



## AGENDA

### STANDARDS COMMITTEE

**Thursday, 18th March, 2010, at 10.00 am**  
**Stour Room, 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 20 November 2009 (Pages 1 - 4)
4. The role and remit of the Standards Committee (Pages 5 - 68)
5. Members' Register of Interests, Gifts and Hospitality (Pages 69 - 70)
6. Complaints Monitoring (Pages 71 - 76)
7. Standards Committee Work Programme and future meeting dates (Pages 77 - 78)
8. Any other urgent business
9. Date of Next Meeting

#### **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

**Thursday, 11 March 2010**

*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

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### STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held in the Bewl Room, Sessions House, County Hall Maidstone on Friday, 20 November 2009.

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

IN ATTENDANCE: Mr P Sass (Head of Democratic Services and Local Leadership)

#### UNRESTRICTED ITEMS

##### 1. Welcome to Thurrock Council Delegation

The Chairman welcomed the delegation from Thurrock Council's Standards Committee:

Mike Carpenter (Independent Chairman)  
Cllr Diane Revell (Committee Member)  
Cllr Mike Revell (Committee Member)  
Mr David Lawson – Interim Deputy Head of Legal Services

##### 2. Substitutes/Apologies

All Committee Members were present.

An apology for absence was received from the Director of Law and Governance, Geoff Wild.

##### 3. Declarations of Interest

There were no declarations of interest by Members of the Committee.

##### 4. Minutes of the meeting held on 20 July 2009

RESOLVED: that the Minutes of the meeting held on 20 July, 2009, be approved and signed as a correct record.

##### 5. Oral Report from the Members who attended the Annual Conference of Standards for England in Birmingham

Those Members who attended the Annual Conference of Standards for England gave their overall assessment of the event.

Mr Gammon stated that he thought it was a useful and professionally-run conference. It raised issues with him about the much wider remit of some other Standards Committees, e.g. in relation to Officer Codes, whistleblowing, etc. He added that he was pleased to be able to spend time examining the "other action" option when assessing standards complaints.

Mr Daley stated that his initial scepticism about the conference proved unfounded, adding that he was very impressed with the quality and variety of the content. He commented specifically upon the emphasis on not prolonging the agony of standards investigations by being prepared to adjourn for “other action”, then reconvene if necessary.

The Chairman stated that she had been impressed with the quality and variety of the workshops and was interested to note Standards for England’s acknowledgement that they need to offer more support to local Standards Committees.

The reports from Members were noted.

## **6. Review of Ethical Standards Training for Members**

The Committee considered a report from the Head of Democratic Services and Local Leadership.

The Committee acknowledged the efforts of officers to ensure that all Members received training on the Code of Conduct. Mr Sass stated that he was now contacting Members personally to arrange one-to-one or small group sessions. Mr Sass undertook to provide a list of all Members who hadn’t attended the training to the elected Members on the Standards Committee, so that they could tackle this issue through their Groups. It was envisaged that all of the outstanding training would be completed by Christmas.

RESOLVED: that the report be noted.

## **7. Monitoring of Complaints**

The Committee considered the report of the Head of Democratic Services and Local Leadership.

With regard to the composition of the Assessment and Review Sub Committees, the Committee was of the view that there was no need to alter the existing arrangements where either Sub Committee can be made up of 1 independent Member and 2 elected Members, or vice versa. Members stated that it would be inappropriate to move to a situation where there was always a majority of independent Members at all Sub Committee meetings. Mr Sass stated that the suggestion was initially his and apologised if the wording of his report appeared to question the objectivity of elected Members of the Authority.

With regard to the consideration of an investigating officer’s report, the Committee was of the view that the same Members who had decided to commission the report at either the Assessment or Review Sub Committee stage, should consider the investigating officer’s report, with him or her present. The Committee was also of the view that any subsequent hearing should be attended by as many Members of the full Standards Committee as were available.

Referring to paragraph 6 of the report, the Chairman suggested that the DVD should not be shown due to the amount of business on today’s agenda.

