

Minutes of the meeting of the **STANDARDS COMMITTEE** held at the Council Offices, Whitfield on Wednesday, 13 March 2013 at 10.03 am.

Present:

Chairman: Councillor B W Butcher

Councillors: J A Cronk
P J Hawkins
K Mills
M A Russell
C J Smith

Also Present: Mr B Dowley

Officers: Director of Governance and Monitoring Officer
Corporate Complaints and Resilience Officer
Democratic Support Officer
Democratic Support Officer

553 APOLOGIES

It was noted that there were no apologies for absence.

554 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

555 DECLARATIONS OF INTEREST

There were no declarations of interest.

556 MINUTES

The Minutes of the meeting of the Committee held on 23 January 2013 were approved as a correct record and signed by the Chairman.

557 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. Members were advised that the report now included complaints from East Kent Housing.

The Corporate Complaints and Resilience Officer (CCRO) advised that 3 complaints had been resolved since the last meeting, none of which had led to a finding of maladministration. In response to Councillor C J Smith, the CCRO advised that housing complaints were reported to the Board of East Kent Housing as part of its internal complaints process. Like those made against the Council, housing complaints could be referred to the Local Government Ombudsman. Moreover, although the Council's role was one of overview, it had powers to call in complaints of concern. Members agreed that there would be merit in reviewing East Kent Housing complaints on an annual basis.

- RESOLVED: (a) That the complaints report be noted and the actions taken endorsed.
- (b) That East Kent Housing complaints be reviewed on an annual basis by the Standards Committee.

558 APPLICATION OF THE CODE OF CONDUCT TO DUAL-HATTED MEMBERS

The Director of Governance referred Members to a letter from David Monk, a Shepway District Council member, to Brandon Lewis MP, Parliamentary Under-Secretary of State at the Department for Communities and Local Government, concerning dual-hatted councillors. As a result of the Minister's response, district Members would now be advised to declare membership of all county and parish councils on their notification of Disclosable Pecuniary Interests (DPI) form. Members would then need to consider on an individual basis whether the item of business under consideration triggered this DPI. For some Members it was unlikely that the DPI would be triggered unless the allowance received in respect of their county or parish position represented a significant proportion of their income. This issue had not been tested in the courts, and there remained considerable uncertainty as to how it would work in practice. It was likely that dispensations would need to be utilised more frequently. Members expressed concern that they could inadvertently breach the Kent Model Code of Conduct through no fault of their own due to the Code's lack of clarity.

- RESOLVED: (a) That the Minister's response be noted.
- (b) That the Committee's views be reported to the Monitoring Officers' Group.

(In accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972, the Chairman agreed that this item, which was not detailed on the agenda, should be considered as a matter of urgency.)

559 KENT MODEL CODE OF CONDUCT

The Director of Governance reported that some Kent County Council members were seeking to introduce a right of appeal for members at the conclusion of the investigation and hearing process. In the case of parish and district members found to be in breach of the Code of Conduct, present arrangements were that the Standards Committee made recommendations to the parish council and full Council respectively regarding the sanctions that should be applied. At local level, an Appeals Committee would need to be established. Councillor K Mills indicated that he had some sympathy with the idea of a right of appeal, subject to how it was controlled.

RESOLVED: That the proposal be noted.

(In accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972, the Chairman agreed that this item, which was not detailed on the agenda, should be considered as a matter of urgency.)

The meeting ended at 10.44 am.