



AGENDA

STANDARDS COMMITTEE

**Wednesday 30th May 2007 at 10.00 am
in the Wantsum Room, Sessions House,
County Hall, Maidstone**

Ask for: **Mary Cooper**
Telephone **01622 694354**

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Minutes of the meeting held on 6 March 2007 (Pages 1 - 2)
2. Proposed New Code of Conduct for Members (Pages 3 - 20)
3. Members' Annual Reports (Pages 21 - 22)
4. New Allegations to Standards Board for England against KCC Members (Pages 23 - 24)
5. Complaints to Standards Board for England - Annual Report on Statistics (Pages 25 - 26)
6. Standards Committee Annual Report (Pages 27 - 30)
7. Date of Next Meeting
8. Any other urgent business

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

Tuesday 22 May 2007

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held at Sessions House, County Hall, Maidstone on Tuesday, 6 March 2007.

PRESENT: Mr J A Ogden DL (Chairman), Mr L Christie, Mr D S Daley, Mr J F London and Miss R MacCrone.

IN ATTENDANCE: The Director of Law and Governance, Mr G Wild; the Head of Democratic Services, Mr S C Ballard; and Democratic Services Manager (Council, Governance and Appeals) Mrs M Cooper.

UNRESTRICTED ITEMS

1. Minutes
(Item 1)

RESOLVED that the Minutes of the meeting held on 14 June 2006 are correctly recorded and that they be signed by the Chairman.

2. Proposed New Code of Conduct for Members - Consultation
(Item 2 - Report by Head of Democratic Services)

(1) The Committee noted that the Department for Communities and Local Government (DCLG) had published a consultation paper seeking views by 9 March on a draft of a proposed new Model Code of Conduct for Local Authority Members. The report included the consultation paper and a suggested draft response to be submitted by the Council.

(2) RESOLVED that the response as set out in Appendix 1 to these Minutes be submitted to the Department for Communities and Local Government.

3. Proposed Programme of Work
(Item 3 - Report by Head of Democratic Services)

(1) The Committee noted that the changes proposed in the Local Government and Public Involvement in Health Bill would inevitably give Standards Committees a much higher profile and considered adopting a work programme which would (a) prepare it for its new role when the provisions in the Bill take effect (late 2007/early 2008); and (b) enable it to raise awareness of standards issues within the Council.

(2) RESOLVED that the proposed programme of work as set out in Appendix 2 to these Minutes be noted.

4. Local Government and Public Involvement in Health Bill
(Item 4 – Report by Head of Democratic Services)

RESOLVED that the report be noted.

6 March 2007

5. Independent Members of the Standards Committee

(Item 5 – Report by Head of Democratic Services)

RESOLVED that the report be noted.

6. Standards Board for England Roadshow 2007

(Item 6 – Report by Head of Democratic Services)

(1) The Standards Board for England had invited all authorities to send up to four delegates to roadshows which it is holding throughout England during June 2007.

(2) RESOLVED that four places be reserved for Members/officers at the roadshow to be held in London on 28 June 2007.

By: Head of Democratic Services

To: Standards Committee – 30 May 2007

Subject: **PROPOSED NEW CODE OF CONDUCT FOR MEMBERS**

Classification: Unrestricted

Summary: The Local Authorities (Model Code of Conduct) Order 2007 took effect on 3 May. As a result, the Council is required to adopt a new Code of Conduct for its Members. The report includes a proposed new Code for the Committee to consider recommending to the Council for adoption. The report also includes a proposed new Advice Note for Members on the registration and declaration of interests, reflecting the provisions of the new Code, for consideration by the Committee.

FOR DECISION

Introduction

1. At its last meeting the Committee agreed the County Council's response to the Department for Communities and Local Government (DCLG) Consultation Paper on a draft new Model Code of Conduct for Local Authority Members. The Council's response was sent to the DCLG before the consultation closing date of 9 March.

The Local Authorities (Model Code of Conduct) Order 2007

2. On 2 April the Secretary of State for Communities and Local Government made The Local Authorities (Model Code of Conduct) Order 2007, which brought the new Model Code into effect as from 3 May 2007. Under the Local Government Act 2000, all authorities to whom the Model Code applies have up to six months in which to adopt it.

