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Minutes of the meeting of the **STANDARDS COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 23 January 2013 at 10.04 am

Present:

Chairman: Councillor B W Butcher

Councillors: P J Hawkins  
S C Manion  
K Mills  
M A Russell

Also Present: Mr B Dowley

Officers: Solicitor to the Council and Deputy Monitoring Officer  
Corporate Complaints and Resilience Officer  
Team Leader – Democratic Support  
Democratic Services Officer

## 434 APOLOGIES

An apology for absence was received from Councillor C J Smith.

## 435 MINUTES

The Minutes of the meeting of the Committee held on 29 October 2012 were approved as a correct record and signed by the Chairman.

## 436 COMPLAINTS REPORT

The Committee received the report of the Director of Governance on formal complaints received by the Council that had been processed through the Council's Corporate Support Section.

The Corporate Complaints and Resilience Officer (CCRO) advised that 6 complaints had been closed since the last meeting, none of which had led to a finding of maladministration. The Local Government Ombudsman (LGO) had closed 8 cases since the last meeting and had found no instances of maladministration. It was clarified that complaints relating to East Kent Housing were not currently reported to the Committee, but would in due course be incorporated into the complaints report. In respect of Complaint No ENV023 which was pending, the CCRO advised that the complaint centred on the delay in the case going to court. However, the delay had been unavoidable due to Officers needing time to gather evidence. The court had found in favour of the Council.

RESOLVED: That the complaints report be noted and the actions taken endorsed.

## 437 INFORMAL RESOLUTION OF CASES SC0101, 0102 AND 0103

The Solicitor to the Council advised that the new arrangements for dealing with Member complaints were less costly and allowed more informal action to be taken, such as training, mediation, etc. The Monitoring Officer had decided not to investigate cases SC0101, 102 and 103 but to seek to resolve the matters by

informal resolution. These particular cases had been triggered by the neighbourhood planning process introduced by the Localism Act 2011.

The neighbourhood planning process had at its foundation real community involvement in the preparation of the neighbourhood plan. As such, it had the potential to bring into focus the differing aspirations of different members of the community and their attendant tensions. These features of the process gave rise to the distinct possibility that more parish members would be the subject of complaints as a result.

Whilst it was accepted that some towns and parishes would benefit from further briefings on the Code of Conduct, it was recognised that policing the governance arrangements in towns and parishes was beyond the remit of the Council. It was incumbent upon parishes to seek advice and support through their own networks rather than looking to the District Council to resolve their issues for them through the Member Complaints Process.

RESOLVED: That the report be noted.

438 KENT MODEL - CODE OF CONDUCT FOR MEMBERS AND ASSOCIATED ARRANGEMENTS

The Solicitor to the Council and Deputy Monitoring Officer advised that the Association of Kent Secretaries Working Group had met on 10 December 2012 to consider lessons learned and areas for review. The Group had concluded that the new arrangements had not been tested sufficiently rigorously to warrant making changes at that stage. However, the situation would be reviewed in the spring with a view to making recommendations to authorities in July.

There were several areas of the Code which required further consideration. These included the right of Members to speak where there was a facility for members of the public to do so, and the addition of a third class of interest which would allow Members to declare an interest in accordance with Nolan Principles. In respect of the latter, the Solicitor to the Council and Deputy Monitoring Officer was inclined to the view that this might be better covered in Standing Orders as opposed to adding a further degree of sophistication to the Code of Conduct. There was also a need to look at provisions around Disclosable Pecuniary Interests (DPI).

The Committee was advised that there had been discussions by the Association of Kent Secretaries Working Group about the relationship between the Independent Person (IP) and the local authority. Some members of the group had suggested that a written protocol was needed, but others feared that this could compromise the independence of the IP.

The Monitoring Officer at Maidstone was working with Kent Police on developing a protocol for how criminal allegations made under the Localism Act 2011 would be dealt with. The Solicitor to the Council and Deputy Monitoring Officer was of the view that, unless the possibility of serious criminal charges was involved, eg corruption, it was likely that Kent Police would expect complaints against Members to be dealt with by the district authorities themselves under their arrangements for dealing with allegations against Members.

Mr Dowley, the Independent Person, was invited to speak by the Committee. Mr Dowley advised that the Kent Independent Persons' Forum, the successor to the Kent and Medway Independent Members' Group, had held its initial meeting. The

Forum would meet 3 times a year and the next meeting would look at formalising its aims and objectives. There was considerable diversity amongst local authorities in Kent regarding Standards Committee and IP arrangements.

Mr Dowley reported that there was confusion surrounding the role of the IP and suggested that guidance would be helpful. The Team Leader – Democratic Support advised that there was no Council webpage, but the letter issued to complainants and Members who were the subject of complaints explained the role of the IP. The Solicitor to the Council agreed that the Forum should develop and define the role of the IP. It would also be helpful to receive the Forum's views on the operation of the new arrangements so that these could be incorporated into recommendations made to Councils in July.

The Solicitor to the Council and Deputy Monitoring Officer asked members of the Committee to indicate whether they had any serious concerns with regard to the general approach of the Association of Kent Secretaries to the Code of Conduct and Associated Arrangements or any particular issues which they would wish to be considered.

RESOLVED: That the update from the Solicitor to the Council and Deputy Monitoring Officer be noted.

The meeting ended at 11.20 am.