



AGENDA

STANDARDS COMMITTEE

Thursday, 28th May, 2009, at 9.30 am
Swale Room 2, Sessions House, County
Hall, Maidstone

Ask for: **Peter Sass**

Telephone **01622 694002**

UNRESTRICTED ITEMS

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

1. Substitutes/apologies
2. Declarations of Interest
3. Minutes of the Meeting held on 27 April 2009 (Pages 1 - 4)
4. Members' Annual Reports (Pages 5 - 6)
5. Standards Committee Annual Report 2009 (Pages 7 - 16)
6. Member Induction: The Role of Members and the Ethical Framework (Pages 17 - 18)
7. Annual Return to the Standards Board for England (Pages 19 - 28)
8. Standards Committee Work Programme and Future Meeting Dates (Pages 29 - 30)

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, 19 May 2009

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.

KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Stour Room, Sessions House, County Hall, Maidstone on Monday, 27 April 2009.

PRESENT: Miss R MacCrone (Chairman), Mr D S Daley, Mr J F London, Mrs N Ahmed and Mr P Gammon, MBE

IN ATTENDANCE: Mr P Sass (Head of Democratic Services and Local Leadership), Mrs S Surana (Senior Auditor) and Mr G Wild (Director of Law and Governance)

UNRESTRICTED ITEMS

1. Substitutes/apologies

(Item 1)

An apology for absence was received from Mr Christie. It was also noted that Mr Wild had been delayed in another meeting and would join the meeting shortly.

2. Declarations of Interest

(Item 2)

No Declarations of Interest were made by Committee Members.

3. Minutes of the meeting held on 25 November 2008

(Item 3)

Resolved: that the minutes of the previous meeting held on 25 November 2008 be approved.

4. Kent Audit Report

(Item 4)

The Committee formally received the final report of Kent Audit following their review of KCC's processes and procedures for the handling of complaints about the conduct of Members. The Committee welcomed Sangeeta Surana, KCC's Audit Manager, to the meeting to answer Members' questions.

Ms Surana stated that her auditor had been impressed with the work done by the Democratic Services and Local Leadership Unit in preparing for and operating the new arrangements for the local assessment of complaints about the conduct of Members and that she was completely satisfied with the overall assurance rating of "high" given to the review. She added that she was pleased that the issues of the Committee's terms of reference and the wider publicity for the arrangements were being addressed in the report, even though these were not formal recommendations in the Audit report.

With regard to the Committee's terms of reference, Mr Gammon suggested that the word "has" in the first line of the proposed new paragraph (f) in the Committee's Terms of Reference should be replaced by the words "is alleged to have".

The Committee discussed the issue of wider publicity for the work of the Committee, with specific reference to the assessment of complaints about the conduct of Members. The Committee was keen to see an appropriate balance between properly informing members of the public about the complaints process and not encouraging spurious complaints about Members. Following discussion, it was suggested that the Chairman of the Committee and the Head of Democratic Services and Local Leadership should agree an appropriate form of words for the "Around Kent" publication, for the edition that is published containing the names, photographs and contact details for the new Council following the elections.

RESOLVED: that

- (1) the Kent Audit Review of the implementation of the locally managed framework for complaints be formally received;
- (2) the Committee express its satisfaction with the outcome of the review and the assurance rating given by Kent Audit;
- (3) the Committee agree to recommend to the County Council that its Terms of Reference be suitably amended to reflect the Committee's role in the assessment and investigation of complaints about the conduct of Members, as contained in paragraph 6 of the report and also including the amendment suggested by Mr Gammon during the meeting;
- (4) the Chairman of the Committee and the Head of Democratic Services and Local Leadership agree an appropriate form of words on the locally managed framework for complaints for the "Around Kent" publication, for the edition that is published containing the names, photographs and contact details for the new Council following the elections; and
- (5) the Audit Manager, Sangeeta Surana, be thanked for her clear and concise report and for attending the meeting to answer Members' questions.

5. Advice Note 4

(Item 5)

The Committee considered a report, which asked Members to approve an amended Advice Note No. 4 for elected Members on the application of the Code of Conduct to Development Control in the light of guidance from the Local Government Association and the Standards Board for England.

RESOLVED: that the revised Advice Note No. 4 be approved and the Head of Democratic Services and Local Leadership be asked to ensure that all Members are informed accordingly.

