

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Bewl Room, Sessions House, County Hall Maidstone on Thursday, 17 November 2011.

PRESENT: Mr P Gammon, MBE (Chairman), Mrs N Ahmed, Mr L Christie, Mr D S Daley, Mr J F London (Substitute for Mr K A Ferrin, MBE), Mrs N Ahmed and Mr P Gammon, MBE

ALSO PRESENT: Mr G Cowan, Mr A J King, MBE and Mr T Prater (on behalf of Mrs T Dean)

IN ATTENDANCE: Mr G Wild (Director of Governance and Law), Mr P Sass, Head of Democratic Services

UNRESTRICTED ITEMS

30. Substitutes/apologies

(Item 1)

Apologies were received from Roberta MacCrone and John London was a substitute for Keith Ferrin.

31. Election of Chairman

(Item)

Resolved: that, in the absence of the Chairman, Mr Gammon be elected Chairman for this meeting only.

32. Declarations of Interest

(Item 2)

There were no declarations of interest made by Members of the Committee.

33. Minutes of the meeting held on 5 October 2011

(Item 3)

Resolved: that the minutes of the previous meeting held on 5 October 2011 be approved as a correct record and signed by the Chairman.

34. The Localism Bill - proposed changes to the Standards regime

(Item 4)

(1) At its previous meeting, the Committee had agreed to have a discussion with Group Leaders about the future shape of the ethical standards regime on the basis that the proposals currently contained in the Localism Bill would be enacted as drafted.

(2) Mr Alex King was present for Mr Carter. Mr Prater was present for Mrs Dean. Mr Cowan had given his apologies for the meeting, but Mr Christie gave the views of the Labour Group.

(3) The Committee noted that, following the third reading of the Bill in the House of Lords on 27 October, it was likely that local authorities would have to adopt a Code of Conduct based on the seven Nolan Principles of public life and to include provisions on the registration and disclosure of pecuniary and other interests. The amendments also included a provision that local authorities must appoint at least one independent person whose views must be sought and taken into account before the authority came to a decision following an investigation that a Member had breached the Code. It was noted that these amendments were accepted by the House of Lords and that, with the exception of the abolition of the Standards Board for England and the sanctions available to local authorities in relation to breaches of the Code, the existing regime was likely to remain almost intact.

(4) During discussion, the following points were made:

- It was suggested that KCC, the Police and Fire Authorities might be able to share a single Standards Committee, as the business across the existing Committees varied so much
- Whilst the final legislation was awaited, there was a strong chance that any independent Members required in the future could not have been serving co-opted members in the previous 5 years, which might preclude existing Members from serving on any new Standards Committee
- The role of any independent Members in the future was an important aspect in terms of whether their views on complaints were merely advisory, or if they have a right to vote on whether a Member had breached the Code of Conduct and any sanction that might follow
- The idea of a County-wide Standards Committee was also floated, although some Members thought that the District Councils would not support such a move
- There was agreement round the table that any changes to the current regime must support and reinforce the integrity of Members and that the perception of the public about the way in which the County Council policed itself was very important
- There was support for a single Code of Conduct for all Councils in Kent, but that the sovereignty of individual Councils should not be affected

(5) The Committee concluded that the next step was for the Head of Democratic Services to prepare a further paper, which would form the basis of consultation with the political groups before coming to the Standards Committee and then the full Council in the New Year. The paper would have to reflect the final shape of the legislation, although the Committee noted that it was highly likely to include the retention of a Code of Conduct and a body with a similar role to the existing standards committee with advice and support from at least one independent person.

(6) Resolved: that the Head of Democratic Services be requested to proceed on the basis outlined above.

35. Bribery Act Policy (Item 5)

(1) The Committee noted that the County Council was being asked to adopt a policy on Bribery, following the introduction of the Bribery Act 2010, which came into force on 1 July 2011. The proposed adoption of the policy involved a number of consequential amendments to the Constitution, one of which was a reference to it in the Code of Conduct for Members. The Committee was asked to make comments on the draft Bribery Act policy and to agree to reference being made to it in the Code of Conduct, as detailed in Appendix 2 of the report, once the Policy had been formally adopted by the County Council.

(2) Resolved: that the County Council be recommended to amend the Code of Conduct for Members by the addition of a new paragraph 6 (4) in the General Obligations section, as follows:

“must comply with the Council’s Bribery Act Policy, which applies to you, officers and any other person or organisation with whom you are dealing”.

36. Standards Committee Work Programme *(Item 6)*

The Committee noted its future work programme and the Chairman stated that the Committee might need to meet sooner than 7 March 2012.