

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Monday, 20 July 2009.

PRESENT: Miss R MacCrone (Chairman), Mr L Christie, Mr D S Daley, Mr J F London and Mr P Gammon, MBE

ALSO PRESENT : Mr P B Carter and Mrs T Dean

IN ATTENDANCE: Mr P Sass (Head of Democratic Services and Local Leadership)

UNRESTRICTED ITEMS

1. Substitutes/apologies
(Item 1)

Apologies for absence were received from Mrs N Ahmed OBE DL and Mr G Wild, Director of Law and Governance.

2. Declarations of Interest
(Item 2)

No declarations of interest were made by Committee Members.

3. Minutes of the meeting held on 28 May 2009
(Item 3)

In response to a question from Mr Christie about the review being undertaken by the Independent Remuneration Panel on the format and content of Annual Reports, Mr Sass advised the Committee that the Chairman of the Independent Remuneration Panel intended to invite Group Leaders to contribute to the review. Members asked for the Panel's draft proposals to be reported to this Committee for comment prior to being finalised.

RESOLVED: that:

(1) the minutes of the meeting held on 28 May 2009 be approved and the Chairman be authorised to sign them as a correct record; and

(2) the Head of Democratic Services and Local Leadership be asked to ensure that the Independent Remuneration Panel's proposals on the review of Members' Annual reports be brought to this Committee at an appropriate stage for comment.

4. Review of Ethical Standards Training for Members
(Item 4)

(1) The Chairman welcomed the Group Leaders to the meeting for this and the next item.

(2) Mr Carter stated that new Members had been extremely complimentary about the Member Induction Programme and acknowledged the hard work that must have gone into pulling the programme together.

(3) With regard to the training on ethical standards and the Code of Conduct, there was some discussion as to whether it had been agreed the training should be compulsory, or whether the attendance of Members was merely “strongly encouraged”. Mr Sass was asked to supply to Group Leaders a comprehensive list of those Members who had attended the training, so that those who had not could be chased up.

(4) Mrs Dean commented that the format and content of the training on ethical standards was effective and very helpful to Members in understanding their responsibilities under the Code.

RESOLVED: that

- (1) the contents of the report be noted; and
- (2) the Head of Democratic Services be thanked for his work as facilitator for the sessions on ethical standards and the Code of Conduct.

5. Monitoring Officer Protocol in Relation to the Assessment of Complaints
(Item 5)

(1) The Committee considered a report of the Head of Democratic Services and Local Leadership, which proposed the introduction of a protocol for dealing with complaints that a Member is alleged to have breached the Code of Conduct. Two key parts of the protocol related to authority being given to the Monitoring Officer to advise a subject Member that a complaint had been made about him/her and to provide a summary of that complaint; and the extent to which the Monitoring Officer could, in certain circumstances, seek to establish whether there was the potential for a local resolution and to report these facts to the Assessment Sub Committee. During a debate, the following comments were made:

- All present agreed that it was a positive step to provide the subject Member with a summary of the complaint being made against them
- There was some concern that the local resolution procedure could be perceived as KCC trying to persuade individuals to withdraw their complaints. Mr Sass assured the Committee that this would not be the case; merely to establish the capacity and potential to resolve a complaint and to report these facts to the Assessment Sub Committee in the usual way.
- Members of the Committee agreed that the Monitoring Officer should not seek to have extensive negotiations between the complainant and the subject Member, as this could give the wrong impression about the role of the Monitoring Officer as opposed to the role of the Assessment Sub Committee

RESOLVED:

- (1) the proposed Monitoring Officer Protocol be adopted by the Committee subject to the following alterations:
 - (a) the word "shall" in the second line of paragraph 3.2 to be replaced with the word "may"
 - (b) Paragraph 3.2 to be further amended to make it clear that the complainant should be approached first to establish what sort of resolution they were seeking; then approach the subject Member to establish their views on the resolution being sought
 - (c) Paragraph 5.2 be amended to read "...and this may include another appropriately experienced senior officer of the Authority, a senior officer of another Authority, or a consultant."
- (2) The Head of Democratic Services and Local Leadership be requested to make these amendments and communicate the protocol to Members and members of the public

(Mr Christie asked for it to be recorded in the Minutes that he did not consider that the section of the Protocol dealing with Local Resolution was necessary).

6. The Standards Committee (Further Provisions) (England) Regulations 2009
(Item 6)

(1) The Committee considered The Standards Committee (Further Provisions) (England) Regulations 2009, with specific reference to the new powers to create joint Standards Committees with other Authorities and the new regulatory role of Standards for England to intervene in cases of poor performance by an Authority's Standards Committee.

(2) Members noted that neither the Kent and Medway Fire and Rescue Authority, the Kent Police Authority or Medway Council had formally asked KCC to form a joint Standards Committee. Members were of the view that the individual Standards Committees within each of these authorities were well-established and effective in promoting and raising ethical standards and that, to date, there was no case for introducing joint committees, other than to share independent Members on specific complaint cases when the need arose.

RESOLVED: that the new Regulations be noted and the Committee agrees not to pursue the formation of a Joint Standards Committee with any other Authority at the current time.

7. Work Programme and Future Meeting Dates
(Item 7)

(1) The Committee considered its work programme and future meeting dates.

(2) In relation to the Members' Register of Interests due to be considered at the November 2009 meeting, Members agreed that there should be a short covering

report detailing the process, the documentation sent to Members and how the returns are published. In addition, Members agreed that hard copies of all 84 Members' Register of Interests forms should be circulated in advance of the Committee Meeting, for perusal.

RESOLVED: that the report be noted.