3. The new Model Code applies to all types of local authority. Previously there were different Model Codes for different types of authority. While the Order makes it clear that much of the new Model Code is mandatory, it does permit authorities to remove certain provisions which do not apply to them.

Proposed New Code of Conduct

4. Attached at **Appendix 1** is the Model Code included in the Order with the amendments (as permitted by the Order) which it is proposed should be made to make the Model Code suitable for adoption by the Council as its new Code of Conduct for Members. The Committee is asked to consider the proposed new Code and recommend it for adoption by the Council.

Advice Note for Members

5. A suggested new Advice Note for Members on the Registration and Declaration of Interests is attached at **Appendix 2** for approval by the Committee. This Advice Note reflects the provisions of the new Code of Conduct and will replace the Advice Note previously issued jointly by the Standards Committees of the Council, Kent and Medway Fire and Rescue Authority (KMFRA) and the Kent Police Authority (KPA). KMFRA and KPA will be issuing separate new Advice Notes to their Members.

Recommendations

6. Members are requested to:-
- (i) Consider the proposed new Code of Conduct for Members and recommend it to the Council for adoption.
 - (ii) Consider and approve the proposed new Advice Note for Members on the registration and declaration of interests.

Background documents: *None*

S C Ballard
Head of Democratic Services
Tel: 01622 694002

KENT COUNTY COUNCIL
DRAFT CODE OF CONDUCT
(for adoption June 2007)

Part 1

General provisions

Introduction and interpretation

1. —(1) This Code applies to **you** as a member of the County Council.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (attached as an Appendix).
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
- "meeting" means any meeting of—
- (a) the County Council;
 - (b) the executive (Cabinet) of the County Council;
 - (c) any of the County Council's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

Scope

2. —(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
- (a) conduct the business of the County Council (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of the County Council,
- and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

- (5) Where you act as a representative of the County Council—
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with the County Council's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. —(1) You must treat others with respect.

(2) You must not—

- (a) do anything which may cause the County Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the County Council.

4. You must not—

(1) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is—
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the County Council; or

(2) prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the County Council into disrepute.

6. You—

(1) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(2) must, when using or authorising the use by others of the resources of the County Council—

(a) act in accordance with the County Council's reasonable requirements;

(b) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

7. —(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) the County Council's chief finance officer; or

(b) the County Council's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the County Council.

Part 2

Interests

Personal interests

8. —(1) You have a personal interest in any business of the County Council where either—

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the County Council;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in the County Council's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between the County Council and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in the County Council's area in which you have a beneficial interest;
 - (x) any land where the landlord is the County Council and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

- (xi) any land in the County Council's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
 - (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division affected by the decision.
- (2) In sub-paragraph (1)(b), a relevant person is—
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. —(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of the County Council and you attend a meeting of the County Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of the County Council which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the County Council of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in the County Council's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of the County Council and you have made an executive decision (ie as a Cabinet Member) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of the County Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the County Council where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of the County Council in respect of—
 - (i) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iii) an allowance, payment or indemnity given to members;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of the County Council (or of a sub-committee of such a committee) where—

- (1) that business relates to a decision made (whether implemented or not) or action taken by the County Council's executive or another of the County Council's committees, sub-committees, joint committees or joint sub-committees; and
- (2) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. —(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the County Council—

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from the County Council's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of the County Council, you may attend a meeting (including a meeting of an overview and scrutiny committee of the Council or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13. —(1) Subject to paragraph 14, you must, within 28 days of—

- (a) this Code being adopted by or applied to the County Council; or
- (b) your election or appointment to office (where that is later),

register in the County Council's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to the County Council's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to the County Council's monitoring officer.

