

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