

MAIDSTONE BOROUGH COUNCIL

STANDARDS COMMITTEE

DRAFT ANNUAL REPORT TO COUNCIL 2009-10

1 APRIL 2009 – 31 MARCH 2010

Chairman's Statement

This is the Committee's third annual report to the Council. It has been a year when without availing ourselves of the services of Mid Kent Legal Services, because of KIG and other difficulties, we as a Committee would have faced severe problems. We also saw the sad loss of one of our Parish Members, when Ann Rollinson died in February of this year. Ann will be a tremendous loss to this Committee, as she brought with her a huge raft of experience in Parish matters, and combined that with a very calm and thoughtful approach to everything that came before us. Our thoughts are with Colin and his family.

The one thing I would like to record here is my appreciation that Members are able to put aside Party Politics when sitting on this Committee, and use a very common sense approach to the challenges that we face. I would, however, apologise for the length of this report, but this is what Standards for England now expect, and the return we have to do to them is even more lengthy and detailed.

Members of the Standards Committee

The Borough Members are:

- Cllr Julia Batt
- Cllr Wendy Hinder
- Cllr David Marchant
- Cllr Paulina Stockell
- Cllr John Verrall
- Cllr Bryan Vizzard

The Parish Members are:

- Cllr Bill Stead
- Cllr Ian Younger
- Vacancy

The Independent Members are:

- Hilary Hunt (with effect from 19 May 2010)
- Dorothy Phillips
- Mike Powis
- Don Wright

We took the decision to place an article in the Downs Mail about the role of the Standards Committee at the same time as we advertised for a new Independent Member. This had the desired effect and we attracted eleven applicants.

Following a short listing exercise, four candidates were interviewed by the Selection Panel and the Council, at its meeting held on 3 March 2010, agreed the Panel's recommendation that Hilary Hunt be appointed as an Independent Member with effect from 19 May 2010. May we thank the Councillors involved and Dorothy Phillips for giving of their time and expertise so readily.

The Role and Function of the Standards Committee

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) Assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer or the Standards Sub-Committee to the Monitoring Officer;
- (h) The exercise of (a) to (g) above in relation to parish councils wholly or mainly in the Council's area and the members of those parish councils;
- (i) Oversight of the Constitution;
- (j) Overview of the whistle blowing policy;
- (k) Overview of complaints handling and Ombudsman investigations.
- (l) To make recommendations to the Council regarding the making of payments or the provision of other benefits in cases of maladministration.
- (m) To make recommendations to the Council regarding the operation of the Members Allowance Scheme.
- (n) Dealing with applications made in relation to Politically Restricted Posts.

The Code of Conduct

Despite constant promises and numerous deferrals, we will not be seeing the further changes to the Code of Conduct that we had been promised, this side of the General Election. These changes were primarily to clarify the applicability of the Code to Councillors' private lives.

From our experience at training sessions, there is still a huge amount of uncertainty amongst Councillors over the question of Declarations of Interest, and then whether it is Personal or Prejudicial. It is something that is beginning to exercise the media.

Complaints Received

We have received only one complaint from a member of the public over the past twelve months. We were concerned that the MBC website was not very clear on how a person could complain about a Borough or Parish Councillor, and so we have spent some time revamping that section, and believe it now makes it much clearer. We have also asked if Parish Councils could include something on their websites to guide people to the MBC website. In this information, is very clear guidance as to whether the complaint does fit the criteria. We have also spent some time revamping the page on the Standards Committee, to give a better understanding to the general public of our role, and hopefully that will be completed shortly.

The only complaint received this year concerned one standing Parish Councillor and one retired Parish Councillor, and related to the failure to disclose a Prejudicial Interest on several occasions. The aspect of the complaint relating to the standing Parish Councillor is about to be investigated. One complaint carried over from last year went to a Hearing and the Councillor admitted a breach of the Code of Conduct.

The length of time dealing with a complaint when it goes to Investigation and then a Hearing is something that we have asked the Monitoring Officer to reduce. All Assessments or Reviews are carried out in the required timescale.

Dispensations

As a Committee we felt that there is a certain lack of understanding within the Parish Councils about the need or otherwise for a dispensation, and this was borne out during our training sessions. The Monitoring Officer and two Members of the Committee have now produced a pro forma for distribution to Parishes to make it easier for them when applying. We continue to grant dispensations where appropriate, but have also declined four requests during the year.

Training

We started a series of training sessions on the Code of Conduct in the autumn of 2009 and we have held four sessions so far with a total attendance of 67. In response to a request we have held a separate session for Clerks and are looking at the possibility of going out to clusters of Parishes but, despite the Parishes asking for it, the response has been slow.

The response to the courses has been tremendous with the room buzzing with questions and difficulty in getting people to leave. **We would strongly recommend that Borough Councillors avail themselves of the opportunity to attend.** The Code of Conduct is a minefield, as a recent case in Medway which was reported in the national media has shown, and we have only seen four Borough Councillors at the sessions, one of whom has come back twice. Through the good offices of the Clerk at Boxley Parish Council, things are beginning to move on setting up a mentoring/buddy system for Clerks - something that is vital if they are to advise their Councils effectively. May we here record our thanks to David Marchant, Bill Stead, Mike Powis, Paul Fisher

and Paul Cummins (Mid Kent Legal Services) and Don Wright, for their input into these courses.

Forward Work Plan

We have started work on a forward work plan for the coming year but it is not in a form to show to you at this stage.

Cost Containment

The Committee recognises that the cost of attending the annual Standards Conference is a high one and took an initial step last year of staying in a lower cost hotel. It has now decided that instead of sending three representatives this year, it will send only one, which will create a large saving.

We are also aware that the cost of investigations is very high and seek to avoid that route wherever possible. There is, however, very little middle ground in the process we have to work with and thus an investigation can be the only route. With the public and media being very aware of the Code of Conduct we have to show ourselves as being totally above board. Today even the wrong type of joke can lead you into very deep water. To instil a greater understanding of the Code of Conduct in all Councillors will go a long way to reducing the risk, and we urge all Councillors to endorse that message.