

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Monday, 9 May 2022.

PRESENT: Mr J A Kite, MBE (Chair), Mrs S V Hohler, Rich Lehmann, Mr R C Love, OBE, Mr C Simkins, Dr L Sullivan and Mr B J Sweetland

IN ATTENDANCE: Mr T Godfrey (Senior Governance Manager), Mr B Watts (General Counsel) and Mr J Cook (Democratic Services Manager)

UNRESTRICTED ITEMS

1. Election of Vice-Chair

(Item 2)

- 1) The Chair called for nominations – Mr Love proposed Dr Sullivan, Mr Lehmann seconded the nomination. No other nominations were received.

RESOLVED that Dr Sullivan be elected as Vice-Chair.

2. Declarations of Interest

(Item 3)

No declarations were made.

3. Minutes of the meeting held on 25 May 2021

(Item 4)

RESOLVED that the minutes of the meeting held on 27 May 2021 were a correct record and that they signed by the Chair.

4. Appointment of Hearing Panel

(Item 5)

- 1) Mr Watts provided an overview the Hearing Panel arrangements necessary within the Member complaints process. He explained that when complaints are progressed to the relevant stage it was necessary for them to be considered by a formal committee session in the form of a Hearing Panel made up of KCC Elected Members.
- 2) Mr Watts explained an Independent barrister be involved in any case progressing to that stage, presenting at the Hearing and conducting relevant investigations.
- 3) Responding to questions about the process and timeframes for complaints, Mr Watts and Mr Godfrey explained that it was necessary for the Committee to establish the Hearing Panel and its arrangements to ensure all was in place in

the event that any complaint reached the relevant stage. The membership arrangements were discussed, including clarification that while named individuals were sought as part of the establishment of the Hearing Panel, political proportionality and normal substitute arrangements would apply.

- 4) Mr Watts advised the Committee that no complaints had reached the Hearing Panel stage in previous Council terms under the current Standards regime. He further clarified that the Hearing Panel was the final stage of the complaints process and was only used if an informal resolution was not suitable and when an independent person had reviewed the matter and the required barrister had undertaken the relevant investigation.

RESOLVED that the Standards Hearing Panel be established, consisting of three Members; the Chair and Vice-Chair of the Standards Committee and Mr Rory Love identified as the initial members to be called upon in the event of a Hearing Panel being required.

5. Standards, Training and Culture

(Item 6)

- 1) Mr Watts introduced the report, outlining the previous activity undertaken to communicate with Members regarding the expectations of Member Behaviour under the Code of Conduct. He noted that it was not for Officers to interfere or intervene in political matters or discourse but that this relied on Members having the training and support to undertake their roles in an appropriate way, in line with the required behaviours, conduct rules and KCC culture. Mr Watts confirmed that a key point of this item with Members on this subject to ensure any options, training arrangements or support was informed properly by Member views and requirements. In the longer term, the item recommendation sought to ensure that the planning for training on this matter should be a priority for the Member Development Sub-Committee.
- 2) Member discussed the issue of training timeframes and mandatory requirements. It was noted that historically, KCC had not made non-legally required training mandatory. It was suggested by Members that training should take place for any Hearing Panel before considering a complaint. On the wider culture and behaviours piece, including the impact of standards failures, Members discussed the value of exploring external input and advice regarding best practice and research data to support any training or support needs. Other Members highlighted the need to explore the issue with wider public through engagement and consultation.
- 3) The Committee recognised the importance of Members being reminded of their responsibilities around appropriate conduct and ethics. It was suggested that further work should be undertaken in due course to explore options and mechanisms that would support improved behaviour and culture within the terms of the Code of Conduct.