6. Member Development

(Item 6)

The Committee received a report updating Members on the proposals for Member Induction and Development following the elections in June, with specific reference to the training on ethical standards and the role of the Standards Committee.

It was noted that the draft programme for Member Induction and Development contained 5 duplicate sessions on ethical standards spread over 3 days: 12 June and 20 and 24 July. The Head of Democratic Services and Local Leadership stated that he intended to produce an outline of the training session in time for the Committee's next meeting on 28 May.

The Committee agreed that the Chairman of the Standards Committee should write to the 3 Group Leaders, to encourage all of their Members to attend one of the training sessions on ethical standards. The Head of Democratic Services and Local Leadership was also asked to ensure that details of the training events were highlighted to all candidates in the election, as part of any written communication between KCC and the candidates.

RESOLVED: that

- (1) the proposals for ethical standards training as part of KCC's Induction and Development programme be endorsed;
- (2) the Head of Democratic Services and Local Leadership be asked to submit details of the proposed training event to the Committee's next meeting on 28 May;
- (3) the Chairman of the Standards Committee should write to the 3 Group Leaders, to encourage all of their Members to attend one of the training sessions on ethical standards; and
- (4) the Head of Democratic Services and Local Leadership be asked to ensure that details of the training events were highlighted to all candidates in the election, as part of any written communication between KCC and the candidates.

7. Monitoring of Complaints

(Item 7)

The Committee received a report, which asked Members to formally note the current position with regard to the consideration of complaints about KCC Member and the action taken by the Assessment and Review Sub Committees.

Members agreed that the third column of the table of complaints received by the Standards Committee (subject Member) be removed from future reports. It was also suggested that, in future, all Members of each Assessment or Review Sub Committee should be advised of the outcome of any complaints, particularly where the complaint is referred to the Monitoring Officer for other action. Members also agreed that the referencing system be altered so that the first case in each new calendar year began at number 1.

RESOLVED: that

- (1) the contents of the report be noted;
- (2) the third column of the monitoring schedule (subject Member) be removed from future reports; the referencing system be altered as described above; Members of each Assessment or Review Sub Committee be advised of the outcome of each complaint considered, particularly where the complaint is

referred to the Monitoring Officer for other action; and the monitoring report be submitted to the Committee twice each year; and

- (3) the assessment criteria set out at Appendix 2 be approved.

8. Declaration of Interests

(Item 8)

The Committee considered a report from the Head of Democratic Services and Local Leadership, which suggested the introduction of a standard form, appended to the agenda for every Council, Cabinet and Committee meeting for the purposes of guiding and assisting Members with the declaration of personal and prejudicial interests.

After consideration, Members felt that the issuing of timely reminders was a more appropriate response than the introduction of the standard agenda form, which was deemed to be a disproportionate response to a problem that did not require addressing.

9. Work Programme

(Item 9)

The Committee considered its work programme for future meetings.

Members agreed that the Group Leaders be invited to attend the Committee's meeting on 20 July to discuss their important role in promoting and maintaining high ethical standards amongst elected Members.

The Chairman drew the Committee's attention to the Annual Conference of the Standards Board for England, taking place on 12 and 13 October 2009. The Head of Democratic Services and Local Leadership was asked to book places for the Chairman and Mrs Ahmed and provisionally for Mr Gammon, who would confirm his availability as soon as possible.

RESOLVED: that

- (1) the Committee's future work programme be noted; and
- (2) the Head of Democratic Services and Local Leadership be asked to invite the Group Leaders to the Committee's next meeting on 20 July to discuss their role in promoting and maintaining high standards of conduct by elected Members.

By: Fiona Leathers - Chairman of the Independent Remuneration Panel
Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 28 May 2009

Subject: MEMBERS' ANNUAL REPORTS

Classification: Unrestricted

Summary: This report contains the comments of the Independent Remuneration Panel on the Members' Annual reports for 2008/09