Sensitive information

14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and the County Council's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify the County Council's monitoring officer asking that the information be included in the County Council's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

0.1 The General Principles Governing the Conduct of Members

(The Relevant Authorities (General Principles) Order 2001)

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

2. KENT COUNTY COUNCIL

3. STANDARDS COMMITTEE

ADVICE TO MEMBERS ON THE APPLICATION OF THE CODE OF MEMBER CONDUCT

Advice Note 5

(Supersedes Advice Note 1. Agreed by the Standards Committee 30 May 2007)

4. REGISTERING AND DECLARING INTERESTS, GIFTS AND HOSPITALITY

A INTRODUCTION

This guide provides advice on registering and declaring interests and registering gifts and hospitality under the rules of the County Council's code of conduct. It applies to co-opted voting Members, as well as elected Members, but this guide uses the term 'Member' to refer to all types of Member. This guide also refers to the 'Monitoring Officer' because that is the officer referred to in the code. However, a list of officer contacts is set out at the end of this guide. If you have any doubts or questions about completing the register or whether you should declare an interest or the action you should take, please discuss the matter with one of these officers.

The rules of the KCC code of conduct and the Local Government Act 2000 require you to register your interests with the Monitoring Officer (and please note that interests that you must register now include gifts and hospitality worth £25 or more that you receive in the course of your duties as a Member). You must also declare in meetings any interests you have which relate to the business of the meeting. If you are a Cabinet Member, you must declare any relevant interests when making and recording decisions.

Note that what you have to **REGISTER** is not the same as what you have to **DECLARE**. Each is discussed separately in this note.

Because their codes of conduct are based on the national Model Code and are therefore almost identical, KCC and the Kent and Medway Fire and Rescue Authority (KMFRA) have agreed that those Members of KCC who also serve on the KMFRA only need to submit one registration of interest form. This should be sent to the Head of Democratic Services at KCC who will copy it to the Monitoring Officer of KMFRA. This is because both authorities are required to hold separate Registers of Interests in respect of their Members.

B REGISTERING INTERESTS

1 What interests do I need to register?

You need to register any of **your own** interests that fall within the categories set out in the code of conduct. These categories cover both financial and non-financial interests and include:-

- membership of or position of control or management in:-

- other bodies where you represent KCC (e.g. if you have been appointed or nominated by KCC as its representative on an outside body);
 - other public bodies (e.g. Parish Council, school governing bodies. If you have been appointed by KCC to serve on the KMFRA or the Kent Police Authority (where you serve as a member of that body, not as a representative of KCC) you would need to register this here);
 - charities (You have to register all charity memberships even if you are simply a subscribing member and the only activity is to receive a magazine (e.g. Kent Wildlife Trust, National Trust). You should seek advice from the officers listed at the end of this guide about how to register membership of or voting rights on charities to which you have been appointed by KCC, as opposed to the charity itself);
 - bodies whose main purpose is to influence public opinion or policy (this includes political parties even if you have listed your constituency party under the election expenses heading);
- your jobs and businesses;
 - the name of your employer and partnerships, companies, etc, in which you are involved;
 - the names of people who have helped you with election expenses or expenses associated with your office, (this includes your constituency party; you do not have to register the amount of the contribution or your expenditure; neither do you need to register any allowances or expenses you receive as a Member of KCC or any other local authority (including District Councils, the KMFRA and Kent Police Authority));
 - the name of any company or other corporate body which has a place of business or other property in the KCC area, in which you have a shareholding of more than £25,000 face value (i.e. the value recorded on the share certificate, not the value at which you could sell them) or have a stake of more than 1% of the company's issued share capital;
 - contracts for goods, services or works between you, your firm, or any company in which you have a shareholding of more than £25,000, and KCC;
 - the name of any person or body from whom you have received any gifts or hospitality worth £25 or more because of your position as a Member of KCC. You do not need to register gifts and hospitality offered but not accepted, neither do you need to register those received in a private capacity. You may have to estimate how much a gift or hospitality is worth but it is probably better to err on the side of caution.
There is no longer a separate Register of Gifts and Hospitality;
 - landholdings in the KCC area (including your home); and
 - land leased or licensed from KCC by you, your firm, or a company in which you have a shareholding of more than £25,000.

2 How do I register my interests?

If you are an existing Member, you have already registered your interests under the old code of conduct. This registration is still valid and you do not need to take any further action unless and until any of your interests change (in which case see note 4 below).

If you are a new Member you should complete a Registration of Interests form, with any interests you have that fall within the categories above. Send the signed and

completed form to the Head of Democratic Services. You may find it helpful to retain a photocopy of the form for your records.

3 When do I have to register my interests?

If you are a new Member, you have 28 days to register your interests from when you are first elected or appointed to office.

