that, to be meaningful, the report should have included data to enable a comparison to be made of trends year on year, the Officers explained that this information could be included, but it was unlikely that the same type of complaints would be made at the same time each year, and the quarterly monitoring reports had not identified any trends.

Subject to a number of numerical discrepancies in the report and Appendix A being investigated and corrected, the Committee expressed its satisfaction with the Council's performance in dealing with complaints over this period.

RESOLVED to RECOMMEND to the COUNCIL: That the issues outlined in the review of complaints 2010/11 be noted and endorsed.

18. APPLICATIONS FOR DISPENSATIONS

There were no applications for dispensations.

19. CHAIRMAN'S ANNOUNCEMENTS

At the request of the Chairman, the representative of the Head of Democratic Services submitted details of future meetings of the Committee as follows:-

Thursday 25 August 2011 – 10.00 a.m. at the Town Hall – to replace the meeting scheduled to be held on 31 August

Wednesday 30 November 2011 – 10.00 a.m. at the Town Hall

Wednesday 15 February 2012 – 10.00 a.m. at the Town Hall

Wednesday 4 April 2012 – 10.00 a.m. at the Town Hall

20. DURATION OF MEETING

2.30 p.m. to 3.45 p.m.