FOR INFORMATION

1. The Independent Remuneration Panel met on 8 May to consider the 2008/09 Members' Annual Reports. The Panel was very pleased with the overall response rate this year, with 82 reports being received before the Panel met, compared to 78 Members having completed their 2007/08 reports before the Panel met last year. The Panel noted the sickness of two Members.
2. The Panel was also pleased that the overall the standard was high and the vast majority of Members had taken the need to account for their time on County Council work seriously. For the first time this year, the Panel has written to Group Leaders individually, highlighting those reports submitted by Members of their groups that the Panel thought were of very high quality, and also those of poor quality, so that best practice examples can be shared within each group, with the expectation that the general quality will improve further next year. Sadly, the Panel noted that there were still a handful of reports that were so lacking in any detail that they presented little idea of the activities of the Members concerned, from the perspective of their constituents.
3. Many members sent an annual letter to their constituents, including details of how they spent the Local Community Grant, and some Members mentioned that they maintain their own websites to provide information to constituents and a means of contact. The Panel considered that this was excellent practice.
4. The following issues were raised by the Panel:
 - (a) Approximately one quarter of Members did not provide sufficient detail of how their individual Member grant allocation had been spent.
 - (b) The Panel intends to undertake a full review of the annual report format and guidance notes on the completion of annual reports during the autumn. Group Leaders will be invited to comment on

the changes that they would like to see, in order to inform the review.

- (c) The Panel was concerned that some Members had stated that there was no training and development available to them. The Panel is aware that a significant amount of work is currently being undertaken with regard to Member Induction and Development and it hopes to see much more detail about training and development in next year's annual reports.

Copies of the Members' Annual Reports are attached for Members of the Standards Committee. Additional copies, if required, can be obtained from Peter Sass (01622 694002).

From: Roberta MacCrone – Independent Chairman of the Standards Committee

Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee - 28 May 2009

Subject: **ANNUAL REPORT TO COUNTY COUNCIL**

Classification: Unrestricted

Summary: The Committee's Annual Report to the County Council

For Decision

- (1) It is customary for the Chairman of this Committee to submit an annual report to the County Council at its June meeting commenting upon the Committee's activities over the previous 12 months. It is also the convention that the Chairman of the Standards Committee is present at the County Council meeting and, with the permission of the Chairman of the County Council, to speak to the report and respond to any questions from Members.
- (2) The production of an annual report is regarded by the Standards Board for England as good practice and this is the seventh consecutive year that the Committee has produced such a report.

RECOMMENDATION

- (3) The Committee is requested to approve the annual report (**Appendix A**) and to put forward any other items for inclusion

Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

Background Documents: None

Kent County Council's Standards Committee

Annual Report – 2008/09

Introduction

This is the seventh Annual Report of the Standards Committee and covers the period from June 2008 to June 2009.

The composition of the Standards Committee complies with statutory guidance and is chaired by one of the three independent Members on the Committee. The membership of the Committee for 2008/09 was as follows:

Ms Roberta MacCrone (Independent Chairman)
Mr Peter Gammon (Independent Member)
Ms Nadra Ahmed (Independent Member)
Mr J London (Conservative Member)
Mr L Christie (Labour Member)
Mr D Daley (Liberal Democrat Member)

(Add photographs of Committee Members)

The Committee has met on three occasions during the last 12 months (25 November 2008, 27 April and 28 May 2009).

The role of the Standards Committee

The Committee's terms of reference are attached at **Appendix 1** and include a suggested change that is subject to the approval of the County Council at its meeting today as a separate agenda item.

During the year, the Committee considered a report in relation to the current and possible future role of the Committee, with particular regard to the promotion of high ethical standards. The Committee considered the results of a benchmarking survey undertaken by Lancashire County Council into the role of Standards Committee, together with a Standards Board for England publication on the role and makeup of Standards Committees. A number of key conclusions were drawn from this benchmarking analysis:

- The Committee's existing role in promoting high standards of conduct by both elected and co-opted Members is a positive one
- The Committee's annual report to the County Council is good practice
- The new responsibilities for local investigations have been introduced smoothly
- There is excellent cooperation with the Independent Remuneration Panel
- There is a constructive working relationship with the three political Group Leaders in relation to the work of the Committee

- Compared to some other authorities, there is a partial crossover at KCC between the work of the Standards Committee and the Governance and Audit and Selection and Member Services Committees. Members agreed that they were not seeking to replicate any of the work of these Committees
- Members noted that the quarterly Standards Board Bulletin is sent in hard copy to all Members of the Council, together with a covering letter summarising the key points
- Members agreed to the introduction of a Committee work programme, together with regular monitoring of the current stage of any complaints investigated by the Assessment or Review Sub Committee
- There should be a standing item each year to review the Register of Members' Interests, Gifts and Hospitality, starting in the new Council term
- The three Group Leaders should be invited to attend a meeting of the Standards Committee at least once a year, possibly in connection with the Committee's review of registered and/or declared interests or other appropriate matters

The locally managed framework for complaints

Responsibility for dealing with alleged breaches of the Code of Conduct by elected and co-opted Members of the Council passed from the Standards Board for England to the local authority on 8 May 2008.

