

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON 25 AUGUST 2011

Present: Councillors Mrs Gooch, Parvin, Mrs Robertson,
Mrs Stockell and Vizzard

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

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

21. APOLOGIES FOR ABSENCE

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

22. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Gooch was substituting for Councillor FitzGerald.

23. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

24. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Mrs Gooch disclosed a personal interest in the report of the Monitoring Officer relating to self regulation following the abolition of the standards regime by virtue of being the Chairman of Barming Parish Council.

25. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

26. EXEMPT ITEMS

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

27. MINUTES OF THE MEETING HELD ON 8 JUNE 2011

RESOLVED: That the Minutes of the meeting held on 8 June 2011 be approved as a correct record and signed.

28. WORK PROGRAMME 2010/12

The Committee considered the position with regard to the activities set out in the Work Programme 2010/12. It was noted that:-

- Code of Conduct training had been discontinued until it was known what, if anything, would replace the current ethical standards regime.
- The Chairman and the Monitoring Officer had met with the Leader of the Council, the Leader of the Independent Group and the Chief Executive to discuss the draft report on the various options in relation to an alternative standards regime. The Leader of the Opposition had been unable to attend. The discussion on the draft report had been positive, particularly in terms of the responses to the questions posed in the recommendation.
- The Liaison Group of Kent and Medway Independent Standards Committee Members provided a forum for the exchange of information and ideas at minimal cost.

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

- An amendment (96A) had been tabled with a view to provisions for a national Code of Conduct (to be issued through the Local Government Association if it agreed), Standards Committees with Independent Chairs and the removal of criminal sanctions. An amendment to Clause 17, if agreed, would make it a requirement for relevant authorities to adopt a financial Code of Conduct with the option to adopt a Code dealing with other conduct. The Association of Council Secretaries and Solicitors had indicated its support for a national Code of Conduct.
- Kent County Council was considering a voluntary Code of Conduct, with a mechanism for dealing with complaints and a role for Independent Members either as part of a Standards Committee or another County Council Committee.
- At the 2011 Local Government Association Conference, delegates had voted in favour of a Code of Conduct although the Association's position to date was that a Code was not needed.

RESOLVED: That the position with regard to the activities set out in the Committee's Work Programme 2010/12 and recent developments in relation to the Localism Bill be noted.

29. REVIEW OF COMPLAINTS APRIL - JUNE 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 April to June 2011. The report also included details of the complaints about the Council dealt with by the Local Government Ombudsman's office during the year ended 31 March 2011.

RESOLVED:

1. That the Council's performance in responding to complaints during the period April to June 2011 and the action being taken to improve complaints handling be noted.
2. That the issues set out in the Local Government Ombudsman's report be noted.

30. SELF REGULATION FOLLOWING ABOLITION OF THE STANDARDS REGIME

The Committee considered the report of the Monitoring Officer outlining the implications of the provisions contained in the Localism Bill in so far as they related to the ethical standards regime. It was noted that the Bill was now at the Committee stage in the House of Lords and changes could still be made to the provisions.

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 and protect Members, but this would have to have the necessary teeth to enforce high standards.
- The need for a protocol for dealing with complaints of Member misconduct quickly, cost effectively and with less bureaucracy.
- The merits of retaining a small group of Members (including Parish and 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 possibility of the Borough Council offering a service to Parish Councils in relation to any future standards regime, and the cost implications.
- The arrangements for the recruitment and retention of Independent Members in the event of a voluntary Standards Committee being retained.

RESOLVED to RECOMMEND to the COUNCIL:

1. That following the abolition of Standards for England, the Model Code of Conduct and statutory Standards Committees:-
 - a) There should continue to be a Code of Conduct adopted by the Council to guide Members as to the standard of behaviour expected of them.
 - b) There should continue to be a Standards Committee comprising Borough, Parish and Independent Members to meet on an ad hoc basis as and when complaints are received or guidance sought from the Council on ethical issues.
 - c) The chairmanship of the new Standards Committee should be open to Borough, Parish and Independent Members, and not restricted to the Independent Members as at present.
 - d) Parish Councils should be offered a service in relation to any future standards regime, but the issue of payment be deferred for consideration at a later date.
2. That the Chairman of the Standards Committee and the Monitoring Officer be requested to report back to the Committee on 30 November 2011 (and subsequently to Council) with detailed proposals based on the above.

31. REQUEST FOR CABINET QUORUM TO BE REDUCED FROM FOUR TO THREE

The Monitoring Officer submitted details of a request by the Leader of the Council that the quorum for meetings of the Cabinet be reduced from four to three. He explained that the Cabinet used to consist of the Leader plus six other Councillors with a quorum of four. Although the Cabinet now consisted of the Leader plus four other Councillors, there had been no change to the quorum and this could potentially cause problems if two Members were unable to attend a meeting. The Committee supported the proposed reduction in the quorum for meetings of the Cabinet believing that its implementation would fulfil the obligation to facilitate efficient and effective decision making.

RESOLVED to RECOMMEND to the COUNCIL: That the quorum for meetings of the Cabinet be reduced from four to three and that the Constitution be amended accordingly.

The Standards Committee has, in accordance with Article 15.02(a) of the Constitution, evaluated the change to the Constitution requested by the Leader of the Council and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect by putting in place arrangements to enable business to be transacted in the event of two Cabinet Members being unable to attend a Cabinet meeting, thus enabling decisions to be taken efficiently and effectively.

32. APPLICATIONS FOR DISPENSATIONS

There were no applications for dispensations.

33. CHAIRMAN'S ANNOUNCEMENTS

There were no other announcements.

34. DURATION OF MEETING

10.00 a.m. to 11.01 a.m.