

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Friday, 6 September 2013.

PRESENT: Mr L B Ridings, MBE (Chairman), Mrs A D Allen, Mr D S Daley, Mr J A Kite, MBE, Mr R A Latchford, OBE (Substitute for Mrs M Elenor), Mr W Scobie and Mrs P A V Stockell (Substitute for Mr C R Pearman)

ALSO PRESENT:

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

UNRESTRICTED ITEMS

1. Election of Vice Chairman

(Item 2)

Mr L B Ridings MBE moved and Mrs A D Allen seconded that Mr J A Kite MBE be elected Vice Chairman of the Committee.

Carried without a vote

2. Minutes of the former Standards Committee - 23 January 2013

(Item 4)

RESOLVED that the Minutes of the meeting held on 23 January 2013 are correctly recorded and that they be signed by the Chairman.

3. Kent Code of Conduct for Members

(Item 5)

(1) As agreed by the County Council when it approved the Kent Code of Conduct for Members on 19 July 2012 the Secretaries of all Kent Local Authorities have been keeping the Code under review.

(2) The Code is shorter, simpler and less onerous than its predecessors.

(3) Mr Wild reported that the Kent Secretaries had met on a number of occasions over the past year to share information on the operation of the Code and the supporting documentation.

(4) The report before the Committee set out some amendments which were minor in nature, mainly for clarification purposes only, rather than introducing any substantive change, and reflected the fact that all authorities have reported

overwhelmingly on the successful adoption and implementation of the new Code over the past year.

(5) Mr Kite expressed concern over the provisions within the Code relating to:

- (a) the ability of a complainant to retain their anonymity; and
- (b) confidentiality

(6) Whilst Members' accepted that the threshold in the Code for a complainant to remain anonymous, or to have their complaint treated as confidential, were high several Members of the Committee supported the view of Mr Kite that a small Group of Members' should have the opportunity to consider in detail the merit or otherwise of these two provisions being retained within the Code. This Group would also consider the suggested minor amendments put forward by the Secretaries of the Local Authorities across Kent.

(7) RESOLVED that

(a) The proposed report to the County Council be deferred; and

(b) A small group of members be established comprising Mr Ridings, Mr Kite, Mr Latchford, Mr Scobie and Mr Daley who, in conjunction with the Monitoring Officer, should meet to consider the amendment, retention, or otherwise of the sections of the code on anonymous complaints and confidentiality together with the minor amendments proposed by the Secretaries of Kent Local Authorities prior to submitting a suggested amended code and operational arrangements to the County Council for approval.

(Note: It was subsequently decided that it would be more appropriate to bring the proposed amendments to the Code and the operational procedures back to the full Committee)

4. Localism Act 2011 - Member Dispensations

(Item 6)

(1) The Committee noted that the general dispensations that applied to all Members under the 2007 Code of Conduct had been repealed with the introduction of the Localism Act 2011. The general dispensations related to:

- the setting of council tax and related matters;
- determination of the Members' Allowances Scheme;
- the award of ceremonial honours; and
- decisions relating to school meals and school transport.

(2) The Department for Communities and Local Government (DCLG) has confirmed that Members are not required to seek formal dispensation to participate or vote on decisions relating to council tax setting. It considers such dispensations to be unnecessary since council tax liability applies to the population. Therefore, a Member does not need to seek a dispensation in order to participate in discussions or vote on decisions in the council tax setting process or local arrangements for council tax support.

(3) Nevertheless, under section 106 of the Local Government Finance Act 1992, a Member who is in council tax arrears by two months or more is prohibited from voting on matters relating to the council tax and community charges.

(4) The Committee noted that neither the DCLG nor the Localism Act 2011 and its Regulations make any relieving provisions for:

- (a) the approval of an allowance, payment or indemnity to Members; and
- (b) a ceremonial honour given to Members.

(5) The report recommended therefore that the Monitoring Officer be requested to grant such dispensations because without the dispensation, the number of persons prohibited from participating in the approval of the Members' Allowances Scheme and ceremonial honours at County Council meetings would be so great a proportion of the body transacting the business as to impede the transaction of the business, and, granting the dispensation is in the interests of persons living in the Authority's area.

(6) The Committee also requested that the Monitoring Officer consider granting a dispensation in relation to school meals or school transport and travelling expenses, where a Member is a parent or guardian of a child in full-time education, or is a parent governor of a school (unless it relates particularly to the school which the child attends). The Monitoring Officer indicated that he was happy to agree to this additional request.

(7) RESOLVED that the Monitoring Officer has agreed to grant a dispensation to all Council Members from 7 May 2013 to the County Council elections in May 2017 for the following:

- (a) the approval of an allowance, payment or indemnity to Members;
- (b) a ceremonial honour given to Members; and
- (c) school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full-time education, or is a parent governor of a school, unless it relates particularly to the school which the child attends.

5. Date of Next Meeting - 13 November 2013

(Item 7)