At its meeting on 22 May 2008, the Standards Committee agreed to set up two Sub Committees; one to make an initial assessment of a complaint that a Member has breached the Code of Conduct and one to review any decision by the Assessment Sub Committee to take no action, if so requested by the complainant. The Standards Committee has also approved the criteria it uses to assess complaints (**Appendix 2**) and the criteria are subject to regular review by the Committee in the light of experience of dealing with complaints.

During the year, Kent Audit undertook a review of the arrangements for dealing with complaints about the conduct of Members, which resulted in an overall assurance rating of "high", with no formal recommendations for any further action. The Committee responded positively to the two advisory comments contained in the report, namely a proposed revision to its Terms of Reference and wider publicity for the work of the Committee in relation to dealing with complaints.

In relation to the issue of wider publicity for the work of the Committee, with specific reference to the assessment of complaints about the conduct of Members, the Committee was keen to see an appropriate balance between properly informing members of the public about the complaints process and not encouraging spurious complaints about Members. Following discussion, it was suggested that the Chairman of the Committee and the Head of Democratic Services and Local Leadership should agree an appropriate form of words for the "Around Kent" publication, for the edition that is published containing the names, photographs and contact details for the new Council following the

elections. KCC's website already contains good information about the complaints process.

During the last 12 months, the Assessment and Review Sub Committees have dealt with eight complaints about the conduct of Members, as follows:

Reference	Complainant	Assessment outcome	Review outcome	Comments
KCC/1/2008	Member of the public	No action	Not requested	None
KCC/2/2008	Member of the public	No action	Not requested	None
KCC/3/2008	A local head teacher	No action	Not requested	None
KCC/4/2008	A Borough Councillor	No action	Referred to Monitoring Officer: Member agreed to issue apology to complainant	None
KCC/1/2009	A Borough Councillor	Referred to Monitoring Officer for conciliation	N/A	Complainant refused to take part in conciliation talks
KCC/2/2009	Member of the public	No action	Not requested	N/A
KCC/3/2009	Member of the public	Pending	N/A	N/A
KCC/4/2009	Member of the public	Pending	N/A	N/A

The Monitoring Officer has ensured that relevant details of the complaints dealt with by the Committee are submitted to the Standards Board for England on a quarterly basis.

Training and Development

The Committee has played a key role in assisting the Selection and Member Services Committee with the preparations for Member Induction and Development. The Committee has approved the format for the ethical standards training, which involves key presentations, a DVD and a workshop discussion. The Member Induction and Development programme includes five sessions for ethical standards training and the Committee very much hopes that both new and returning Members will undertake the training.

Committee Members have also participated in relevant training events, in order to further improve their effectiveness on the Committee. The Committee's training this year has included sessions on the locally managed framework for complaints and attendance at the Standards Board for England (SBE) road

show, held in London in June 2008. Places have also been reserved for Members to attend the SBE annual conference in October this year.

Revised Code of Conduct

At its meeting in November 2008, the Committee considered a consultation paper from the Department for Communities and Local Government (DCLG), on proposed revisions to the Code of Conduct. The main area of change is that the Government proposes that the Code should apply to Members when acting in a non-official capacity.

At the time of writing, the publication of the revised Code of Conduct is awaited.

Future work programme for the Committee

As indicated above, the Committee now has its own work programme, which consists of regular monitoring reports, together with specific pieces of work in relation to the promotion of ethical standards. The Committee has recently submitted its annual return to the Standards Board for England (SBE), which describes the activities and role of the Committee. The SBE has undertaken to publish a report highlighting best practice from Standards Committees across the UK, which will be used to influence the future work programme of the Committee.

Members' Annual Reports

The Independent Remuneration Panel met on 8 May 2009, to consider Members' Annual reports for 2008/09. The Panel was very pleased with the overall response rate this year, with 82 reports being received before the Panel met, compared to 78 Members having completed their 2007/08 reports before the Panel met last year. The Panel noted the sickness of the remaining two Members.