4 What should I do if my interests change or I have new interests?

You should ask at the Members' Desk for a Change of Registered Interests form and send it to the Head of Democratic Services within 28 days of the change occurring.

You will also be asked to confirm or update your list of interests each year. At the same time you will be asked if there have been any contracts or other dealings with any of the authorities on which you serve relating to these interests during the last year ("related party transactions").

5 What will happen to my list of interests?

The Monitoring Officer is required by law to keep and update a register of the interests of all Members. Your Registration of Interests form will be kept in the register.

6 Will the register be made available to the public?

Yes, the register has to be open for inspection by the public at Sessions House at all reasonable hours. It is kept in The Information Point near the Members' Desk. The register allows the public to obtain a more complete picture of the people that represent them.

7 Are there any exceptions?

Yes, if you believe that the registering of any interest could put you or your family at serious risk of violence or intimidation (eg, a shareholding in a company involved in research using live animals) then you can ask the Monitoring Officer for an exemption on the grounds that it is "sensitive information".

C DECLARING INTERESTS AT MEETINGS

1 When do I need to declare my interests?

You need to declare your interests at all KCC meetings if matters to be discussed at the meeting affect those interests. The interests that need to be declared are **wider** than those you have to register, as explained in the following paragraphs. **In particular, they include the interests of your friends and family as well as your own.**

2 What interests do I need to declare in a meeting?

You need to declare any personal or prejudicial interests which you, a friend or relative has in a matter reported to or discussed at a meeting. Friend is defined as "a person with whom you have a close association". Relative is defined as "a member of your family".

3 How do I know if I have a personal interest?

This is a matter of judgment for each Member.

What you have to do is to ask yourself what effect a decision on the matter would have on you, your relatives and your friends. You also need to look at the effect the decision would have on:-

- your job, employer or business and those of your relatives and friends;
- any companies in which you, a relative or friend are a director, partner or employee or where you, a relative or friend have a shareholding of more than £25,000 (face value);
- the following organisations where you, your relatives or friends hold a position of general control or management:
 - other bodies where you represent KCC;
 - other public authorities;
 - charities; and
 - bodies whose main purpose is to influence public opinion or policy.

(See note B1 above for more advice on these types of organisation)

Awareness of relatives and friends interests – The code recognises that you can only declare a personal interest where you are aware or ought reasonably to be aware of it. There is no obligation to make positive inquiries about the interests of friends and relatives, but you must declare them if you are aware of them. The closer the relationship, though, the more a reasonable observer might think you ought to be aware or have taken steps to make yourself so, eg, in the case of a spouse or partner.

If the matter would affect your well-being or financial position or that of the people or bodies listed above more than other people (defined as other council taxpayers, ratepayers, or inhabitants) in the **electoral division** affected by the decision, then **you have a personal interest**.

This means that you need to compare your interests with those of other council taxpayers, ratepayers or inhabitants of the electoral division affected by the decision to see whether you think your interest (or the interest of a relative or friend) is generally greater than the norm.

In addition, if the matter being discussed relates to the business of somebody from whom you (in your capacity as a KCC Member) have received gifts or hospitality worth £25 or more within the last three years; or to any of the other interests you have entered in the register, then **that is also a personal interest**.

A personal interest can affect you **positively or negatively**. So, if you, a relative or friend would stand to lose by the decision, you should also declare it.

4 What do I need to do if I have a personal interest in a matter?

You must declare the interest and (unless it is “sensitive information” - see note B7 above), say what it is, either:

- at the start of the meeting or of the item concerned; or
 - as soon as it becomes apparent in the course of debate on an item,
- and

- make sure the meeting Clerk has clear details of the nature of the interest you have declared so that he or she can record it in the minutes.

5 Can I stay in the meeting if I have a personal interest?

Yes. You can still take part in the meeting and vote on the matter unless your personal interest is also a **prejudicial** interest. However, you cannot **chair** the meeting while the matter is being discussed (*this is forbidden by the KCC Constitution*).

6 What is a prejudicial interest?

Whether a personal interest is also a prejudicial interest is again a matter of judgement for each Member.

