

## KENT COUNTY COUNCIL

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### STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Stour Room, Sessions House, County Hall, Maidstone on Tuesday, 26 June 2012.

PRESENT: Miss R MacCrone (Chairman), Mrs N Ahmed, OBE, DL, Mr D S Daley, Mr P Gammon, MBE and Mr J F London (Substitute for Mr K A Ferrin, MBE)

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

### UNRESTRICTED ITEMS

#### URGENT BUSINESS

In accordance with the Access to Information Act requirements it had not been possible to publish the papers in accordance with the statutory requirements. The Committee therefore agreed to declare the business urgent on the grounds that it had not been possible to publish the papers any earlier because of the late publication of government regulations and the consequential ongoing dialogue with local authorities across Kent which has led to the almost universal acceptance of the Kent Code of Conduct and Arrangements.

#### **46. Substitutes/apologies**

*(Item 1)*

The Committee noted apologies from Mr K Ferrin MBE, Mr L Christie and Mr P Sass, Head of Democratic Services. Mr J London attended the meeting as substitute for Mr K Ferrin MBE.

#### **47. Declarations of Interest**

*(Item 2)*

Mrs Ahmed declared an interest as a potential applicant for the post of "independent person".in the report on the "Localism Act 2011 – Adoption of a New Standards Regime

#### **48. Minutes of the meeting held on 26 April 2012**

*(Item 3)*

RESOLVED that the minutes of the meeting held on 26 April 2012 are correctly recorded and that they be signed by the Chairman subject to the replacement of "and" for "or" in Minute 44 paragraph (13)

#### **49. Localism Act 2011 - Adoption of a New Standards Regime**

*(Item 4)*

- (1) Under the provisions of the Localism Act 2011 the existing Standards regime ceases to operate on 30 June 2012. The transitional arrangements are very

limited and do not allow for the old arrangements to continue. The Act puts in place a system of requiring Members to notify the Monitoring Officer of a new category of interests (Disclosable Pecuniary Interests "DPI") and requires him to maintain a public register of those interests. Additionally, the council must, with effect from 1 July 2012 adopt a new code of conduct and put in place arrangements for investigating allegations of failure to comply with the code and for making decisions in respect of those allegations.

- (2) The Committee had before them a detailed and complex report on which their views and recommendations were sought for the County Council on 19 July 2012 who would be asked to adopt a new Standards regime.
- (3) The report had been prepared by the Monitoring Officers and Chief Legal Officers across the County including the Kent and Medway Fire and Rescue Authority but excluding Medway Council.
- (4) After a comprehensive and detailed debate of all the issues the Standards Committee RESOLVED to recommend to the County Council on 19 July 2012 the following:
  - (a) That the Council adopts the Kent Model Code of Conduct which deals with the conduct expected of members and co-opted members of this authority when they are acting in that capacity. The Code to be retrospectively effective from 1 July 2012.
  - (b) That the Council notes the requirements of the Localism Act for members to notify the Monitoring Officer of any DPis by 28 July 2012 and the duty of the Monitoring Officer to establish and maintain a register of member's interests. The Committee endorsed the letter and declaration form to be sent immediately to all Members.
  - (c) That the council adopts the arrangements under which allegations of non-compliance with the Code can be investigated and under which decision can be made. The arrangements shall be retrospectively effective from 1 July 2012. The County Council delegates to the Monitoring Officer and the Hearing Panel the right to depart from these arrangements where considered expedient to do so in order to secure the effective and fair consideration of any matter.
  - (d) That the existing Standards Committee be dissolved with effect from midnight on 30 June 2012.
  - (e) That as from 1 July 2012 a new Standards Committee be established with the Terms of Reference and Delegations set out in the appendix to the report.
  - (f) That the County Council dis-applies the proportionality arrangements and appoints 3 members one from each political group to serve on the new Standards Committee
  - (g) That the Director of Governance and Law in consultation with the three Group Leaders and the Chairman of the Selection and Members Services

Committee be authorised to undertake the recruitment of an independent person and a substitute to discharge the functions ascribed by section 28 of the Localism Act 2011. This recruitment process and the interchangeability of the Independent Person to substitute for the Kent and Medway Fire and Rescue Authority was welcomed. The appointments to be retrospectively effective from 1 July 2012 and to be for a term of 5 years and 1 day.

- (h) That the remuneration package for the Independent Person be as follows
  - (i) a retainer fee of £500 per annum;
  - (ii) £100 per day (pro rata for a part day)
  - (iii) standard mileage allowance; and
  - (iv) full indemnity insurance
  
- (i) That the scheme of officer delegations with regard to Council functions be amended as from 1 July 2012, so as to confer on the Monitoring Officer the delegations for discharging section 33 (1) and (2) of the Localism Act 2011
  
- (j) Adopt the Procedure Rules with effect from 1 July 2012
  
- (k) That the Monitoring Officer be requested to keep the Code and arrangements under review and to report to the Council or Standards Committee as necessary

*(Note as a potential applicant for the post of independent person Mrs N Ahmed withdrew from the meeting for consideration of the Independent Person's remuneration package)*

## **50. New Template for the Annual Review Report**

*(Item 5)*

RESOLVED that the Committee endorse the new template for annual review reports and invite all members to complete their report for the period 1 April 2011 to 31 March 2012.