The Panel was also pleased with the high overall standard and that the vast majority of Members had taken the need to account for their time on County Council work seriously. For the first time this year, the Panel has written to Group Leaders individually, highlighting those reports submitted by Members of their groups that the Panel thought were of very high quality, and also those of poor quality, so that best practice examples can be shared within each group, with the expectation that the general quality will improve further next year. Sadly, the Panel noted that there were still a handful of reports that were so lacking in any detail that they presented little idea of the activities of the Members concerned, from the perspective of their constituents.

Many Members sent an annual letter to their constituents, including details of how they spent the Local Community Grant, and some Members mentioned that they maintain their own websites to provide information to constituents and a means of contact. The Panel considered that this was excellent practice.

The following issues were raised by the Panel:

- (a) Approximately one quarter of Members did not provide sufficient detail of how their individual Member grant allocation had been spent.

- (b) The Panel intends to undertake a full review of the annual report format and guidance notes on the completion of annual reports during the autumn. Group Leaders will be invited to comment on the changes that they would like to see, in order to inform the review.
- (c) The Panel was concerned that some Members had stated that there was no training and development available to them. The Panel is aware that a significant amount of work is currently being undertaken with regard to Member Induction and Development and it hopes to see much more detail about training and development in next year's annual reports.

Conclusions

Kent County Council's Standards Committee is in good shape for the future. The Committee's approach is to offer appropriate support and challenge in relation to the promotion of high ethical standards amongst both elected and co-opted Members. The overall standard of Member conduct within the authority is high and the Committee looks forward to ensuring that KCC is an exemplar for ethical standards and conduct.

Roberta MacCrone
Independent Chairman
June 2009

Terms of Reference of the Standards Committee

6 Members:

Conservative: 1; Labour: 1; Liberal Democrat: 1; Independent: 3

The Chairman is appointed by the Council from among the independent Members. This Committee has responsibility for:

- (a) Promoting and maintaining high standards of conduct by Members (including any co-opted Members and church and parent governor education representatives)
- (b) Assisting Members through advice and training to observe the Members' Code of Conduct set out in Appendix 6 of the Constitution
- (c) Monitoring the operation of the Members' Code of Conduct and advising the Council on its operation and revision
- (d) Granting dispensations to Members from requirements relating to interests set out in the Members' Code of Conduct
- (e) Seeking to resolve any concerns about a Member's conduct by mutual agreement to reduce the need for a complaint to be referred to the Standards Committee
- (f) Receiving complaints that a Member is alleged to have breached the Code of Conduct and deciding whether the matter merits investigation; taking appropriate action as defined in the Standards Committee (England) Regulations 2008; and, reviewing decisions to take no action on a particular complaint if so requested by the complainant
- (g) Dealing with any reports from a case tribunal or interim case tribunal of the Standards Board, and any report on a matter which is referred by an Ethical Standards Officer to the Monitoring Officer
- (h) Censuring, suspending or partially suspending a Member or former Member in accordance with the provisions of the Local Government Act 2000

Independent Members of the Standards Committee are recommended to the Council for appointment by a panel of three people (not Members of the Council) appointed by the Selection and Member Services Committee.

The Procedure Rules applying to Committee meetings also apply to meetings of the Standards Committee.

Assessment Criteria

Introduction

The Standards Committee or Assessment Sub Committee needs to develop criteria against which it assesses new complaints and decides what action, if any, to take. The Standards Board advises that these criteria should reflect local circumstances and priorities and be simple, clear and open. They should ensure fairness for the complainant and the subject Member.

In drawing up assessment criteria, Standards Committees should bear in mind the importance of ensuring that complainants are confident that complaints about Member conduct are taken seriously and dealt with appropriately. They should also consider that deciding to investigate a complaint or to take other action will cost public money and the officers' time and members' time. This is an important consideration where the matter is relatively minor.

Authorities need to take into account the public benefit in investigating complaints which are less serious, politically motivated, malicious or vexatious. Assessment criteria should be adopted which take this into account so that authorities can be seen to be treating all complaints in a fair and balanced way.

Accordingly, the Assessment Sub Committee agreed to use the following initial questions and assessment criteria at its previous meeting in June and it suggested that the Sub Committee uses this as a benchmark. The assessment criteria can be amended as appropriate in the light of experience.

