

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

MINUTES OF THE MEETING HELD ON 16 JUNE 2010

Present: Councillors Mrs Gibson, Mrs Hinder, Marchant, Parvin and Vizzard

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

**Parish Council
Representatives** Councillors Stead and
Younger

1. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Mrs Stockell.

2. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Mrs Gibson was substituting for Councillor Mrs Stockell.

3. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

4. ELECTION OF CHAIRMAN

RESOLVED: That Mrs Phillips be elected as Chairman of the Committee for the Municipal Year 2010/11.

5. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Parvin be elected as Vice-Chairman of the Committee for the Municipal Year 2010/11.

6. MS HILARY HUNT

The Chairman welcomed Hilary Hunt to her first meeting as an Independent Member of the Standards Committee.

7. DISCLOSURES BY MEMBERS AND OFFICERS

All Members and Co-opted Members present disclosed a personal interest in the report of the Democratic Services Manager relating to the Members' Allowances Scheme.

8. DISCLOSURES OF LOBBYING

All Members and Co-opted Members present stated that they had been lobbied by the Clerk to Tovil Parish Council concerning the arrangements now in place for updating Parish Councils on the position with regard to planning enforcement cases (Minute 90 of the meeting held on 7 April 2010 refers). The Head of Legal Services said that he would refer the Parish Council's comments to the relevant Director together with the Committee's concerns regarding the need to make interested parties aware of any decision to take no action on a planning enforcement complaint.

9. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

10. MINUTES OF THE MEETING HELD ON 7 APRIL 2010

RESOLVED: That the Minutes of the meeting held on 7 April 2010 be approved as a correct record and signed.

11. MATTERS ARISING FROM THE MINUTES OF THE MEETING HELD ON 7 APRIL 2010

Minute 90 – Pro Forma Document for Dispensations

In response to disappointment expressed by a Co-opted Member that the pro forma document had not been used, the Head of Legal Services advised the Committee that only one application had been received since the pro forma was circulated to Parish Councils. The application was received during the transitional period and the Parish Council concerned was used to making applications in a certain way. He would endeavour to ensure that the pro forma was used in future.

Minute 95 – Annual Report to Council 2009/10

The Head of Legal Services advised the Committee that in light of the Government's announcement that there would be provisions in its proposed Decentralisation and Localism Bill to abolish the Standards Board regime, Standards for England had decided to cancel the Annual Assembly scheduled to be held in October. This would result in a saving for the Council. It was not known what, if anything, would replace the current standards framework.

12. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

The following Members were nominated as the Political Group Spokespersons for the Municipal Year 2010/11:-

Councillor Parvin – Conservative Group
Councillor Vizzard – Liberal Democrat Group
Councillor Marchant – Independent Group

13. REVIEW OF COMPLAINTS JANUARY TO MARCH 2010

The Committee considered the joint report of the Head of Legal Services and the Head of Finance and Customer Services reviewing the Council's performance in dealing with complaints during the period January to March 2010. It was noted that:-

- Submission of the annual report had been delayed until the next meeting to enable the Local Government Ombudsman's annual review of the complaints he had dealt with about the Council to be included.
- During the period under review, 79 Stage 1 complaints had been processed. Most of the complaints related to waste collection (15), development control (14), parking enforcement (10) and revenues/NNDR (10). 96% of Stage 1 complaints were processed within the target time. Twelve Stage 2 complaints had been received of which 83% were processed within the target time. The overall number of complaints received during the period was relatively low compared to the number of enquiries the Council received. During the period January to March 2010, the Council received over 100,000 telephone calls, over 13,000 face to face customer enquiries and over 33,000 items of post.

In response to questions by Members and Co-opted Members, the Officers explained that it was important to differentiate between a request for a service and a complaint which could, for example, result from the Council's failure to respond to such a request. A review was being undertaken of the Council's communications strategy in terms of the arrangements for notifying the public of alterations to the refuse collection service during adverse winter weather conditions. A review was also being undertaken of the existing customer complaints system and the specification for any replacement system would include the recording and monitoring of the cost of Officer time spent dealing with complaints.

The Committee indicated that it wished to continue to receive the review of complaints report on a quarterly basis and that, to be meaningful, any graphs comparing performance should be on the same scale. It was suggested that, to avoid duplication, only the second page of the Appendix to the report was required.

RESOLVED: That the Council's performance in responding to complaints during the period January to March 2010 and the action being taken to improve complaints handling be noted.

14. MEMBERS' ALLOWANCES SCHEME

The Committee considered the report of the Democratic Services Manager asking that it evaluate a proposal to amend the Members' Allowances Scheme which formed part of the Constitution. It was noted that:-

- The Council had accepted the need to reduce significantly the funding for the subsistence allowance element of the Scheme and it

was felt that this could be achieved by lengthening the period of absence from the normal place of residence from four hours to five hours before a claim could be made. Most of the current claims would not apply if this change were to be implemented thereby achieving the required saving.

- In considering the amendments to the subsistence allowance provisions, it had come to light that there were times when Members were required to stay away from their usual place of residence when attending conferences. Sometimes in such circumstances, Members were required to pay for dinner in the hotel or a restaurant and this was not covered in the existing Scheme. It was considered that any change to subsistence allowances should remedy this issue as it could leave Members significantly out of pocket.

The Committee supported the proposed amendments to the Members' Allowances Scheme subject to it being made clear that the Scheme also applied to Co-opted Members when acting on the relevant Committee's business.