RESOLVED:

- (1) That the current position with regard to the receipt and assessment of complaints be noted;
- (2) That the membership of the Assessment and Review Sub Committees should remain as two elected and one independent Member or vice versa;
- (3) A Consideration Sub Committee be convened to consider the Investigating Officer's report into an alleged breach of the Code of Conduct by Members; the Sub Committee to comprise the same three Members as those who commissioned the investigation at the Assessment or Review stage

## **8. Review of the Members' Register of Interests and Gifts and Hospitality**

The Committee was invited to appoint one or more of the independent Members to carry out a review of Members' Registers of Interests, in conjunction with the Head of Democratic Services and Local Leadership and to report any significant issues back to the Committee

RESOLVED: that the Head of Democratic Services and Local Leadership be asked to arrange for this review to take place involving at least two of the three independent Members.

## **9. Proposed Changes to the Members' Annual Reports**

The Committee had been invited by the Independent Remuneration Panel to comment on the proposed changes to the Members' Annual Reports for 2010.

RESOLVED: that the proposed changes to the Members' Annual Reports for 2010 be supported.

## **10. Advice Notes for Members**

The Committee was invited to comment on and approve Advice Note No. 1 (Registering and Declaring Interests, Gifts and Hospitality); Advice Note No. 2 (Member/Officer Relations); and Advice Note No. 3 (Complaining about the conduct of another Member of the Council).

With regard to Advice Note No. 1, Mr Christie asked if there was an easier way to obtain a dispensation to speak and vote on a matter at a Neighbourhood Forum meeting, particularly if a large number of Members were affected by having prejudicial interests. Mr Sass undertook to investigate further, but advised that the Standards Committee itself was able to grant dispensations.

With regard to paragraph 2.8 on page 20 (Advice Note No. 2), the Committee agreed to a suggestion from Mr Christie that reference should be made to the six main strands of equality, not just those listed.

RESOLVED: that Advice Note No. 1 (Registering and Declaring Interests, Gifts and Hospitality); Advice Note No. 2 (Member/Officer Relations); and Advice Note No. 3 (Complaining about the conduct of another Member of the Council) be formally

approved, subject to the amendment agreed to Advice Note No. 2 (detailed above) and the Head of Democratic Services and Local Leadership be asked to circulate the amended Advice Notes to all Members for inclusion in their Members' Handbooks.

### **11. Committee Work Programme**

The Committee considered its future work programme.

Following on from his comments on the Annual Conference, Mr Gammon stated that he would like a discussion paper to the next meeting in March 2010, examining best practice in other Councils in terms of a wider remit for the Standards Committee, particularly with regard to the promotion of high ethical standards; the introduction of a newsletter; and joint working with District/Borough and Town/Parish Councils.

Mr Sass undertook to prepare a discussion paper accordingly.

RESOLVED: that the Committee's future work programme be noted, subject to the inclusion of a discussion paper on the remit of the Standards Committee at the March 2010 meeting.

### **12. Any other Urgent Business**

The Committee did not consider any items of business of an urgent nature.

### **13. Date of Next Meeting**

The Committee noted that the date of the next meeting was Thursday 18 March 2010 during the morning.

By: Peter Sass - Head of Democratic Services and Local Leadership  
To: Standards Committee – 18 March 2010  
Subject: The role and remit of the Standards Committee – a discussion paper

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Summary: The discussion paper invites the Committee to examine and debate a national report from the University of Hull in relation to the impact of Standards Committees.

## **Unrestricted**

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### **Background**

1. At the meeting of the Standards Committee on 20 November 2009, it was agreed that there would be a discussion paper to this meeting, which examined best practice in other Councils in relation to a wider remit for this Committee, with particular regard to the promotion of high ethical standards, the possible introduction of a newsletter; and joint working with District/Borough and Town/Parish Councils.

### **Assessing the Impact of Standards Committees**

2. In October 2009, Professor Alan Lawton and Dr Michael Macaulay from the University of Hull published their research report (**Appendix 1**), which examined examples of notable practice in Standards Committees in relation to the following areas:

- Organisational Learning
- Working with Town and Parish Councils
- Member Development
- Working with Partnerships
- Recruitment and Retention
- Training and Development
- Joint Standards and Audit Committees
- High pressure investigations
- Embedding standards

3. It is suggested that the research report is an excellent basis for a discussion about the role and remit of the Standards Committee.