Initial questions

1. Is the complaint about one or more Members of the Authority covered by the Standards Committee?
2. Was the named Member in office at the time of the alleged Conduct?
3. Had the named Member signed the Declaration of Acceptance of Office, agreeing to abide by the Code of Conduct?
4. Was the Code of Conduct in force at the time of the alleged conduct?
5. Would the complaint, if proven, be a breach of the Code of Conduct?

If the complaint fails one or more of these initial tests, it cannot be investigated as a breach of the Code and the complainant should be informed that no further action will be taken in respect of the complaint.

Assessment Criteria

1. Does the complaint relate to dissatisfaction with a Council decision, rather than the conduct of a particular Member?

2. Does the complaint concern acts carried out in a Member's private life, when they are not carrying out the work of the authority or have not misused their position as a Member?
3. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct?
4. Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
5. Is the complaint about something that happened such a long time ago that there would be little benefit in taking action now?
6. Is the complaint too trivial to warrant further action?
7. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
8. Is the complaint, part of a continuing pattern of less serious conduct by a Member that is unreasonably disrupting the business of Kent County Council and there is no other avenue left to deal with it, short of an investigation?
9. Has the complainant submitted enough information to satisfy the Assessment Sub Committee that the complaint should be referred for investigation or other action?

Note: If a matter is referred for investigation or other action, it does not mean that the Sub Committee assessing the complaint has made up its mind about the allegation. It simply means that the Sub Committee believes that the alleged misconduct, if proven, may amount to a failure to comply with the Code and that some action should be taken in response to the complaint.

Peter Sass
Head of Democratic Services and Local Leadership
November 2008

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By: Roberta MacCrone - Chairman of the Standards Committee
Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 28 May 2009

Subject: Member Induction: The Role of Members and the Ethical Framework

Classification: Unrestricted

Summary: This report contains an outline of the proposals for Member Induction and Development following the elections in June.

Introduction

- (1) At the Standards Committee meeting on 27 April 2009, Members received a report on the proposals for Member Induction and Development following the elections in June, with specific reference to the training on ethical standards and the role of the Standards Committee
- (2) The Head of Democratic Services and Local Leadership undertook to produce an outline of the training session for Members of the Standards Committee and this is attached to the report at **Appendix 1**.
- (3) The draft programme for Member Induction and Development contains 5 duplicate sessions on ethical standards spread over 3 days: 12 June and 20 and 24 July.
- (4) All candidates in the election have received information about the induction programme and the importance of attending one of the ethical standards training sessions has been stressed to candidates.

Recommendation

The Committee is invited to consider and approve the proposals for the ethical standards training.

Standards Committee Workshops 2 1/2 hours
12th June (am & pm), 20 July (pm), 24 July (am & pm)

10am	Standards Committee Member Introduction	15 minutes
10.15am	Peter Sass presentation The Code of Conduct, Members responsibilities, Register of Interests	20 minutes
10.35am	The Code of Conduct: The Code Uncovered DVD Running time 32 minutes	30 minutes
11.05am	Group discussion workshops The group can explore: <ul style="list-style-type: none"> - In what circumstances would there be/not be a breach of the code? - What other action could be taken? - What could the monitoring officer do? - What could the standards committee do? - What could the chief executive do? - What could the political group leader(s) do? 	40 minutes
11.45am	Peter Sass presentation - Questions and discussion on scenarios Peter/Standards Committee Member	30 minutes
12.15pm	Close	

By: Miss R MacCrone – Independent Chairman
Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 28 May 2009

Subject: Annual Return to the Standards Board for England

Summary: To receive the Council's first annual return to the Standards Board for England.

Unrestricted

Background

1. The Monitoring Officer is required to submit information to the Standards Board for England (SBE) at the end of each quarter in relation to the number of complaints received about the Conduct of Members and the progress/outcome of each complaint, anonymised accordingly.
2. For the first time this year, the Monitoring Officer is also required to submit an annual return, which provides information about the role of the Standards Committee in promoting ethical standards, Member/Officer relations, leadership, training, registering of interests etc. Attached to this report is a copy of KCC's first annual return, for the Committee's information.
3. The Standards Board has stated that it will produce a report later this year highlighting best practice nationally in relation to the promotion of ethical standards, using information gleaned from the annual returns. When this report is published, it will be useful in terms of guiding the Committee's future work programme.

