

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Wednesday, 7 March 2012.

PRESENT: Miss R MacCrone (Chairman), Mr L Christie, Mr D S Daley, Mr K A Ferrin, MBE, Mrs N Ahmed, OBE, DL and Mr P Gammon, MBE

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

UNRESTRICTED ITEMS

37. Minutes of the meeting held on 17 November 2011

(Item 3)

RESOLVED: that the minutes of the meeting held on 17 November 2011 are correctly recorded and that they be signed by the Chairman subject to the deletion of Mrs N Ahmed OBE, DL and Mr P Gammon MBE from the list of Members who were present as their names appeared twice.

38. Localism Act 2011 - Changes To Standards Regime

(Item 4)

(1) The Committee received a report from the Director of Governance and Law which advised the Committee of:

- (a) the provisions relating to the standards regime contained in the Localism Act 2011;
- (b) the changes which the Council will need to make to its Standards arrangements as a result; and
- (c) options for making these changes.

(2) The Committee was invited to make comment on these options for further consideration by both officers and Members, with a view to submitting a report containing final proposals in early May, so that they can be adopted by the County Council at its annual meeting on 17 May 2012.

(3) Members made the following comments on the report:

Member Annual Reports

(4) There were a number of different views expressed by members of the Committee, including:

- (a) disappointment that it had been decided not to go ahead with Annual reports this year;

- (b) concern about the inclusion of remuneration from other public bodies in an Annual Report which was about service as an elected Member of Kent County Council;
- (c) completion of the Annual Report should be voluntary; and
- (d) the template for the Annual Report should be modernised

Code of Conduct for Members

(5) The Committee noted that work was being conducted by the Local Government Association on the potential production of a single national code.

(6) Another option was to work with the Borough and District Councils, Medway Council and other public bodies such as the Kent and Fire Rescue Authority to achieve a single code across the county.

Standards Committee

(7) The Committee considered a number of options for the range of activities that would remain as a consequence of the Localism Act, following the abolition of the Standards Committee on 30 June 2012.

(8) There was unanimity that a new committee should be established with both elected and independent Members and the work of the Committee should not be absorbed into the work of one of the other Council Committees, e.g. the Governance and Audit Committee.

(9) The involvement of independent persons on the Committee was fundamental in terms of public perception and one which should be continued with the new arrangements.

(10) The consensus view was that a new Committee should be a minimum of 3 elected Members and 3 independent Members

Arrangements for Dealing with Misconduct Debates

(11) The Localism Act abolishes the current local determination regime. Instead, the Council will be required to have in place arrangements under which allegations that Members (and co-opted members with voting rights) have breached the Code of Conduct can be investigated and decisions on those allegations taken.

(12) Members of the committee had a range of views including:

- dealing with complaints by a Panel of three one of whom should be an independent person;
- having an equal number of elected members and independent persons;
- a committee with equal elected members and independent persons but the independent persons would not have a vote. Reasons would have to be given in disregarding any of the views expressed by an independent person as a Member of the Committee; and

- Consider including on the Committee any member who is a Justice of the Peace.

(13) The role of the Monitoring Officer to seek an informal resolution would continue as part of the new regime.

(14) In conclusion, the Committee agreed that the arrangement for dealing with misconduct complaints should be as simple as possible and have as much flexibility as possible to achieve a local resolution to a complaint

(15) Whilst recognising that there is no requirement to put in place any appeals mechanism against decisions on complaints, either for complainants or the Member who is the subject of the complaint the consensus of the Committee was there should be an appeals mechanism.

Independent Persons

(16) In response to a request from the Kent and Medway Fire Authority to jointly appoint and share Independent Persons between the two authorities the Committee agreed this would be sensible.

Interests

(17) It was important for the Committee to see as soon as they are available the regulations which define "Disclosable Pecuniary Interests (DPIs). Once received, Members would be asked to complete a new declaration on any DPIs.

(18) The Committee agreed that it would be helpful for the Committee to hold a further meeting in late April or early May so that it can advise the County Council on proposals for a new Code and for the new procedures assuming the regulations on "Disclosable Pecuniary Interests" had been published.

(19) RESOLVED that:

- (a) the comments on the options for a new standards regime form part of the ongoing discussion in preparing a report for the County Council on 17 May 2012; and
- (b) delegate to the Head of Democratic Services the authority to commence the recruitment process for the Independent Person(s), in consultation with the Deputy Leader and the Chairman of the Standards Committee, on the basis of it being a shared appointment between Kent County Council and the Kent and Medway Fire and Rescue authority.

39. Member Role Descriptions and New Governance Arrangements for Kent County Council (Item 5)

(1) The Committee was invited to consider a new role description for the Chairman of the proposed Cabinet Committees, the Chairman of the Scrutiny Committee, the locality Lead/Vice Chairman of the Locality Board and amended role descriptions for the Leader, Deputy Leader and Cabinet Members.

(2) RESOLVED: that the role descriptions be endorsed for inclusion in the report on the new governance arrangements for Kent County Council to be considered by the Selection and Member Services Committee on 14 March and the County Council on 29 March 2012.

40. Date of Next Meeting

(Item 7)

RESOLVED: that a meeting of the Standards Committee be held on Thursday 26 April 2012 at 10am and the three Group Leaders be invited to attend this meeting.