

AMENDED AGENDA

STANDARDS COMMITTEE MEETING



Date: Wednesday 1 September 2010
Time: 10.00 am
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Hinder, Marchant, Naghi,
Parvin, Mrs Stockell and Vizzard

Independent Members: Mrs Phillips (Chairman),
Ms Hunt, Mr Powis and
Mr Wright

Parish Representatives: Councillors Stead and
Younger

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members

Continued Over/:

Issued on 26 August 2010

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEBBIE SNOOK on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

4. Disclosures by Members and Officers
5. Disclosures of Lobbying
6. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
7. Minutes of the meeting held on 16 June 2010
8. Discussion Item - Proposed Forward Plan 2010/2011
9. Report of the Head of Change and Scrutiny and the Head of Legal Services - Annual Review of Complaints 2009-2010
10. Report of the Head of Change and Scrutiny - Review of Complaints April-June 2010
11. Report of the Head of Democratic Services - Joint Independent Remuneration Panel
12. Applications for Dispensations (if any)
13. Chairman's Announcements
14. **Reference from the General Purposes Group - Substitute Members** **48 - 51**
15. **Reference from the General Purposes Group - Petitions** **52 - 53**

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

1 SEPTEMBER 2010

REFERENCE FROM THE GENERAL PURPOSES GROUP

1. SUBSTITUTE MEMBERS

1.1 Issue for Decision

1.1.1 To consider the issues raised by the recommendation of the Corporate Services Overview and Scrutiny Committee to Council that any Non-executive Member should be allowed to substitute on any committee not requiring prior training, rather than having nominated substitutes.

1.2 Recommendation of the General Purposes Group

1.2.1 That the current rules for substitution be changed from nominated substitutes to any member of the Council acting as a substitute for any committee, other than Overview and Scrutiny Committees and the Standards Committee, as long as they have received the appropriate training (if appropriate) to enable them to sit on that committee.

1.2.2 That the Constitution be amended in Article 6A and in the Local Codes of Conduct for Councillors and Officers dealing with Planning and Licensing matters to delete the relevant paragraphs for training and replace them with the following:-

“The Council has agreed that no member will be able to serve on the Committee without having agreed to undertake a minimum period of training on the policies and procedures of this Committee as specified by the Council. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the committees for newly appointed members and substitute members of the committee. If the specified training has not been completed by the due date, the member will cease to be a member/substitute member of the Committee in question until the training has been completed. The Head of Democratic Services will keep a record of the training requirements of each committee and of members’ compliance with the requirements. Existing members of the

Committee should be updated regularly on changes of legislation and procedures and receive refresher training on an annual basis.”

- 1.2.3 That the Standards Committee be requested to evaluate the above proposed changes to the Constitution being recommended to the Council by the General Purposes Group.

1.3 Reasons for Recommendation

- 1.3.1 At the Council meeting on 21 April 2010, a recommendation from the Corporate Services Overview and Scrutiny Committee sought the agreement of the Council that any Non-executive member should be allowed to substitute on any committee not requiring prior training, rather than having nominated substitutes.
- 1.3.2 During the meeting it was also suggested that the recommendation could be reworded so that any Non-executive member could be allowed to be a substitute on a committee when they had received the appropriate training rather than having nominated substitutes.
- 1.3.3 The Council agreed that any Non-executive member could act as a substitute on the Scrutiny Committees on the proviso that the Officers would report back to members on its possible extension to all other committees and groups.
- 1.3.4 In considering the recommendation of the overview and scrutiny committee one has to break it down into two parts namely the issue of whether it should be a non executive member and secondly the relevance of the required training for the Audit, Planning and both Licensing Committees. Additionally Standards Committee would not be affected by the change in substitute rule as it has its own specific substitute rules.
- 1.3.5 In terms of substitutes being limited to Non-executive members it is not appropriate because whilst it is understood that Non-executive members cannot serve on Overview and Scrutiny Committees, this is not a case with the other committees where in some instances it is a pre-requisite that a member of the Executive serves on these committees. Therefore, it is suggested that if this matter is progressed any further in terms of the removal of nominated substitutes and opening up the substitution rules it should in fact be open to all members rather than just Non-executive members.
- 1.3.6 In the Constitution four committees specifically require that their members must have received training. These are the Audit Committee, Planning Committee and both Licensing Committees. I set out below the wording used to express this requirement in the constitution:-

Audit Committee

All Audit Committee members must receive appropriate training.

Planning Committee

The Council has also decided that no Member will be appointed to be a member or substitute member of the Planning Committee without having agreed to undertake a period of training in planning policies and procedures. This training should be commenced within 3 months of becoming a member/substitute member of the Planning Committee, and Members should be updated regularly on changes to legislation, policy and procedures. All Members of Planning Committee must receive refresher training annually.