What you have to do is ask yourself whether a member of the public – if he or she knew all the facts – would reasonably think that your personal interest (and that includes an interest of your relatives or friends) was so significant that your decision on the matter would be affected by it. If he or she would think that your judgement would be affected, then it is likely that you have a prejudicial interest.

Members of the Policy Overview, NHS Overview and Scrutiny and Cabinet Scrutiny Committees will have a prejudicial interest if any of these committees is looking at a decision taken by another committee (including the Cabinet) of which they were a Member at the time the decision was taken.

7 What is not a prejudicial interest?

The code of conduct says that the onus is on you as a Member to decide if you have a prejudicial interest in a matter. The code also sets out some general exemptions from prejudicial interests. It says that you *may* regard yourself as not having a prejudicial interest if the matter:-

- does not affect your financial position (or the financial position of any of the people or bodies listed in note C3 above);
- does not relate to an application (eg, for planning permission) made by or affecting you or any of the people or bodies listed in note C3 above;

or if it relates to:-

- school meals, transport and travelling expenses if you are a parent of a child in full time education, or a parent governor of a school, unless it relates to the school that your child goes to;
- statutory sick pay where you are in receipt of, or are entitled to, such pay from KCC;
- Members' allowances and expenses or any indemnity given to Members;
- any ceremonial honour given to Members;
- setting KCC's Council Tax.

School Governing Bodies – If you serve as a school governor, whether appointed by KCC or not, you would have a prejudicial interest when issues relating to the financial position of your school, or an application by the school (eg, for planning permission) were under discussion. It is likely that you would only have a personal interest in respect of other issues relating to your school.

8 What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest then you must declare what that interest is (unless it is "sensitive information" – see note B7 above) and withdraw from the meeting by leaving the room. You cannot take part in discussions on that matter with other members of KCC even outside formal meetings, and you must not try to improperly influence a decision on the matter.

9 Are there any exceptions?

If the Cabinet Scrutiny Committee is scrutinising a decision taken by another KCC committee (including Cabinet) of which you were a Member at the time the decision was taken, you may still attend the meeting to give evidence or answer questions on the matter. This exemption is intended to assist the scrutiny process by enabling the Cabinet Scrutiny Committee to ask questions of decision-takers.

10 Can I get a dispensation?

In certain very specific circumstances, the Standards Committee can grant you a dispensation to participate in a meeting even when you have a prejudicial interest. The circumstances are where:-

- the number of Members affected at the meeting would exceed 50%; or
- the political balance would be upset.

The dispensation must be sought in writing from the Standards Committee via the Monitoring Officer before the meeting at which the matter is to be discussed takes place.

11 What if I'm a Cabinet or Lead Member?

If you are a Cabinet Member and you have an interest in an individual decision that comes before you, you must inform the Leader (who may assign the matter to another Cabinet Member) and the Monitoring Officer. If you have an interest in a

matter considered at full Cabinet you should declare your interest and take no part in the discussion on the matter, leaving the room if necessary.

As a Cabinet Member you are permitted to attend meetings of Cabinet Scrutiny Committee in order to give evidence or answer questions on any decision which you or the Cabinet have taken.

If you are a Lead Member and you have an interest in an individual decision which comes before you for advice or other action you should decline to be involved and refer the matter back to the Cabinet Member

12 Where do I go if I need advice on my interests?

If you have any questions, you should approach one of the officers listed at the end of this guide.

OFFICER CONTACTS

Geoffrey Wild, Director of Law and Governance (Monitoring Officer)

01622 694302

Stuart Ballard, Head of Democratic Services (Deputy Monitoring Officer)

