

Standards Committee

Monday, 24 September 2012

7.30pm

Present:

Cllr John Loughlin (Chair)
Cllr Colin Caller (Vice-Chair)

Cllrs: Valerie Ashenden
Lesley Boycott
John Caller
Senja Compton
Brian Francis
David Hurley
David Turner

Note: Doug Powell, Chairman of Meopham Parish Council was also in attendance

Mike Hayley Assistant Director (Governance & Law)
Sue Hill Committee & Elections Manager

1. Minutes

The Minutes of the meeting held on 16 April 2012 were signed by the Chair.

2. Declarations of Interest

No declarations of interest were made.

3. The Localism Act 2011 & Code of Conduct

The provisions of the Localism Act 2011 which replace the existing Standards arrangements set out in the Local Government Act 2000 came into effect on 1 July 2012. The main differences from the old arrangements are the absence of a central regulatory authority and the removal of sanctioning powers. It also abolishes the requirements for Councils to adopt a national Code of Conduct and a statutory Standards Committee and related complaints' framework.

The key obligations in relation to Standards are as follows:-

- the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority;
- the Council must adopt a Code of Conduct consistent with the Nolan Principles of Conduct in Public Life;

- the Council must have arrangements for investigating allegations of failure to comply with the Code and for taking decisions on these allegations;
- the Council must seek the views of an independent person, and take them into account before a decision on the outcome of an investigation is made;
- the Council is responsible for investigating and determining allegations against Parish Members in the area;
- there are no statutory sanctions under the legislation and therefore the actions available to deal with a failure to comply with the Code of Conduct are those within the Council's own authority at common law;
- all Council Members within the area must register any disclosable pecuniary interests with the Monitoring Officer. Failure to do so, the provision of false information or participation in decision-making where there is such an interest, will be a criminal offence.

Development of a Code to replace the previous had been on-going for some time. This had culminated in the Kent Secretaries' Group producing a "Kent Code" for use by all local authorities in Kent.

Members discussed the guidance provided in the appendices to the report and in particular the implications of declaring/not declaring Disclosable Pecuniary Interests and how they might obtain a dispensation. They felt that the Monitoring Officer, who would have greater powers to reject vexatious and frivolous complaints and to deal personally with less serious complaints without the need to refer these to a Sub-Committee, should in cases where dispensations were requested, determine these in conjunction with the Chair of the Committee and a Member of the opposition. Members also felt that a Hearings Panel of three Members to be appointed as required should be re-named the Standards Panel.

A number of further editing amendments to the Code and its appendices were made. These included changes to the deadlines for responding at various stages of the processes. They were all now either 15, 20, 30 or 60 days. Further minor editing amendments would be made by the Monitoring Officer.

Members noted that the Code and the arrangements for operating it would be revisited at the appropriate time by the Kent Secretaries. Any changes would be made in light of experience of operating the procedures.

Recommended that

- (1) the Council adopts forthwith the Kent Code of Conduct;**
- (2) the Council adopts forthwith the Kent Procedures for dealing with allegations of non-compliance with the Code, with a three Member Sub-Committee of the Standards Committee to act as a "Standards Panel" and hear any complaints that reach that stage of the proceedings;**
- (3) the Monitoring Officer be authorised to make amendments to the Constitution and the terms of reference to reflect the adoption of the Kent Code of Conduct and Kent arrangements;**

(4) the Monitoring Officer be authorised to recruit an independent person.

Close of meeting

The meeting ended at 9.02 pm.