4. Committee Members will also recall the discussion about its role at the meeting in November 2008 (**Appendix 2**), following a review of 12 Authorities undertaken by Lancashire County Council, when the Committee made the following conclusions:

- (a) *The Committee's existing role and activities in the promotion of high standards of conduct by both elected and co-opted Members is a positive one. The Committee's annual report to the County Council, now in its sixth year, is good practice; the new responsibilities for local investigations have been introduced smoothly; there is excellent cooperation with the Independent Remuneration*

*Panel; and there is a constructive working relationship with the 3 Group Leaders in relation to the work of the Committee.*

- (b) It is always good to see how other authorities deal with similar issues and the debate prompted by the work carried out by Lancashire County Council was constructive and interesting.*
- (c) 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.*
- (d) 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.*
- (e) In relation to the size and composition of the Committee, Mr Sass was asked to confirm in writing to Members the relative appointment periods for the independent Members of the Committee.*
- (f) The Chairman mentioned her role as a member of the Kent and Medway Independent Standards Committee Member Liaison Group, which she said was a useful forum to discuss areas of common interest.*
- (g) Mr Sass was asked to check the last time that the remuneration for independent Members was agreed and whether it was appropriate to include the matter in the forthcoming review.*
- (h) With regard to training, it was agreed that the independent Members of the Standards Committee should include details of their training in the Committee's annual report.*
- (i) Members agreed that a report should be submitted to each meeting of the Standards Committee, giving the relevant details of the current stage of any complaints that had been investigated by the Assessment Sub Committee, anonymised accordingly.*
- (j) It was suggested that there should be a standing item each year to review the Register of Members' Interests, Gifts and Hospitality, starting in the new Council term.*
- (k) It was also suggested that the Committee should review at least once a year whether personal and prejudicial interests are being properly recorded by Members at meetings.*
- (l) It was agreed that it was good practice to continue to encourage a constructive working relationship with the 3 Group Leaders and that they should all 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 another appropriate matter.*



5. It is suggested that the Committee bears in mind these previously agreed conclusions and principles in deciding on the most appropriate way forward for the role and remit of the Committee, which should be proportionate to the risk of poor or declining ethical standards at Member level within KCC but not complacent. In this regard, Members may consider that there are parallels between KCC and Newcastle City Council, as identified in Case Study 9 in the University of Hull report. The case study states that the Standards Committee at Newcastle has become “an embedded and vital element of the authority” and that it had achieved this success through “a long term commitment and continual engagement of leaders”. Any changes to the role and remit of the Committee, or its Terms of Reference will require the ultimate approval of the County Council and should, ideally, be discussed in advance with the three Group Leaders.

**Recommendation:**

6. The Committee is invited to consider the documentation circulated and discuss its role and remit and make recommendations accordingly.

Peter Sass – Head of Democratic Services and Local Leadership  
March 2010

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# Assessing the impact of standards committees

October 2009

**Professor Alan Lawton**

University of Hull

**Dr Michael Macaulay**

Teesside University



**THE UNIVERSITY OF HULL**

Teesside University Business School



## Executive Summary

1. The aim of this research is to investigate examples of notable practice in standards committees. Our cases are summarized in the table below:

<b>Notable Practice</b>	<b>Case study authority</b>
Organisational learning	Bristol City Council
Working with town and parish councils	Taunton Deane Borough Council
Member development	Surrey Police Authority
Working with partnerships	Newark and Sherwood District Council
Recruitment and retention	South Cambridgeshire District Council
Training and development	Herefordshire County Council
Joint standards and audit committees	Runnymede Borough Council
High pressure investigations	Greater London Authority
Embedding standards	Newcastle City Council

2. The research is founded on a purely qualitative methodology, centred on nine case studies, which was designed to establish real-life stories rather than a scientific measure of how notable the practice may be.
3. Context does not appear to be crucial to developing notable practice, and authorities that were investigating numerous complaints could be equally as innovative as those with few investigations.
4. A key finding is that notable standards committees are notable for several reasons: we found that in each case study the standards committees were committed to a number of innovative practices.
5. Leadership is essential, particularly in terms of political support within the authority.
6. Composition of standards committees need to be balanced. The majority of our case studies deliberately attempt to bring a range of skills, knowledge and experiences to the standards committee, especially in regards to independent members.
7. Standards committees learn from each other. Organisational learning was a key aspect of all of our case studies to some degree but what was extremely apparent was the sheer range of networks now in existence in the local government standards community.
8. The research findings are not to be viewed as a recommendation for all authorities to try and emulate: they are all examples of notable practice that have worked in these specific instances with these specific authorities. We hope that the research will be viewed as informative rather than prescriptive.