RESOLVED that;

- the Member Development Sub-Committee be asked to prioritise consideration of Member training on Standards within its work programme;
- Standards Training should, where possible, be provided to any Hearing Panel in advance of any case;

6. Government Response to the Committee on Standards in Public Life (Item 7)

- 1) Mr Godfrey (Senior Governance Manager) introduced the report, which set out the implications of the Government Response to the report on Local Government Ethical Standards, published by the Committee on Standards in Public Life. In response to the report, the Local Government Association had developed a recommended model code but it was highlighted that the development of this had been challenging as it preceded the release of the Government's response. As per the response, Government had opted to not make substantive changes to the legislation regarding complaints.
- 2) Mr Godfrey advised that key points to note included that Government was supportive of changing DPI requirements which had previously defaulted to expecting that Members home addresses were published and it was also supportive of increasing statutory protections for certain statutory posts, in line with the need to ensure that relevant Officers must have assurance they can give appropriate required challenge without fear of repercussion.
- 3) Mr Godfrey summarised that the no major changes to the Kent Code were required as a result of the Government response and the limits of what can be covered or managed within the Code remained the same.
- 4) Responding to questions from Members, Mr Godfrey and Mr Watts explained that;
 - the timeframe for any of the formal changes was not yet confirmed by legislation or regulations may be brought forward in due course.
 - The Government was not required to accept and implement any or all of the recommendations from the Committee on Standards in Public Life.
 - The six-month suspension sanction raised in the report, while not rejected by Government, had not been supported in the response and it was therefore unlikely to be progressed.

RESOLVED that the report be noted.

7. Amendment to the Kent Code (Item 8)

- 1) To support the consideration and provide context, Mr Watts was asked to provide an overview of the Member complaint process. He explained that this process involved numerous stages of review, assessment of the impact of Member conduct and the involvement of an independent person to support the Monitoring Officer consideration of complaints. Mr Watts highlighted that a significant number of previous complaints received during lockdown related to alleged Council failures rather than individual Member conduct.

- 2) Responding to questions, Mr Watts confirmed that he was committed to investigating and dealing complaints as quickly as possible within the resources available. He highlighted that many complaints were now more complex and these took more time to investigate. He noted that complainants were often dissatisfied with the outcome and it was important for the Committee to keep the complainant perspective in mind. Further information from that angle could be provided in future. In answering questions relating to specific timeframes or completion deadlines, Mr Watts advised that any mandatory response period would have resource implications but more importantly, the management of complaints within the Code had to involve an element of flexibility and reasonableness to ensure they could all be handled appropriately and effectively.
- 3) Mr Godfrey then introduced the substantive report, providing an overview of the issues and background. The item asked for consideration of the Kent Code of Conduct for Members recommended by the Kent Secretaries Group in response to the publication of the LGA Model Code of Conduct. He explained that practice varied with some councils effectively adopting the recommended code wholesale while others, including KCC had opted to use the recommended Code as a driver to undertake their own review. Mr Godfrey clarified that the Localism Act 2011 underpinned the current regime and therefore the legal framework for Member complaints could potentially be considered as slightly dated.
- 4) In outlining the changes within the recommended code, Mr Godfrey advised that some were tidying changes or minor tweaks while others involved making more substantive updates.
- 5) The Committee discussed and considered the suggested changes to the Code as set out within the LGA Model Code of Conduct. Comments were made on various elements and questions of clarification were asked. Mr Watts and Mr Godfrey advised the Committee at each stage. Key points on the relevant sections (see report in main agenda pack for details – edits marked A through to I) were as follows:
 - Change A - rejected as unnecessary.
 - Change B - Committee sought further clarification on the social media. Agreed to delegate management of any required changes.
 - Change C – Members discussed the challenge of agreeing a single definition of bullying. It was noted that a clear definition was helpful for the Monitoring Officer in the management and assessment of complaints. Agreed subject to updated drafting by the Monitoring Officer on the bullying definition.
 - Change D – Agreed following clarification on the change simply making it clear that releasing ‘exempt’ information is a breach of the Code.
 - Change E – Rejected as required further review outside of the this item.
 - Change F – Required further review. Not agreed pending further information.
 - Change G – Agreed subject to removal of references to website content.
 - Change H – Agreed
 - Change I – Agreed

RESOLVED that, with the caveats noted above, the approved changes be recommended to County Council for approval.

8. Monitoring Officer Update

(Item 9)

- 1) Mr Watts provided a brief update on potential areas of consideration of the Standards Committee. He suggested that paper be brought to a future meeting reviewing the Terms of Reference of the Committee and that this could support the development of a substantive work programme.

RESOLVED that the report be noted.