

Minutes of the meeting of the **STANDARDS COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 15 July 2015 at 11.00 am.

Present:

Chairman: Councillor B W Butcher

Councillors: M R Eddy
P J Hawkins
K Mills

Also Present: Mr B P S Dowley (Independent Person)

Officers: Director of Governance
Solicitor to the Council
Corporate Complaints and Resilience Officer
Democratic Support Officer

13 APOLOGIES

An apology for absence was received from Councillor S M Le Chevalier.

14 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 MINUTES

The Minutes of the meetings of the Committee held on 17 December 2014 and 25 March 2015 were approved as correct records and signed by the Chairman.

17 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on formal complaints received by the Council for the period 1 October 2014 to 30 June 2015 that had been investigated by the Corporate Services Team.

The Corporate Complaints and Resilience Officer (CCRO) advised that eight complaints had been investigated at stage two of the Council's complaints process, three of which had been upheld by the CCRO. In respect of Complaint No CTX095, the CCRO acknowledged that the delay in charging the complainant for Council Tax had been unacceptable. In respect of Complaint No HND059, the Council had failed to do what it promised, but steps had been taken to ensure that this did not recur. Of the four cases investigated by the Local Government Ombudsman (LGO), three had been upheld. However, in none of these cases had the LGO concluded that an injustice had occurred to the complainant.

Referring to Appendix A of the report, the CCRO advised that 138 complaints had been received for the period 1 April 2014 to 31 March 2015, exactly the same number as for the corresponding period in 2013/14. Appendix D set out the lessons learned and actions taken as a result of complaints received. Appendix E provided

a summary of decisions taken by the LGO in the preceding two years. These figures indicated no trends and gave no cause for alarm.

Councillor M R Eddy welcomed Appendix D which was useful. The CCRO advised that a significant number of complaints about Planning matters arose from the fact that the complainants did not like the decision that had been made or simply did not understand the Planning process.

RESOLVED: That the report be noted.

18 REQUESTS FOR DISPENSATIONS

The Committee received a report on dispensations requested by Councillors P S Le Chevalier and S M Le Chevalier under Section 33 of the Localism Act 2011 and paragraph 8 of the Council's Code of Conduct.

RESOLVED: That the dispensations for Councillors P S Le Chevalier and S M Le Chevalier be granted with immediate effect, in the form set out at Appendix 1 of the report, for the remainder of the Members' current terms of office as District Councillors, unless revoked by the Council before then.

19 AMENDMENTS TO ARRANGEMENTS FOR CODE OF CONDUCT COMPLAINTS

The Solicitor to the Council reminded Members that the Kent Model Code of Conduct and associated model arrangements, under which allegations could be investigated, had been developed by a working group of the Association of Kent Secretaries (AKS), a professional association comprising Monitoring Officers and Chief Legal Officers from across Kent. The working group had undertaken a review of the Code and associated arrangements, and its recommendations had been adopted by AKS. The revised model arrangements (which contained only amendments) were now before the Committee for its approval. No changes were being proposed to the model Code itself.

AKS considered that some of the time limits in the model arrangements were too tight in practice, and they had therefore been extended. Another change was the removal of the requirement to publish on the Council's website the initial decision of the Monitoring Officer on whether to take action in respect of a complaint. The hearing panel procedure had been amended to include the introduction of a new pre-hearing procedure, and also now made provision for the Monitoring Officer to play a role in hearings in recognition of his key role in handling complaints in the earlier stages.

The Committee was advised that AKS had considered the 3-month time limit for the receipt of complaints. AKS had decided to retain the 3-month time limit in the model arrangements, having considered and rejected the approach taken by at least one Kent authority in conferring discretion on its Monitoring Officer to extend the time limit. Both the Monitoring Officer and the Solicitor to the Council considered that the position adopted by AKS to retain the time limit was to be preferred.

RESOLVED: (a) That the revised arrangements for the handling of allegations, as set out in the appendix to the report, be approved.

(b) That the Monitoring Officer be authorised to make any further editorial changes to the arrangements.

- (c) That, in the opinion of the Standards Committee, a fixed 3-month time limit should be retained for the receipt of complaints after the alleged misconduct occurred.

The meeting ended at 11.26 am.