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## **Acknowledgements**

We would like to thank all of our case study authorities for giving us their time and sharing their experiences with us. We would also like to thank Jonathan Goolden of Jonathan Goolden Solicitors and Mike Wilkinson, Chair of the standards committee at Leeds City Council. Their advice and support were invaluable. We would also like to thank the steering committee at Standards for England for its advice and support.

## 1 Background and rationale

This research investigates the development of *notable practice* in local authority standards committees. It builds on previous research that has discussed: the initial creation of standards committees (Doig and Skelcher, 2001); the development of standards committees after the *Local Government Act 2000* (Lawton and Macaulay, 2004; Macaulay and Lawton, 2006); the roles of standards committees (Greasley, 2007); and the position of standards committees in the wider standards framework (Iles and Macaulay, 2008). The research has been conducted jointly by the University of Hull and Teesside University.

We acknowledge that the term 'notable practice' has a variety of connotations and does not specifically refer to the more common terms, 'best practice' or 'effective practice'. In the context of this research, however, we have defined notable to mean practice that is both innovative and that has had positive effects on the corresponding local authority.

These examples can be split into three groups: statutory functions; non-statutory roles; and organisational cultural perspectives. Examples of notable practice in statutory functions could include:

- training arrangements for members
- investigations
- management and conduct of hearings
- updating and monitoring the code

Examples of notable practice in non-statutory roles were identified by Greasley (2007) and could include:

- developing whistle blowing procedures
- advising on internal and external audit
- developing innovative relationships with ombudsmen
- advising on Member/Officer protocol
- reviewing the authority's constitution
- developing anti-fraud policies
- commenting on employment disciplinary policies and procedures

Examples of a wider organisational practice were identified by the research team's steering group, and could include:

- recruitment, retention, training, motivation and remuneration of committee members
- dynamics between independent and councillor members
- dynamics between the committee and the officer support
- risk management of conduct complaints (e.g. feedback loop to lessons learnt to inform future resource allocation, any proactive audit style work set out in a risk based work plan)
- developing an outward face in terms of public recognition
- creating an accessible website

- forging a meaningful relationship with the local press
- creating sustainable relationships with other standards committees
- engaging in national debates and the wider standard community
- developing innovative standards committee meetings.

In short there are myriad examples of notable practice from which to choose the case studies. What we have sought to develop in this research is a series of narratives around how these practices have emerged and the impacts that they have had.



## 2 Methodology

The project adopts a critical incident case-study strategy, designed to describe *specific instances* of notable practice. The case studies were designed to answer the following questions:

- What is the example of notable practice that is being described?
- How was the practice identified?
- What (if any) were the specific problems that the practice was set up to resolve?
- Who were the leaders in championing the good practice?
- Was there any opposition to the practice being introduced?
- What obstacles were faced during implementation?
- What have been the impacts within the authority?
- What have been the impacts outside the authority (i.e. public and local media recognition)?
- What further elements of good practice have been achieved?

The benefits of a case study approach are that it gathers rich data that allows both a real time and retrospective analysis. Cases can study multiple perspectives on the same event or incident and this allows for a more generalisable conclusion. Finally the development of nine cases allowed for cross case comparisons to be made where appropriate, which is often throughout the study.

As with all case studies, the critical incident technique must build up a chain of evidence (Yin, 2009) to create a narrative of the event. This approach, therefore, required a multi-method approach and cases utilised a range of research methods:

- Desk based research to develop a bank of documents, minutes of meetings, committee records and other physical artefacts.
- Participant observation of a standards committee meeting where this was possible within the time frame of the case visits.
- Key informant interviews were used to investigate the perspectives of other stakeholders: specifically the monitoring officer; chief executive; political leaders.

