

MAIDSTONE BOROUGH COUNCIL STANDARDS COMMITTEE

ANNUAL REPORT TO COUNCIL 2008-9 (1/4/08 - 31/3/09)

1. This is the Committee's second annual report to the Council.

New complaints handling system

2. May 2008 saw the responsibility for initial consideration of all complaints and nearly all investigations move from the Standards Board for England to the Standards Committee of each local authority. Apart from being a very desirable re-assertion of local responsibility, this has also permitted the Committee to have a much better view of the number and type of complaints submitted.
3. We have received 6 complaints. Of these, there have been no complaints needing investigation against Borough Councillors and only one against a Parish Councillor. Given the large number of people who serve as Borough and Parish Councillors and the range of actions and decisions they are involved in, this is a very satisfactory picture. 4 complaints were assessed as needing no further action, 1 complaint led to a direction to the Monitoring Officer to give training to a Parish Council and 1 complaint was referred for investigation. Reviews were requested of 2 decisions to take no further action and these confirmed the agreed decision.
4. The Government is proposing further changes to the Code of Conduct, primarily to clarify the applicability of the Code to Councillors' private lives. We have submitted comments on this latest set of changes which are supposed to be brought into effect during 2009 and will require the Council to adopt a revised local Code.

Dispensations

5. We granted applications on 5 occasions (from 3 Parish Councils) for dispensations from Parish Councillors, all but two were for the whole membership of the Parish Council; in one case where the whole Council had applied, we granted most of the dispensations sought but we refused one application because of the proximity of the Councillor's residence to the land under question. On the other occasion only four of the seven Councillors applied.

Complaints generally

6. We have continued to monitor the operation of the Council's complaints system generally. The quarterly reports and the Ombudsman's annual letter demonstrated that Maidstone Borough Council has very comprehensive procedures in place for dealing with complaints and that it follows them. The annual report on complaints for 2008-9 is attached.

Constitutional changes

7. We reviewed the financial rules within the Constitution and commented on the call-in procedure, and the latest report on Members' remuneration. During the next three months, we will review the contract procedure rules. The Constitution has also been amended by the Monitoring Officer to take account of the latest officer restructure.

Training

8. Last year we commented that we needed to find a much cheaper method of training that can be given to small groups of Borough Councillors after each election and Parish Councillors. Following a discussion with the Training Manager a pilot programme of seminars is being set up aimed primarily at Parish Councillors and Clerks but which can also be used for new Borough Councillors when necessary. It is intended that this training programme will begin once the revised Code has been published and it is the delay in its publication by Government which has delayed the training. All Members of the Standards Committee have received training in the local assessment and determination procedures. Two Members of Standards Committee and the Monitoring Officer attended the Annual Assembly of Standards Committees in October.

Committee structure and terms of reference

9. Experience of the new system led the Committee to review the structure and process for considering complaints established in 2007. At the same time we reviewed other aspects of our working and reporting to Council in the light of the guidance from the Standards Board. After some positive discussion, appropriate changes to the Constitution have now been agreed by the Council which give a flexible and economic but fair way of looking at complaints. The Council has agreed that the number of Independent Co-opted Members will be increased from 3 to 4, and that in the meantime Independent Members of other Standards Committees may be co-opted on an ad-hoc basis should the need arise.

Publicity

10. We have noted that the method of complaining about Councillors could be better publicised. At present, for example, it can be hard to find the reference to this on the Council's web-site. The Committee proposes to look at ways of dealing with this and promoting good ethical governance with the Head of Communications in the coming months.

Promotion of ethical standards with Council

11. There have been regular 6 monthly meetings between the Leader, Chief Executive, Chairman of Standards Committee and Monitoring Officer to discuss any issues relating to ethical standards. There are good working relationships between these four people. There is a Corporate Governance group of officers comprising the Chief Executive, Monitoring

APPENDIX

Officer, S.151 Officer and Head of Internal Audit which meets quarterly to discuss issues related to ethical standards and good governance. Also there is a Member/Officer Protocol in place which amongst other things deals with Member/Officer disputes.