RESOLVED to RECOMMEND to the COUNCIL:

That subject to it being made clear that the Members' Allowances Scheme also applies to Co-opted Members when acting on the relevant Committee's business, agreement be given to the amendment of the Scheme by the deletion of paragraph 10 and the insertion of the following:-

Subsistence Allowance

Councillors are entitled to claim a subsistence allowance when, in attending meetings which relate to functions of the Council or in relation to a Cabinet portfolio, they are kept away from their normal place of residence for significant periods of time at certain times of day. These times and the amount Councillors are entitled to claim are detailed in the table below.

SUBSISTENCE ALLOWANCE		
<i>Allowance Type</i>	<i>Allowance</i>	<i>Period</i>
Breakfast	£5.37	More than 5 hours away from normal place of residence before 11.00am
Lunch	£7.70	More than 5 hours away from normal place of residence, including the lunchtime between 12.00 noon and 2.00pm
Tea	£3.04	More than 5 hours away from normal place of residence, including the period 3.00pm to 6.00pm

Dinner	£9.53	More than 5 hours away from normal place of residence ending after 7.00pm
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If Councillors are attending a meeting or function where a meal is provided for them they are not entitled to claim a subsistence allowance (e.g. Council meeting).

If any of the above meals are purchased on a train when travelling to or from an approved duty, Councillors can claim the actual cost of the meal (up to a maximum of the subsistence outlined above) provided they submit a receipt with the Allowance Application Form.

If a Councillor attends an approved Conference which includes an overnight stay away from his/her usual place of residence the Councillor can claim the cost of an evening meal up to a maximum of £20 per head provided they submit a receipt with the Allowance Application Form.

(Changes highlighted in bold)

The Standards Committee has, in accordance with Article 15.02 (a) of the Constitution, evaluated the proposed change to the Members' Allowances Scheme and believes that it should be implemented to achieve the savings required and to remedy a situation where Members could find themselves significantly out of pocket when engaged on Council business.

15. CODE OF CONDUCT COMPLAINTS - 1 SEPTEMBER 2009 TO 31 MAY 2010

The Committee considered a report by the Monitoring Officer setting out details of the Code of Conduct complaints received by the Council during the period 1 September 2009 to 31 May 2010. It was noted that:-

- Two new complaints had been received; both complaints were about Parish Councillors and both had been made by the same member of the public. In one case the Sub-Committee had decided to take no further action and the complainant had requested a review by the Review Panel. The Panel had referred the complaint to the Monitoring Officer to ensure that the Members of the Parish Council were encouraged to attend training on the Code of Conduct. The other complaint had been referred to the Monitoring Officer for investigation and this was now being carried out by a colleague from the Mid Kent Legal Service. The report was due to be completed in July and a hearing into the complaint would be arranged to take place as soon as possible thereafter.
- During the timescale of the report, one complaint had been determined by the Sub-Committee. The Parish Councillor concerned was found to be in breach of the Code of Conduct and was requested to make an apology for passing on information to the press.

The Monitoring Officer advised the Committee that there had not been any discernable trend in the complaints which would lead him to believe that any specific training needed to be arranged but it remained the case that the training programme for Parish and Borough Councillors should continue this year.

In response to questions, the Monitoring Officer updated the Committee on the arrangements being made to train Borough and Parish Councillors on the Code of Conduct. It was noted that arrangements would also be made to train new Members and Co-opted Members of the Committee on the local assessment of complaints that a Member may have breached the Code of Conduct.

The Committee felt that, given the effect on the individuals involved, the aim should be to complete the complaints process from assessment to hearing within six months.

RESOLVED: That the report be noted.

16. PARISH COUNCIL REPRESENTATIVES ON THE STANDARDS COMMITTEE

The Committee discussed its responsibilities in terms of the initial assessment of complaints of Member misconduct, the review of decisions to take no action in relation to such complaints and any subsequent investigations and hearings (functions undertaken by the Standards (Assessment) Sub-Committee and the Standards Sub-Committee (Review Panel)). The Committee was mindful that there were now four Independent Members and felt that it would be helpful to increase the number of Parish Council representatives from three to four as well in order to provide further capacity to cover situations where, for example, the existing representatives were away, unwell or unable to act due to a conflict of interest. Also, it was necessary for a Parish Council representative to be present when the complaint related to a Parish Councillor.

RESOLVED to RECOMMEND to the COUNCIL:

1. That the number of Parish Council representatives on the Standards Committee be increased to four.
2. That the Constitution be amended accordingly.

The Standards Committee has, in accordance with Article 15.02 (a) of the Constitution, evaluated this proposed amendment to the Constitution and believes that its implementation will help to ensure that the aims and principles of the Constitution are given full effect by providing further capacity to enable the Standards Sub-Committees to undertake their functions effectively.

17. APPLICATIONS FOR DISPENSATIONS (IF ANY)

There were no applications for dispensations.

18. CHAIRMAN'S ANNOUNCEMENTS

At the request of the Chairman, the Committee considered the arrangements for future meetings; specifically, whether they should all be held in the morning.

The Head of Legal Services sought the Committee's views on rearranging the meeting scheduled to be held on 16 February 2011.

RESOLVED:

1. That in future all meetings of the Committee should be held in the morning, commencing at 10.00 a.m.
2. That no objection be raised to the meeting of the Committee scheduled to be held on 16 February 2011 being rearranged to an alternative date.

19. DURATION OF MEETING

9.30 a.m. to 11.00 a.m.