Licensing and Licensing 2003 Act Committee

No Member will be appointed to the Licensing Committee without having agreed to undertake a period of training in licensing procedures as specified by the Council. This training should be undertaken before the member takes up their place on the Licensing Committee, and Members should be updated regularly on changes to legislation and procedures. All Members of Licensing Committee should receive refresher training annually.

- 1.3.7 You will see from the above that each committee is different though all seem to be attempting to achieve the same outcome. What is required is consistency in approach to training particularly if there is an opening of the substitution rules to allow all Councillors to act as substitutes. It is important that the agreed wording ensures that all members of these committees are trained or committed to being trained within an agreed timescale and in accordance with the training programme agreed by each committee. The wording set out below puts in place the process for ensuring all members are trained including substitute members:-

“The Council has agreed that no member will be able to serve on the Committee without having agreed to undertake a minimum period of training on the policies and procedures of this Committee as specified by the Council. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the committees for newly appointed members and substitute members of the committee. If the specified training has not been completed by the due date, the member will cease to be a member/substitute member of the Committee in question until the training has been completed. The Head of Democratic Services will keep a record of the training requirements of each committee and of

members' compliance with the requirements. Existing members of the Committee should be updated regularly on changes of legislation and procedures and receive refresher training on an annual basis."

1.3.8 It is important that the wording regarding training is consistent and members are therefore asked to agree the proposed amendment. In respect of the change to substitution rules members will need to consider the implications firstly for those committees who in the constitution do not require training, and those which do require training. Also in considering any change consideration will need to be given to the Council's rules on membership of certain committees which prevents them from sitting on other committees such as exists with Planning and Licensing.

1.4 Reason for Urgency

1.4.1 To enable the Council to have the evaluation of the Standards Committee when the Council considers the recommendations of the General Purposes Group.

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

1 SEPTEMBER 2010

REFERENCE FROM THE GENERAL PURPOSES GROUP

1. PETITIONS AT COUNCIL MEETINGS

1.1 Issue for Decision

1.1.1 To consider any amendments which are required to the council's Petition Scheme, which is within the Constitution, arising from the Local Democracy and Economic Development and Construction Act 2009.

1.2 Recommendation of the General Purposes Group

1.2.1 That an amendment is made to the Council's Petition Scheme to allow a debate, without time limit, by the Council of a petition with 1,500 signatures.

1.2.2 That the council's Petition Scheme be amended to include a provision whereby if a petition has been received with 100 signatures and requests that a senior officer of the council should attend a meeting of an Overview and Scrutiny Committee that officer will attend with such senior officer being defined as Chief Executive, Director or Head of Service.

1.2.3 That the Council's Petition Scheme be amended so that there is no age limit on who can sign the Petition or present the Petition to Council.

1.2.4 That the Standards Committee be asked to evaluate the amendments to the Constitution being recommended to the Council by the General Purposes Group.

1.3 Reasons for Recommendation

1.3.1 The Local Democracy and Economic Development and Construction Act 2009 ("the Act") requires every principal council to introduce a Petition Scheme. However this council has had a Petition Scheme within its Constitution for at least 20 years and that scheme is currently sufficient to meet the requirements of the above Act. However in considering the principles within the Act it is felt that there was an

opportunity to review the Scheme with the view to seeing whether it could be changed to allow more debate at the council meeting.

- 1.3.2 Currently the existing Petition Scheme allows the opportunity for any petition to be debated at the council meeting subject to certain rules such as a factual briefing note being provided. The petitioner will have an opportunity to speak for 5 minutes. The petition would then be debated for 20 minutes by Members and at the conclusion of that the debate the petitioner would have a further 3 minutes to comment on the issues raised during the debate. This meets the requirements set within the Act but in considering this the General Purposes Group felt that there was an opportunity for opening up debate at the council meeting by allowing an unrestricted debate at a council meeting where the petition has 1,500 signatures which would be more significant than the current 20 minute debate.
- 1.3.3 Additionally, the new Act also has a requirement that senior officers should be held to account by an Overview and Scrutiny Committee when a petition has been received requesting that they attend an Overview and Scrutiny Committee. This council already undertakes this practice in that senior officers of the council will always attend meetings of the Overview and Scrutiny Committee when requested by that Committee but equally if a petition was received by an Overview and Scrutiny Committee and required attendance of an officer that officer would always attend that meeting. However, in order to meet the requirements of the Act it is suggested that an amendment is made to the Scheme to add a provision that a senior officer will attend a meeting of an Overview and Scrutiny Committee when requested by a Petitioner. It is suggested that a senior officer is defined as Chief Executive, Director or Head of Service.
- 1.3.5 The Act also indicates that by the end of the Calendar year the council must have in place an E Petition Scheme by which members of the public can submit petitions to the council. Having this facility should hopefully encourage a greater use of petitions and their eventual discussion at Council.

1.4 Reason for Urgency

- 1.4.1 To enable the Council to have the evaluation of the Standards Committee when the Council considers the recommendations of the General Purposes Group.