

## **Standards Committee**

**Wednesday, 27 July 2016**

**7.30 pm**

### **Present:**

Cllr Michael Wenban (Chair)  
Cllr Lesley Boycott (Vice-Chair)

Councillors: Valerie Ashenden  
John Caller  
John Cubitt  
Leslie Hills  
David Turner  
Narinder Singh Thandi

Mike Hayley Assistant Director (Governance & Law)  
Carlie Simmonds Committee Services Manager

### **4. Apologies**

An apology for absence was received from Councillor Makhan Singh.

### **5. Minutes**

The Minutes of the meeting held on 24 September 2012 were signed by the Chair.

### **6. Declarations of Interest**

No declarations of interest were made.

### **7. Annual Report of the Monitoring Officer and Appointment of an Independent Person**

The Monitoring Officer presented the Committee with a report on the operation of the standards regime, in particular during the last calendar year, and the requirement to appoint an Independent Person (IP).

Further to Minute 3 (24.09.2012), the report recapped on those changes that were introduced by the Localism Act 2011 which reformed and simplified the standards regime applicable to the Council including Parish Councils. The body known as Standards for England was abolished on 31 January 2012; it was responsible for promoting high ethical standards in local government, overseeing the nationally imposed code of conduct (also now abandoned) and maintaining an independent national overview of local investigations into allegations. The Council thereafter was obliged to adopt a local code of conduct. It adopted the Kent Code of Conduct which was adopted by a number of other local authorities in Kent and appointed a Standards Committee although this was not mandatory.

The Monitoring Officer advised that one of the key obligations of the Localism Act was to allow considerable local discretion in how to handle complaints about breaches and simply requires the Council to have in place arrangements under which allegations can be investigated and decisions on allegations can be made. Such arrangements must include provision for the appointment of at least one IP whose views must be sought by the Monitoring Officer or Council on certain specified matters. The views of an IP may also be sought by Members the subject of complaint. The IP may not be a recent officer, Member or co-opted Member of the Council.

Although the Monitoring Officer has authority to appoint the IP, a report should be made to seek authority from the Standards Committee and Full Council. The Monitoring Officer proposed to the Committee that Mr David Moore, having applied for the position and been interviewed, be appointed. The Monitoring Officer advised that he would investigate whether other local authorities pay remuneration to their IP such as expenses.

The Monitoring Officer also informed the Committee that he had not dealt with any substantive complaints of Borough Council Member misconduct during the past calendar year. He had assisted in resolving standards issues at a Parish Council and has sought out and published Members' Disclosable Pecuniary Interests forms.

Members discussed the implications of declaring/not declaring Disclosable Pecuniary Interests particularly at the Regulatory Board. The Monitoring Officer reminded Members that they can seek advice from him regarding Disclosable Pecuniary Interests in advance of any meeting.

**Resolved that:-**

- 1. the report be noted; and**
- 2. the Standards Committee recommends to Full Council the appointment of the Independent Person, Mr David Moore.**

**8. Appointment to the Independent Remuneration Panel**

The Committee was informed that the Independent Remuneration Panel provides the Council with advice on its Members' Allowances Scheme, the amounts to be paid and the pensionability of allowances where relevant, together with any other matters that may be required by law as set out in Article 2.5 of the Council's Constitution.

Persons appointed to the Independent Remuneration Panel may each serve for a period of four years from the date of their appointment and Members of the Panel may be re-appointed on the expiry of their term of office, subject to no person serving on the Panel for more than a total of eight years.

The Members of the previous Panel had all served for eight years and therefore had to stand down. It is now necessary for a new Panel to be constituted.

Before reporting to the Standards Committee the Monitoring Officer is required to consult with as wide a range of organisations as possible including those representing local businesses, faith communities, voluntary and community groups and public service organisations. The Monitoring Officer may also invite views from the general public via the local media.

The Deputy Monitoring Officer arranged for consultation with the Gravesham Business Network, which resulted in expressions of interest and in requests for information from a number of people.

A wider consultation then took place through the Council's normal channels. This involved an email to thirty-nine bodies or individuals with various voluntary, faith or community interests, the Afro-Caribbean Forum, Street Pastors, Parish Councils and some local churches.

It is now considered that the consultation has been carried out satisfactorily. The Independent Remuneration Panel must be constituted of not more than three or not more than five Members. Sufficient nominations have thus been received for a Panel to be constituted. There seems to be no provision for formal substitutes, although under the circumstances it seems clear that should a Panel Member resign he could readily be replaced.

As a result of this lengthy procedure the Monitoring Officer has received firm expressions of interest from the following people:-

- i. Jag Sidhu, Director of Nick Building Contractors Ltd;
- ii. Idowu Anthony-Ajileye of Tonidol (UK) Ltd;
- iii. Jasvinder Gill, Senior Partner of Hatten Wyatt Solicitors;
- iv. Louise Brisley, Business Adviser of Switch Business Solutions;
- v. Maxine Fothergill, Managing Director of Amax Estates (also an elected Member of the London Borough of Bexley); and
- vi. David Brown, Partner of Gullands Solicitors.

The Protocol for the Appointment of an Independent Remuneration Panel confirms that Full Council makes appointments, upon the recommendation of the Standards Committee following a report from the Monitoring Officer.

As the Constitution restricts membership of the Panel to between 3 to 5 Members there will need to be a selection process.

In order to speed up what could be a very lengthy and protracted process the Monitoring Officer proposed that he contacts each of the candidates applying the criteria as set out in Constitution to select the most suitable candidates for the role.

The Monitoring Officer will then report back to the Standards Committee setting out his findings, having satisfied himself that the constitutional criteria has been met.

The Committee acknowledged that the previous Panel recommended a significant increase to Members' Allowances which was not endorsed by Full Council due to the financial situation affecting the Council at that time and staff having a pay freeze. The Committee therefore requested that when the new Panel is constituted and it reviews Members' Allowances, the Panel be given parameters/comparisons on a suitable increase.

The Monitoring Officer advised that he would investigate whether other local authorities pay remuneration to their Independent Remuneration Panel such as expenses.

**Resolved that:-**

1. the progress made to date be noted; and
2. the way forward set out in paragraph 5.0 of the report be endorsed.

**Close of meeting**

The meeting ended at 8.24pm