
TO UPDATE THE CONSTITUTION WITH A VIEW TO REMOVING REFERENCES TO THE STANDARDS BOARD FOR ENGLAND

To: **Council – 3 October 2013**

By: **Harvey Patterson, Corporate & Regulatory Services Manager**

Classification: **Unrestricted**

Ward: N/A

Summary: **To remove references to the Standards Board for England from the Constitution**

For Decision

1.0 Current Situation

1.1 Although the Council has amended the Constitution following the abolition of the Standards Board for England and the adoption in July last year of a revised Members Code of Conduct, a small number of references to the Standards Board for England can still be found in the Constitution and need to be removed.

1.2 A word search of an electronic copy of the Constitution revealed five specific references to the Standards Board for England as shown below in italics.

1.3 Summary and Explanation **8.0 Citizens' Rights (page 7)**

"Citizens have the rights to:

... complain to the Standards Board for England if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct ..."

1.3.1 At its meeting on 4 September 2013, Standards Committee recommended that "Standards Board for England" be replaced with, "Standards Committee"

1.4 Article 3 – Citizens and the Council **3.01 (d) Complaints (page 20)**

"Citizens have the right to complain to

... the Standards Board for England about a breach of the Members' Code of Conduct."

1.4.1 At its meeting on 4 September 2013, Standards Committee recommended that "Standards Board for England" be replaced with, "Standards Committee".

1.5 Protocol for the Guidance of Planning Committee Members and Officers
3.2 – Registration and Declaration of Interests (page 272)

“Guidance on personal and prejudicial interests reference may be obtained from the Monitoring Officer and reference should be made to the guidance published by the Standards Board title, ‘Code of Conduct guidance 2007’ which may be downloaded from the Standards Board website. However, the ultimate responsibility for complying with the obligations to declare interests imposed by the Members Code and to act accordingly rests with each member.”

1.5.1 At its meeting on 4 September, Standards Committee reviewed - as a separate agenda item - the Protocol in its entirety.

1.5.2 It will be noted from the report on the agenda item for this meeting, entitled, “Review of the Protocol for the guidance of Planning Committee Members and Officers”, that Standards Committee recommended that paragraph 3.2 of the Protocol be amended as follows:

‘The Members Code identifies two distinct interests the first of which, Disclosable Pecuniary Interests (DPI’s), must be registered with the Monitoring Officer and, where appropriate, disclosed at Council meetings, including meetings of the Planning Committee. The second types of interest, called a Significant Interest, is not a registerable interest but, where appropriate must also be disclosed at meetings of the Planning Committee. In both cases, unless a dispensation had been obtained in advance from the Standards Committee or the Monitoring Officer, a Member who has a DPI or a Significant Interest to declare in relation to any matter under consideration at a meeting of the Planning Committee, must :-

- (i) disclose the interest;*
- (ii) explain the nature of that interest;*
- (iii) not participate in any discussion on the matter under consideration;*
- (iv) withdraw from the meeting room; and*
- (v) not seek improperly to influence a decision about that matter.’*

1.6 Protocol on Member/Officer Relations

8.1 When Things Go Wrong – Procedure for Officers (pages 291 and 292)

“From time to time the relationship between Members and Officers may become strained or break down. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Members, officers will have recourse to the Council’s Grievance Procedure or to the Council’s Monitoring Officer, as appropriate to the circumstances. In the event of the basis for a grievance or complaint being found, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will refer it to the Standards Committee for consideration and determination, unless a breach of the Code of Conduct for Members is involved in which case the Chief Executive shall report the matter to the Standards Board for England.”

1.6.1 At its meeting on 4 September 2013, Standards Committee recommended that the following words be removed from Para 8.1:

“unless a breach of the Code of Conduct for Members is involved in which case the Chief Executive shall report the matter to the Standards Board for England”.

1.7 Article 2 – Members of the Council

5. Duties and responsibilities of the Chairman of Standards Committee (in addition to those of a Chairman of a Committee)

“(ii) To be fully conversant with the Council’s Code of Conduct, the work of the Standard’s Board for England in respect of the Code of Conduct and the procedures for hearing complaints against elected District or Parish Councillors”.

- 1.7.1 At its meeting on 4 September 2013, Standards Committee recommended that the words, “the work of the Standard’s Board for England in respect of the Code of Conduct”, be deleted from that paragraph.

2.0 The Kent and Medway Independent Standards Committee Members Forum

- 2.1 A review of Paragraph 5 of Article 2 also revealed the following included in the list of duties and responsibilities of the Chairman of the Standards Committee:

Article 2 – Members of the Council

5. Duties and responsibilities of the Chairman of Standards Committee (in addition to those of a Chairman of a Committee)

“(iv) To attend the Kent and Medway Independent Standards Committee”

- 2.1.1 At its meeting on 4 September 2013, Standards Committee recommended that, as this is no longer a duty or responsibility of the Chairman of the Standards Committee, it should be deleted.

3.0 Corporate Implications

3.1 Financial and VAT

- 3.1.1 None

3.2 Legal

- 3.2.1 The Council is required to keep the Constitution under review and up to date.

3.3 Corporate

- 3.3.1 The Council’s constitution sets out the rules governing the Council’s business.

3.4 Equity and Equalities

- 3.4.1 None apparent

4.0 Recommendation(s)

- 4.1 THAT Council approves the changes to the constitution as set out at Annex 1.

5.0 Decision Making Process

- 5.1 This is a decision for Council.

Contact Officer:	<i>Harvey Patterson, Corporate & Regulatory Services Manager and Monitoring Officer, Ex 7005</i>
Reporting to:	<i>Dr Sue McGonigal, Chief Executive and S. 151 Officer, Ex 7002</i>

Annex List

Annex 1	Constitutional changes
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Background Papers

Title	Details of where to access copy
<i>None</i>	

Corporate Consultation Undertaken

Finance	<i>n/a</i>
Legal	<i>n/a</i>