01622 694002

By: Head of Democratic Services

To: Standards Committee – 30 May 2007

Subject: **MEMBER ANNUAL REPORTS**

Classification Unrestricted

Summary: Comments of Remuneration Panel

1. All 84 Members have eventually completed their annual report and these were considered by the Remuneration Panel on 21 May.
2. Following the introduction of the revised Annual Report, the Panel were pleased to receive comprehensive information from most Members on the allocation of their Local community grants. It is however regrettable once again that not all Members completed their reports as fully as others. One or two reports were so lacking in any detail that they presented no idea whatsoever of the activities of the Members concerned from the perspective of their constituents. However, overall the standard was high and the reports indicated the commitment to local constituents and attendance at various Council meetings.
3. The following issues were raised by the Panel:
 - (a) Since it was agreed by the Council that Annual Reports would be available on the Kent website, it is imperative that all Members complete an electronic version of their report. To date a little over 50% of Members have emailed a copy of their report for placing on the website.
 - (b) Due to wide inconsistencies among Members on recording the total number of County Council meetings held per year, the Panel would like to amend the form so that the total number of full Council meetings is included in future.
 - (c) Details of Political group meetings should not be included in these reports since they are irrelevant in terms of accountability to the public.
 - (d) It perhaps needs to be repeated for the information of some new Members who have questioned the rationale behind the Reports, that the reason they were introduced at the time the Members' Allowances were trebled in 2001 was to provide factual evidence to constituents and the public at large of the wide range of activities carried out by Members on their behalf.
4. Members of the Remuneration Panel agreed to take a random sample of forms in future to check on accuracy of content, parish council and

other meetings attended etc. They will also explore any other issues which are identified in the reports or which are brought to their notice.

Copies of the Members' Annual Reports are attached for Members of the Standards Committee. Additional copies, if required, can be obtained from Mary Cooper, extension 4354.

Background documents: Nil

By: Head of Democratic Services
To: Standards Committee – 30 May 2007
Subject: **NEW ALLEGATIONS TO STANDARDS BOARD FOR ENGLAND AGAINST KCC MEMBERS**
Classification: Unrestricted
Summary: Provides details of allegations against KCC Members made to the Standards Board for England since the last meeting of the Committee

FOR INFORMATION

1. One of the items suggested for the Committee's Programme of Work at the last meeting was consideration of all Standards Board for England (SBE) findings on allegations of misconduct against KCC Members to identify and publicise within KCC the lessons that can be learned from those findings.
2. One alleged breach of the Code of Conduct by a KCC Member has been made to the SBE since the last meeting. The SBE's Decision Notice is attached (in anonymised form) at Appendix 1. Members will note that the SBE decided that the allegation should not be referred to an Ethical Standards Officer for investigation on the grounds that no potential breach of the Code of Conduct was disclosed.
3. Members are asked to note the contents of the SBE Decision Notice and consider whether any lessons can be learned from this case which should be publicised within KCC.

Background documents: *None*

S C Ballard
Head of Democratic Services
Tel: 01622 694002

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By: Head of Democratic Services

To: Standards Committee – 30 May 2007

Subject: **COMPLAINTS TO STANDARDS BOARD FOR ENGLAND – ANNUAL REPORT ON STATISTICS**

Classification: Unrestricted

Summary: Provides statistics on allegations made to the Standards Board for England over the last three years both nationally and in respect of KCC Members.

FOR INFORMATION

1. One of the items suggested for the Committee's Programme of Work at the last meeting was the monitoring of Standards Board for England (SBE) statistics on allegations and findings to allow KCC to be compared with the national position.
2. SBE statistics on allegations and findings nationally over the last three years are as follows:-

	2004/05	2005/06	2006/07
Total allegations	3861	3836	3549
Proportion against County Councils	3%	6%	4%
Allegations referred for investigation by an Ethical Standards Officer	24%	22%	19%
Findings by Ethical Standards Officer following investigation (% of number referred):-			
No breach of Code	21%	16%	39%
No further action required	66%	62%	54%
Referred to Monitoring Officer	5%	9%	4%
Referred to Adjudication Panel	8%	13%	3%

3. To provide a comparison, allegations and findings against KCC Members over the last three years have been as follows:-

	2004/05	2005/06	2006/07
Total allegations	2	6	10
Allegations dismissed without referral to Ethical Standards Officer	1	6	6
Allegations referred for investigation by an Ethical Standards Officer	1	0	4
Ethical Standards Officer findings following investigation:-			
No breach of Code	0	-	2
No further action required	1	-	2
Referred to Monitoring Officer	0	-	0
Referred to Adjudication Panel	0	-	0

4. It is proposed to report to the Committee along these lines each year, so Members' views on the ways in which the usefulness of the report could be improved would be welcome.