Recommendation:

4. The Committee is invited to formally note the Council's annual return to the Standards Board for England.

Miss R MacCrone – Independent Chairman of the Standards Committee
Peter Sass – Head of Democratic Services and Local Leadership
May 2009

Tuesday 19 May 2009

Annual return

Submitted As Final

Summary

show all ☒

[Section 1](#) Independent overview show ☒

[Section 2](#) Standards committee - annual report show ☒

[Section 3](#) Standards committee - promoting standards show ☒

[Section 4](#) Standards committee - training show ☒

[Section 5](#) Leadership show ☒

[Section 6](#) Complaints show ☒

[Section 7](#) Member officer - relations show ☒

[Section 8](#) Registering member interests show ☒

[Section 9](#) Officer conduct show ☒

[Section 10](#) Optional questions show ☒

Independent overview

Does the standards committee have Terms of Reference?

Yes

What help do members receive on following the Code of Conduct?

Training and Development activity and regular advice when needed from the Monitoring Officer and his staff

Does the standards committee have a forward work plan?

Yes

If yes, who outside of the standards committee is involved in agreeing the forward work plan? Please explain below.

Benchmarking analysis and best practice examples from elsewhere; the views of Group Leaders as to which areas the Standards Committee should focus on; sensitive local issues where there could be an impact on Members' responsibilities under the Code

Is the standards committee given a role in reviewing amendments to the Authority's Constitution (or Standing Orders where appropriate)?

No

Standards committee meetings.

Please use the table below to indicate how many times between 01/04/2008 and 31/03/2009 the standards committee has met and for what reasons.

Reason for meeting	Number of times met between 01/04/2008 and 31/03/2009
General meeting of whole standards committee	3
Training	1
Assessment sub-committee	4
Review sub-committee	1
Consideration meeting	0
Hearing	0
Other	0

Standards committee - annual report

Does the standards committee produce an annual report on its own work?

Yes

Is the annual report received by a meeting of the full authority?

Yes

Is the annual report sent to all members?

Yes

Is the annual report sent to all senior officers?

Yes

How is the annual report publicised to the general public?

On the Authority's website

Standards committee - promoting standards

What else does the standards committee do to communicate the role of the standards committee and the importance of high standards internally within the authority to members and officers?

Members of the Committee regularly attend Council, Cabinet and Committee meetings to talk informally to elected Members and will bring issues to the Standards Committee arising from their attendance at these meetings.

What else has the standards committee done to promote confidence in local democracy to the wider public?

The relevant part of the Council's website is under review. The Standards Committee is publishing an article in a publication circulated to all households in the County about their role

Has the authority, or the standards committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

No

Standards committee - training

Between 01/04/2008 and 31/03/2009, has the authority assessed the training and development needs of members in relation to their responsibilities on standards of conduct?

No

Please provide a list of training and development opportunities that have been provided to members and officers in the period from 01/04/2008 and 31/03/2009, that are relevant to ensuring high standards. Your list should include any training that relates to the operation of the local standards framework, e.g. local assessment, hearings etc.

Training session to Standards Committee Members on the locally managed framework for complaints (April and May 2008) Presentation of the Committee's Annual report to the full Council (May 2008), which

included a question and answer session with the independent Chairman of the Standards Committee

Leadership

How often has the standards committee, or its chair, met the chief executive to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

How often has the standards committee, or its chair, met the leader of the council to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

One

Please also provide an overview of what the meetings were about.

All 3 party Group Leaders met the Standards Committee to talk about the new locally managed framework and the promotion of high standards of ethical conduct amongst Members (the Committee meets with the Group Leaders formally at least once each year)

How often has the standards committee, or its chair, met the other party group leaders to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

One

Please also provide an overview of what the meetings were about.

See above

Does the standards committee, or its chair, have regular access to the monitoring officer? How regular?

On an "as and when" basis. The Monitoring Officer attends all meetings of the Standards Committee

How many times in the last 12 months (from 01/04/2008 to 31/03/2009) has the standards committee chair been invited to address a full authority meeting?

One

Does the monitoring officer sit on the Corporate Management Team, or equivalent?

No

If no, please describe in what ways, if any, the monitoring officer has access to the Corporate Management Team.

The Monitoring Officer has unlimited and unrestricted access to the corporate management team at all times

Has an executive member (or senior member where appropriate) been given portfolio responsibility for standards?

Yes

Complaints

Can the public access information, from the authority website, about how to make a complaint against a member?