By adopting a multi-method approach the case built up a deep understanding of the practice that was identified. The rationale for case study selection was the extent to which each authority presented an example of notable practice.

Nine authorities were studied in the course of the research, each looking at a specific example of notable practice. In choosing the cases we were guided by advice from our Steering Group, from our own experiences from previous research in this area and from examining the web-sites of potential cases, focusing on the minutes and agendas of standards committees meetings. After consultation with the SfE steering group and our own advisory panel, it was decided that the following examples of notable practice would be investigated:

1. Organisational learning
2. Working with parish and town councils
3. Member development
4. Working with partnerships
5. Recruitment and retention
6. Joint training and development

7. Joint standards and audit committees
8. Dealing with high pressure investigations
9. Engaging leaders

It will become quickly apparent in this report that our case study organisations were frequently involved in other examples of notable practice and it therefore seems to us that many standards committees are likely to engage in a host of notable practices. At the same time, we came across examples of notable practices outwith our case studies, almost by chance. Thus we attended a training day for the Tees Valley Town and Parish Councils offered by a partnership of Stockton-on-Tees, Middlesbrough, Hartlepool, Redcar and Cleveland, and Darlington councils, and addressed by one of our case study Monitoring Officers. We spoke at Somerset County Council's annual standards assembly; and we also participated in a special event with the Adjudication Panel held at North Tyneside Metropolitan Council. In short, we came across manifold examples of notable practice within the local government standards community, and hopefully this report will provide a flavour of some of the interesting work that is currently being conducted by standards committees throughout the country.

### **3 Case study 1 – Organisational Learning: Bristol City Council**

#### **Background**

Bristol City Council covers a population of approximately 420, 000 residents, and its council comprises 32 Liberal Democrat members, 24 Labour, 13 Conservative and 1 Green Party member. The standards committee is composed of three elected members (one from each of the main parties) and four independent members (although at the time of our visit it was seeking to recruit a fifth independent).

Bristol's standards committee has had comparatively little work in terms of investigations and hearings: 2008-09, for example, saw only two complaints being put to the committee, only one of which required an investigation. Partly as a result of this low demand, the standards committee has been as proactive as possible in terms of setting itself a workload that impacts on the authority on several levels. For example, it is involved in overseeing the procedure for the selection of the Lord Mayor's medals. More importantly, the standards committee is also broadly involved in continuous improvement through organisational learning: going over protocols, internal codes of conduct, constitutional arrangements, etc.

Bristol standards committee also has an interesting membership structure inasmuch as its political members are all party whips. It is difficult to tell how unique this occurrence may be in a national comparison, but it is certainly the only case that we came across in this study, although the importance of support from party whips and other leading political figures was an oft-repeated mantra throughout our case studies. Political support was seen by all case authorities as being essential in making members aware of issues revolving around the code and also keeping the profile of the standards committee high throughout the authority. This was certainly the case in Bristol: we were informed that the party whips 'add gravitas' to the process whilst being aware that they 'are not trying to take over the council's role'. It was a deliberate decision to have the group whips on the Committee to provide the committee a high degree of respect and status within the authority. Also, the independent members have a high profile around the city and are known as being committed to public life, which raises the profile of the committee externally.

As a consequence of its proactive approach, strong political support, and visible independent members the committee has a high profile inside the authority and has a very positive status among members and officers.

#### **Notable Practice**

The notable practice that is most visible in Bristol is organisational learning, by which we mean the dissemination of other notable practices to the wider local government community. Clearly the extent to which organisations learn from each other is a key issue as organisations seek to improve their performance and Bristol standards committee has acted as a hub for other authorities and independent members in the South West.

A basic premise of organisational learning is that organisations can learn not only directly from their own experiences but also directly and indirectly from the experiences of others. Knowledge transfer takes place through a number of different mechanisms and these will include personnel movement, training, communication, observation, alliances and other forms of inter-organisational relationships (Argote et al., 2000) . Organisational learning is a long-term activity and requires (Goh, 1998):

1. Mission and Vision
2. Ethical Leadership
3. Experimentation and questioning the status quo
4. Transfer of knowledge
5. Teamwork and co-operation

Bristol standards committee meet these criteria in a number of different ways. Its mission and values (like some of the other cases we have studied) are clearly available in public documents and on the committee's own web pages. Ethical leadership and teamwork have already been alluded to in the structure and membership of the committee, which has been designed to bring together a range of skills and, more importantly, decisive leadership.

