

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.