Yes

What else has the authority done to advertise the complaint process on member conduct to the general public?

Planning an article in a Council publication that is delivered to each household in the County

Has the authority sought feedback from any of those people involved in an allegation of member misconduct about their satisfaction with the member conduct complaint process (for example the complainant, witnesses or person against whom the allegation was made)? Please choose from responses below.

Yes

How does the authority communicate the outcome of investigations into member conduct to:

a) members

No investigations undertaken

b) officers

No investigations undertaken

c) the general public

No investigations undertaken

How does the authority communicate the outcome of allegations into member conduct which have NOT resulted in an investigation (for example those allegations which have not been referred for investigation

and those allegations which have resulted in other action) to:

a) members

The relevant Members are sent a copy of the decision notice, i.e. the subject Member and the Group Leader and whip

b) officers

Officers are not normally advised

c) the general public

Decision notices are available for public inspection

Member officer relations

Does the authority have a protocol for relations between members and officers?

Yes

How is the protocol communicated to officers and members?

It is part of the Constitution and reference is made to the key aspects in both Member and Officer induction training

What is the mechanism for reviewing the effectiveness of this protocol?

Periodic Review by the Corporate Management Team, or when the need arises

Does the authority include training on the importance of high standards of behaviour in the inductions of new members and officers?

Yes

Does the authority have informal mechanisms for dealing with member/officer and member/member disputes?

Yes

Please provide details of any mechanisms and, if possible, provide an example where this has been used.

Informal discussion and resolution by a senior manager

Registering member interests

Is the member register of interests accessible to the public on the authority website?

Yes

Is the register of gifts and hospitality available to the public on the authority website?

No

What does the authority do to signal to members the importance of declaring interests and completing the register of interests and the register of gifts and hospitality?

Included in induction and development training

Officer conduct

Does the authority have a code of conduct for senior officers?

Yes

Does the authority compile a register of senior officers' interests?

Yes

If yes, is the register of senior officers' interests available to the public on the authority website?

Not currently

Does the authority compile a register of senior officers' gifts and hospitality?

Yes

If yes, is the senior officers' register of gifts and hospitality available to the public on the authority website?

No

Optional questions

The following questions are optional; you do not have to complete them if you do not wish to. However, this information would be useful to us in helping us to raise ethical standards.

On what issues, if any, would you appreciate more support or guidance on from the Standards Board for England?

The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify improvements.

Has your authority used the ethical governance toolkit?

Yes

[The Standards Board for England © 2008](#)

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By: Miss R MacCrone – Independent Chairman
Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 28 May 2009

Subject: Standards Committee Work Programme and future meeting dates

Summary: To consider the Committee's forward work programme.

Unrestricted

Background

1. At the Committee's meeting on 25 November, 2008, it was agreed that the Head of Democratic Services and Local Leadership would formulate a work programme for the Committee's consideration and also, in consultation with the Chairman, agree a series of future meeting dates, so that all Members can ensure they are available to attend Committee meetings.

2. Accordingly, attached at **Appendix 1** is a suggested work programme based on relevant aspects of the Committee's work in previous years, together with the conclusions reached at a previous meeting about the Committee's future role.

Recommendation:

3. The Committee is invited to consider and agree the Committee's future work programme and proposed meeting dates (Appendix 1)

Miss R MacCrone – Independent Chairman of the Standards Committee
Peter Sass – Head of Democratic Services and Local Leadership
May 2009

Standards Committee Work Programme - 2009

Meeting	Item	Source (*Standard item unless stated)
28 May 2009	Members' Annual Reports (Report from the Independent Remuneration Panel)	Standard item
	The Committee's Annual report	Standard yearly item
	Proposals for Ethical Standards training	Agreed at previous meeting
	Standards Board for England – Annual Return	Standard yearly item
	Work Programme and future meeting dates	Standard item
20 July 2009	Review of Ethical Standards Training for Members	Agreed at November 2008 meeting
	Review of Register of Interests, Gifts and Hospitality	Agreed at November 2008 meeting to be an annual report
	To meet with the political group leaders to discuss the role of the Committee in raising ethical standards	Best practice
	Monitoring of complaints	Standard item
	Work Programme and future meeting dates	Standard item
20 November 2009	Monitoring of complaints	Standard item
	Work Programme and future meeting dates	Standard item