

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON 22 MAY 2009

PRESENT: Councillors J Batt, Mrs D Joy, Mrs W Hinder, D Marchant, Mrs P Stockell and J Verrall

Independent Members: Mrs D Phillips, Mr M Powis and Mr D Wright

Parish Council Representatives: Councillors Mrs A Rollinson and I Younger

Apologies: Councillors B Stead (Parish Representative) and B Vizzard

REFERRED MATTERS

1. **ANNUAL REPORT TO COUNCIL 2008/09**

The Committee gave further consideration to its draft Annual Report to the Council. The Committee agreed the Report for submission to the Council subject to amendments to paragraphs 3, 6, 7, 8 and 11.

A copy of the amended version of the Annual Report is attached as an Appendix to these Minutes.

The Committee thanked Mr Powis (the former Chairman of the Committee) and the Head of Legal Services for their work in connection with the drafting of the Annual Report.

RECOMMENDED: That the Standards Committee's Annual Report to Council 2008/09, a copy of which is attached as an Appendix to these Minutes, be noted.

2. **REVIEW OF COMPLAINTS 2008/09**

The Committee considered the joint report of the Head of Legal Services and the Assistant Director of Customer Services and Partnerships reviewing the Council's performance in dealing with complaints during the period 1 April 2008 to 31 March 2009. A copy of this report is attached to the Committee's Annual Report to the Council (see Minute 1 above).

In response to questions, the Officers explained that:-

- Failure to respond to complaints within ten working days could be due to the complexity of the subject matter and the need for detailed investigations.
- Regular reports were submitted to the Council's Management Team and response performance was monitored. Instructions had been given to the Heads of those services where response times were slower to bring about improvements in performance.

The Committee asked that Management Team's comments on the complaints reports be included in the quarterly reports to Committee together with a comparison of performance quarter on quarter.

RECOMMENDED: That the issues outlined in the Annual Review of Complaints 2008/09 be noted and endorsed.

3. INDEMNITIES FOR MEMBERS AND OFFICERS

The Committee considered the joint report of the Head of Legal Services and the Chief Finance Officer setting out the range of powers available to the Authority to grant indemnities and/or to take out insurance to cover the potential liability of Members and Officers in a wide range of circumstances and recommending the terms of such indemnities and insurance. A copy of this report is attached as an Appendix to these Minutes.

It was noted that the decision to provide such indemnities and to take out such insurance had not been delegated to the Standards Committee, but rested with the Cabinet (in respect of the executive functions of the Authority) and with the Council (in respect of Officers and the non-executive functions of the Authority). The Standards Committee was being asked to consider the report and to recommend it to the Cabinet and to the Council for approval.

In response to questions, the Head of Legal Services explained that when Members were asked to serve on outside bodies, they were advised to ascertain from the body if they were covered by insurance. He would ask the Democratic Services Manager to ensure that Members were advised of this before taking up appointments.

The Committee welcomed the report and considered that it would help to clarify the position for Members, including Co-opted Independent Members and Parish representatives of the Standards Committee, and Officers. However, it was suggested that the recommendation should be amended to make it absolutely clear that the indemnities would be given to Co-opted Independent Members and Parish representatives of the Standards Committee.

RECOMMENDED: That the Authority grant an indemnity to Members, including Co-opted Independent Members and Parish representatives of the Standards Committee, and to Officers of the Authority in the terms set out in the Appendix to the joint report of the Head of Legal Services and the Chief Finance Officer and instruct the Chief Finance Officer to secure insurance to

cover the Authority's liability under this indemnity in so far as he/she is of the opinion that such insurance would be financially prudent.

See Minute 16 below

4. AMENDMENT TO PLANNING SCHEME OF DELEGATION

The Committee was asked to evaluate a proposal by the Planning Committee that the Constitution be amended to give Parish Councils the option of having a differing view from the Case Officer on a planning application without necessitating the referral of the application to the Planning Committee for determination. It was noted that:-

- At present, the Director of Prosperity and Regeneration/Development Control Manager had delegated powers to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application would be contrary, *inter alia*, to the written view of any Parish Council.
- Parish Councils had expressed an interest in the option of being able to have a different view from the Case Officer on an application without it having to be reported to the Planning Committee for determination as a result.
- The Planning Committee considered that, in addition to giving greater flexibility to Parish Councils, this option was likely to lead to a reduction in the number of applications having to be reported to Committee and a reduction in costs.
- To enable the new option to be implemented, the Planning Committee had agreed to recommend to the Council that Section 2 headed "Responsibility for Council Functions" of Part 3 of the Constitution be amended by the addition of the words "and the Parish Council has requested that the application is determined by the Planning Committee" to paragraph (b) of the delegation to the Director of Prosperity and Regeneration/Development Control Manager to undertake all the functions relating to planning and conservation, except in certain circumstances, as follows:-

The Director of Prosperity and Regeneration/Development Control Manager have delegated power to undertake all the functions relating to planning and conservation, except where the intended delegated decision on a planning or related application:

- (b) would be contrary to the written view of any Parish Council and the Parish Council has requested that the application is determined by the Planning Committee.

The Standards Committee supported the proposed amendment of the Constitution believing that it would give greater flexibility to Parish Councils and help streamline the consultation and decision making processes in respect of planning applications.

RECOMMENDED: That it be noted that, in accordance with Article 15.02 (a) of the Constitution, the Standards Committee has evaluated the proposed amendment of the Constitution to give Parish Councils the option of having a differing view from the Case Officer on a planning application without necessitating the referral of the application to the Planning Committee for determination and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect by helping to streamline the consultation and decision making processes in respect of planning applications.