

## KENT COUNTY COUNCIL

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### STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Bewl Room, Sessions House, County Hall Maidstone on Thursday, 26 April 2012.

PRESENT: Mr L Christie, Mr D S Daley, Mr K A Ferrin, MBE,  
Mrs N Ahmed, OBE, DL and Mr P Gammon, MBE

ALSO PRESENT: Mr A J King, MBE, Mrs T Dean and Mr G Cowan

IN ATTENDANCE: Mr G Wild (Director of Governance and Law) and  
Mr P D Wickenden (Democratic Services Transition Manager)

#### UNRESTRICTED ITEMS

##### **41. Substitutes/apologies**

*(Item 1)*

Apologies had been received from Ms R MacCrone and Peter Sass.

##### **42. Election of Chairman for the Meeting**

*(Item )*

Mr Daley moved, Mr Christie seconded that Mr P Gammon, MBE be elected Chairman for the meeting which was unanimously agreed.

*Mr P Gammon, MBE thereupon took the chair.*

##### **43. Minutes of the meeting held on 7 March 2012**

*(Item 3)*

RESOLVED that the minutes of the meeting held on 7 March 2012 are correctly recorded and that they be signed by the Chairman.

##### **44. Options for implementing a new standards regime**

*(Item 4)*

(1) Mr A J King MBE, Deputy Leader, Mrs T Dean, Leader of the Opposition and Mr G Cowan, Leader of the Labour Group were in attendance for this items.

(2) The Committee had a paper which had been prepared on the basis of the discussions of the Committee on 7 March 2012. Following the publication of the Localism Act 2011. The report invited the Committee to formulate its views and proposals for consideration by the County Council who would agree a new regime at its meeting on 17 May 2012.

(3) Since the March meeting of the Committee both the Local Government Association (LGA) and the Department of Communities and Local Government

(DCLG) had published codes of conduct which were appended to the report together with the current Kent County Council Code of Member Conduct.

(4) The Committee also noted that the latest indications from the DCLG was that the Statutory Instrument relating to Disclosable Pecuniary Interests (DPIs) was expected to be laid before Parliament in draft form at the end of April/beginning of May 2012.

(5) The Committee debated at length including listening to the views of Mr A J King MBE, Mrs T Dean and Mr G Cowan before reaching the following conclusions:

#### *Adoption and Approval of a New Code of Conduct*

(6) The Committee noted that the Director of Governance and Law together with his twelve Borough/District colleagues across Kent and Medway Council were meeting on 3 May to discuss a Pan Kent Code of Conduct. The Committee concluded that the Director of Governance and Law should negotiate for a Pan Kent Code based on the ten principles set out in "The Relevant Authorities (General Principles) Order 2001" and the seven principles set out in the Template Code of Conduct recently published by the Local Government Association.

(7) The Committee would ideally like to see a Joint Panel for the whole of Kent but they acknowledged that this might not be practical or acceptable to other constituent authorities. The issue of having a shared pool of Independent persons was also considered by the Committee to be a useful starting point which they welcomed the Director of Governance and Law negotiating on at the meeting on 3 May 2012

#### *Committee Structure and Membership for Administering the Code*

(8) The Committees preferred option is that a new Committee should be constituted from 1 July 2012 comprising 6 Members - one elected Member from each Political Group together with 3 Independent Persons who would have no vote. The views of the Independent Persons would carry considerable influence and weight. Reasons would need to be given should the Committee disregard the views expressed by an Independent Person in the absence of the independent persons not be allowed a vote.

(9) The proposed terms of reference for this Committee are attached as an Appendix to these Minutes.

#### *Training for Committee members and Officers*

(10) It was agreed that this should be reflected in the terms of reference for the new standards regime for Kent. Every effort should be made to share and deliver the training across Kent Local authorities.

#### *Formal Procedures for dealing with Misconduct Complaints*

(11) With regard to the formal procedures for dealing with misconduct complaints the Committee recommend that for any new Standards regime the arrangements of a Standards (Assessment) Sub Committee which is convened under the existing arrangements was proven to work well and should continue when the statutory

power no longer exists. The Committee were also of the opinion that the procedures for dealing with misconduct complaints should also include an appeal mechanism.

(12) The Committee acknowledged that there was a very fine dividing line between the officer undertaking some information gathering to seek clarity on the Committees behalf which must not be viewed as pre-empting a decision to be taken by the Standards (Assessment) Sub Committee. This warranted careful consideration for any new standards regime.

#### *Disclosable Pecuniary Interests (DPIs)*

(13) The Committee recommend that the DPI register should be updated on an annual basis or when a DPI arises.

(14) The onus should be placed on members to declare a DPI at any meeting whether it is a formal or informal meeting. The Committee recommend that the person declaring the DPI should leave the meeting upon declaration for consideration of the item under discussion in which they have a DPI.

(15) The Committee discussed how dispensations would be administered in the new standards arrangements as the power to grant dispensations will be transferred from Standards Committee to the Council. The Committee recommend that dispensations should with be delegated to the successor body or the Monitoring Officer.

#### *Annual Reports*

(16) Having approved the Minutes of the meeting on 7 March 2012 as an accurate record of the meeting the Committee agreed that what was said in the report about the Annual Reports was not an agreed resolution.

(17) RESOLVED .that:

- (a) the Director of Governance and Law be authorised to negotiate with colleagues in the Kent District Councils, Medway Council and with the Kent and Medway Fire Authority on a pan Kent Standards regime including a Code, Panel and shared independent person resource and reflecting the views expressed by the Committee set out in paragraphs (6) to (8) above;
- (b) the County Council on 17 May 2012 be recommended to continue with the existing Code of Member Conduct and common law sanctions for the period 1 July to 19 July when the County Council will be asked to approve the new standards regime for kent County Council.

#### **45. Date of Next Meeting** *(Item 6)*

RESOLVED that the Committee should convene again at a mutually convenient date towards the end of June to consider the report on the arrangements for a new Standards regime for submission to the County Council for approval on 19 July 2012.

