

CONSTITUTIONAL CHANGES

REMOVING REFERENCES TO THE STANDARDS BOARD FOR ENGLAND

Part 1 - Summary and Explanation

8.0 Citizens' Rights (Page 7 of the Constitution)

Citizens have the rights to:

- vote at local elections if they are registered;
- attend meetings of the Council and its Committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a Mayoral form of Executive;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committees in accordance with the procedures laid down.
- find out, from the Executive's ie. the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet;
- complain to the Council under its own complaints procedure;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. (However, they should only do this after using the Council's own complaints procedure;)
- complain to the ~~Standards Board for England~~ **Standards Committee** if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor

Article 3 – Citizens and the Council

(Page 20 of the constitution)

... Citizens have a wide variety of rights which are conferred by law and by this Constitution. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution ...

(d)**Complaints.** Citizens have the right to complain to:

- (i)the Council itself under its complaints scheme;
- (ii)the Ombudsman after using the Council's own complaints scheme provided that the complaint has been brought to the notice of the Council and that the Council has been afforded a reasonable opportunity to investigate and reply;
- (iii)the ~~Standards Board for England~~ **Standards Committee** about a breach of the Members' Code of Conduct.

Protocol on Member/Officer Relations

(Pages 291 & 292 of the constitution)

8.0 When Things Go Wrong

8.1 Procedure for Officers

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.~~

Part 2 - Articles of the Constitution

Article 2 – Members of the Council

5. Chairman of Standards Committee (pages 13 & 14 of the constitution)

Duties and responsibilities (in addition to those of a Chairman of a Committee):

- (i) As an independent, non-elected member of the Council to be conversant with the protocols and practices of the Council insofar as they affect the conduct of elected District or Parish councillors who may be required to appear before the Committee or its Sub-Committees.
- (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.
- (iii) To assist the Council's Monitoring Officer as required with training elected councillors, both District and Parish.
- (iv) To liaise with the appropriate officers on reports.
- (v) To submit a report to the Annual Meeting of the Council on the work of the Standards Committee during the previous year.
- ~~(vi) To attend the Kent and Medway Independent Standards Committee.~~