

## KENT COUNTY COUNCIL

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### STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Friday, 29 November 2013.

PRESENT: Mr J A Kite, MBE (Vice-Chairman in the Chair), Mrs A D Allen, MBE and Mr D S Daley

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

#### UNRESTRICTED ITEMS

##### **6. Minutes of the meeting held on 6 September 2013**

*(Item 3)*

RESOLVED that the Minutes of the meeting held on 6 September 2013 are correctly recorded and that they be signed by the Chairman.

##### **7. Kent Code of Conduct for Members**

*(Item 4)*

- (1) When considering the operation of the Kent Code of Conduct for Elected Members (the Code) in the past year and some minor consequential amendments recommended by the Kent Secretaries, concerns were expressed over two provisions within the Code which the Committee asked to be reviewed. These related to the ability to:
  - (a) make a complaint anonymously; and
  - (b) maintain their confidentiality
- (2) The report also addressed a small anomaly raised by Mr George, the Independent Person concerning the Code and the operational procedures.
- (3) Since the last meeting, the opportunity had been taken to look at a number of other local authorities to see how they dealt with the two provisions on which the Committee had expressed its concern.
- (4) The Committee noted that none of Kent's nearest neighbour authorities made reference to confidentiality or anonymity within their Member Code of Conduct, but reference is made to these issues within the guidance notes and procedures for investigating complaints.
- (5) The Committee's attention was particularly drawn to the provisions set out in the operational procedures at Devon, Suffolk, West Sussex and Worcestershire County Councils.
- (6) Attached as an appendix to the report was a tracked version of the Code and procedures which showed the effect of removing the two paragraphs relating

to anonymity and confidentiality from the procedures. The appendix also reflected some minor changes to the Code recommended by the Kent Secretaries and the Independent Person.

(7) The Committee noted that an alleged complaint of misconduct which was referred to the Independent Person, Mr George had drawn attention to a small anomaly in the Code and the operational procedures, which he felt was open to differing interpretation.

(8) In the Code it says;

*“This code applies whenever you act in your capacity as a Member”*

Whereas in the operational procedures, on receipt of an alleged complaint, the Monitoring Officer first applies a legal jurisdiction criteria one of which refers to:

*“Was the person complained of acting in an official capacity at the time of the alleged conduct?”*

(9) Mr George is of the opinion that “official capacity” suggests the undertaking of council business, whereas “act as a member” is much wider and, for instance would include invoking the fact of being a Member in the course of non-council business.

(10) For clarity it was proposed that in the Code the word “official” is inserted in front of the word “capacity” in the Code.

(11) The Chairman proposed and the Committee endorsed that the Code should not be reviewed again until following the County Council election in 2017.

(12) RESOLVED

(a) that the tracked change version of the Code and operational procedures be submitted to the County Council for approval on 12 December 2013;and

(b) no further reviews of the Code be undertaken until following the County Council election in 2017.

## **8. Dates of Future Meetings**

*(Item 6)*

RESOLVED that the Standards Committee meet on the following dates in 2014:

Wednesday 5 March	10am
Tuesday 3 June	2pm
Thursday 24 July	2pm
Wednesday 12 November	2pm