5. Members are requested to note the contents of this report.

Background documents: *None*

S C Ballard
Head of Democratic Services
Tel: 01622 694002

By: Head of Democratic Services
To: Standards Committee - 30 May 2007
Subject: **DRAFT ANNUAL REPORT TO COUNTY COUNCIL**
Classification: Unrestricted
Summary: The Committee's Annual Report to the County Council
For Decision

It is customary for the Chairman of this Committee to submit an annual report to the County Council at its June meeting covering the period June 2007 to June 2008.

The report will of course give details of Members Annual Reports and complaints received during this period.

I also suggest that you include details of the new Regulations and of the Committees future work programme.

RECOMMENDATION

The Committee is requested to agree the above for inclusion in their annual report and to put forward any other items for inclusion.

P. Sass
Head of Democratic Services
01622 694002

Background Documents: None

By: Chairman of Standards Committee
To: County Council – 21 June 2007
Subject: **ANNUAL REPORT OF THE STANDARDS COMMITTEE**
Classification: Unrestricted

FOR DECISION

Introduction

1. This is the fifth Annual Report of the Standards Committee and covers the period from June 2006 to June 2007.

New Code of Conduct for Members

2. (1) In January 2007, the Department for Communities and Local Government (DCLG) published a consultation paper seeking views on a draft of a proposed new Model Code of Conduct for local authority members.

(2) The Committee considered the consultation paper at its meeting on 6 March 2007 and, on behalf of the County Council, submitted comments on it to the DCLG.

(3) Within four weeks of the closing date for the consultation, the Secretary of State for Communities and Local Government made The Local Authorities (Model Code of Conduct) Order 2007, which brought the new Model Code into effect as from 3 May. From that date, local authorities have up to six months in which to adopt the new Model Code.

(4) The Committee has considered the Model Code and made minor amendments to it (as permitted by the Order) to suit the circumstances of the County Council. The resulting new draft Code of Conduct for Members of the County Council (which will supersede the existing Code) is attached at Appendix 1 and **the Committee recommends it for adoption by the County Council.**

(5) The Committee has also approved a new Advice Note for Members on the Registration and Declaration of Interests, which reflects the provisions of the new Code of Conduct. Once the County Council has adopted the new Code, the Advice Note will be circulated to all Members.

Future Programme of Work

(6) The Committee has noted that CIPFA and CPA guidance envisages local authority standards committees becoming much more involved in actively promoting high ethical standards and constituting the main means of raising awareness within their council of standards issues.

(7) We are also aware that changes to the role of standards committees proposed in the Local Government and Public Involvement in Health Bill, under which they, instead of the Standards Board for England (SBE), will become responsible for dealing in the first instance with allegations of misconduct by Members, will raise the profile of standards committees generally.

(8) The Committee has therefore started giving consideration to a future programme of work which will:

- (a) prepare it for its new role when the provisions in the Bill take effect (expected late 2007/early 2008);
- (b) enable it to better raise awareness of standards issues within the Council.

(9) Places have been reserved for Members of the Committee at a SBE Roadshow to be held in London on 28 June which is intended to share advice and experience on implementing the new Code of Conduct and to provide an update on the new role of standards committees in respect of complaints against Members.

Complaints

3. (1) During the year the Committee was advised of ten formal complaints to the SBE alleging breaches of the Council's Code of Conduct by KCC Members. The SBE took decisions about these complaints as follows:

No investigation required	6
Referred to an Ethical Standards Officer for investigation	4

(2) Of the four complaints investigated by an Ethical Standards Officer, none was upheld.

(3) As part of our new work programme, we are receiving reports at each of our meetings on the most recent SBE findings on allegations of misconduct against KCC Members so that we can identify and publicise within the County Council the lessons that can be learned from those findings.

(4) We also received at our last meeting a report comparing KCC's record on complaints over the last three years with the national position. We will, in future, receive a similar report each year as part of our work to monitor the County Council's performance in terms of ethical standards. We noted that there had been very few complaints against Kent County Councillors and the Committee believes that this confirms a generally healthy awareness of, and compliance with, ethical standards by Members of the County Council.

(5) The procedure for the Chairman of the Committee to facilitate resolution of a possible complaint by one Member against another has, once again, not had to be invoked this year.

Members' Annual Reports

[to be added]

John Ogden, DL
Chairman

Background documents: *Nil*

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