

**MAIDSTONE BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

**REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER**

**8 JUNE 2012**

**STANDARDS REGIME**

**1. Code of Conduct**

1.1 At its meeting on the 4<sup>th</sup> April this Committee asked me to submit a report as and when the LGA published its Model Code of Conduct. The LGA has now done so, as has the Department of Communities and Local Government. The Kent Secretaries Group has considered both of these Models and has drafted a Code of Conduct based on the best elements of those and of the current Code of Conduct. It is desirable that all authorities in Kent should adopt the same Code. The draft Code which is attached at Appendix A to this report is currently still work in progress and will need to be reviewed as and when the government issues regulations specifying precisely what pecuniary interests must be disclosed. A view will then have to be taken as to whether any further pecuniary or non pecuniary interests should be disclosed and if so, what the repercussions of disclosure will be. A further report will be made when the regulations have been published so that the Council may be recommended to adopt a Code. It is hoped that all Councils in Kent will be recommended to adopt the same Code. In the meantime, the National Association of Local Councils has published a Model Code for its members to consider and I attach a copy of that at Appendix B. The Kent Association of Local Councils has been advised of the Kent Initiative and so Parish Councils will have a choice as to whether to adopt the Kent Code, the NALC Code, or a completely different Code.

**2. Complaints Process**

2.1 At its last meeting the Committee agreed a process for dealing with complaints of misconduct, and further reports will be made in due course to cover the details of those arrangements including, for example, criteria for filtering complaints. Further thought may be given in those details as to the desirability of the monitoring officer having a discretionary power to refer complaints to an assessment panel. It may be preferable for him/her to make all the decisions in consultation with the Independent Person, to avoid complaints that any particular allegation should/not have been referred to the panel. Further consideration will need to be given as to whether it is desirable to appoint a reserve Independent Person.

**Recommendation**

It is recommended that the current position be noted and that any comments on the draft Code be made to enable the monitoring officer to

report these to the next meeting of the Kent Secretaries Working Party on the 12 June.