

**MAIDSTONE BOROUGH COUNCIL**  
**STANDARDS COMMITTEE**  
**ANNUAL REPORT TO COUNCIL**  
**1 APRIL 2011 – 31 MARCH 2012**

This is the Committee's fifth and final Annual Report to the Council under the current arrangements.

**Members of the Standards Committee**

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

**Borough Members:**

Cllr Mike Fitzgerald (from May 2011)  
Cllr Wendy Hinder  
Cllr David Marchant ( to May 2011)  
Cllr Peter Parvin (Vice Chairman)  
Cllr Cynthia Robertson  
Cllr Paulina Stockell  
Cllr Bryan Vizzard

**Parish Members:**

Cllr Paul Butcher  
Cllr Eileen Riden  
Cllr Bill Stead  
Cllr Ian Younger

**Independent Co-opted Members:**

Hilary Hunt  
Dorothy Phillips (Chairman)  
Mike Powis  
Don Wright

**Chairman's Remarks**

The Standards Committee has been pre-occupied this year in monitoring and commenting on the passage of the Localism Bill through both Houses in Parliament. The emphasis has been and continues to be on examining how to achieve an effective, open and impartial system which will inspire public confidence. A brief summary of the provisions of the Localism Act 2011 can be found towards the end of this Report.

Notwithstanding the legislative changes, our prime responsibility as in previous years 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. The progress we have made throughout the year has been recorded in the Forward Work Plan 2011-2012, considered at each Committee meeting as part of the Committee's agenda.

During the year the Committee has also commented on amendments to the Constitution and considered quarterly complaints reports.

### **Training**

13 Borough and Parish Councillors attended the last training session on the Code of Conduct in June 2011. Since the programme started in August 2009, 94 councillors from the Borough Council and from 24 Parishes have attended the sessions. Early in the year, the Committee decided to cancel future sessions because of the uncertain future of the Code of Conduct, the role of the Committee and the nature of the complaints system. The training issues which most frequently concerned participants included how to deal with declarations of interest; bullying and intimidation; confidential information; and dispensations. These will no doubt continue to be of concern in the future.

In addition, all new Members of the Standards Committee received training in local assessment procedures and determination.

### **Complaints Received**

This year there were 10 complaints involving 18 councillors – 7 complaints about 15 Parish Councillors and 3 complaints about Borough councillors. All except three complaints related to one Parish council.

4 complaints led to no further action; 3 were referred to the Monitoring officer for other action; and 3 were referred for investigation. A request for a review of no further action was made in 1 case and the review panel referred the complaint to the Monitoring Officer for other action in this case, training.

Of the 3 cases referred for investigation, in 2 cases the consideration sub committee agreed the investigating officer's finding of no breach. In the third case the consideration subcommittee found that there was a breach and the case is to be heard at a Public Hearing.

The Monitoring Officer continued to report half-yearly to the Committee on the number of complaints.

### **Dispensations**

The Committee granted 1 dispensation during the year.

### **The Localism Act 2011**

The Bill was laid before Parliament on 13 December 2010 and received Royal Assent on 15 November 2011. It is expected that the new regime will come into force on 1 July 2012.

Following substantial amendment during its passage through Parliament, the legislation now requires all authorities, including parishes, to adopt a Code of Conduct consistent with the 7 Nolan principles. A duty is placed on all authorities to promote and maintain high standards of conduct.

Authorities other than parish councils will need to have in place a mechanism for dealing with complaints. Although the details are left up to the authority to decide, the Borough Council will be responsible for dealing with parish complaints. Whatever system is adopted, it will be managed by the Monitoring Officer in consultation with an Independent Person whose views must be sought and taken into account at certain stages of the investigation; and who may be able to approach the subject of the complaint. The Independent person cannot be a member or officer of the authority or a relative or close friend nor have held office for at least 5 years.

.The Act provides for a criminal offence if Members fail to register and/or declare financial interests although details of what constitutes these interests are yet to be determined by legislation.

The Act places no requirement on an authority to set up a standards committee nor does it provide for any statutory sanctions.

The Local Government Association (LGA) and the Kent District Secretaries Group (KDSG) have been considering the provisions. It is expected that a model Code of Conduct will be drawn up by LGA. Locally, the Monitoring Officer has been meeting his opposite numbers in KDSG to consider a common regime. The main issues under discussion have been the Code, the role and function of a Standards Committee, the management of a complaints system and the new role of the Independent Person. The Monitoring Officer's paper setting out options for consideration will be presented to this Committee on 4 April 2012 and to Council on 25 April 2012 .

The Chairman and Monitoring Officer, on behalf of the Standards Committee, have continued to report back to Council with any further views gleaned from other councils through meetings of the Kent and Medway Independent Liaison Group and from meetings with the Chairman and Vice Chairman of Kent Association of Local Councils (KALC), and advice from LGA and the Association of Council Secretaries and Solicitors.

### **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