Experimentation and the transfer of knowledge is attained by the sheer range of different work that the committee undertakes, particularly in commenting on various protocols, changes to the code and other aspects of council business (in 2007, for example, the council adopted a new code of conduct which was heavily indebted to standards committee discussion; in 2008, the standards committee approved both the draft summary of the Constitution and a local Code of Corporate Governance which set out six core principals to measure governance). In addition, the independent members of the standards committee regularly attend other meetings in the council and have a standing item on their own agenda to give feedback on the meetings that they have attended. They regularly review their own workings so, for example, they regularly debate their own powers.

An even more explicit example of sharing notable practice and transferring knowledge is that the standards committee works closely with networks of other authorities in the south west, perhaps most notably in the South West Independent Members Committee conference, which in 2008, attracted 65 attendees from 32 different authorities. Feedback from the event was extremely positive and included the following remarks: "both informative and interesting"; "comprehensive and relevant"; and "a rounded overview". Topics discussed included how best to interact with parish councils, problems of vexatious complaints, changes to legislation, and generally just the sharing of experiences. Regrettably the authors were unable to attend this year's conference in September 2009 where we had hoped to speak about our research. In short, Bristol's standards committee is committed to expanding its own spheres of influence both within the authority and outside its boundaries to offer its knowledge and experiences throughout the region.

#### **Developing practice**

- Aim for a good balance of skills among members of the standards committee, which allows for a high profile internally and externally

- A balanced standards committee can profitably apply its expertise to a wide range of authority issues in order to continually develop the committee's own learning
- Knowledge and experiences travel well from committee to committee and should be shared

## 4 Case study 2 – Working with town and parish councils: Taunton Deane Borough Council

### Background

Taunton Deane Borough Council covers a population of approximately 100,000 residents. It has 41 parish councils and 1 town council. Council membership comprises 23 Conservative members; 27 Liberal Democrats; 3 Independents; and 1 Labour member. The standards committee comprises 7 independent members, 3 elected members; and 3 parish members.

One of the most common sources of complaints against the code of conduct are town and parish councils, which have consistently accounted for around 50% of all complaints nationally every year since 2001. Taunton Deane Borough Council has 41 parishes and 1 town council yet it has not received a single complaint either from the parishes, or regarding any of their activities, since the standards framework was established (even though the standards committee has received 4 complaints regarding the Borough Council itself). The research team felt that this was a notable achievement and worthy of investigation.

### Notable practice

Every single person we spoke to at the authority attributed Taunton Deane's successful liaison with parish and town councils to the contribution of the Parish Liaison Officer who has been sitting on the standards committee since its creation in the late 1990's (before standards committees were statutory requirements under the *Local Government Act 2000*). The Parish Liaison Officer was described to us as "fantastic" and the "go-to" man on matters of standards and ethics in the parishes. The actual role was created by the Local Government Act 1974 although the exact number of authorities that still maintain the office is currently unknown.

The Parish Liaison Officer is not only there to advise on matters of standards and ethics but acts as a general conduit between parishes and the Borough Council. The Officer described himself as "the human face of the Borough Council" and he identified a range of skills he felt were needed to successfully carry out the role:

- must be flexible and prepared to work out of hours
- good interpersonal skills
- acts as a critical friend
- prepared to admit that one does not know everything and brings back queries to the Council
- recognises the unique differences that parish and town councils bring to local government
- is both reactive and proactive – is able to respond quickly to issues but also lead on new matters of interest

We would also add listening, understanding, empathising, influencing, brokering and negotiating skills.

The office is a 100% full-time job involving evening work, typically 3-4 nights a week. The Parish Liaison Officer has currently worked for the council for 15 years and is well-known and highly

respected within the Borough. Most of the queries he receives are about conflicts of interest, and are usually planning related (8 out of the 41 parishes have delegation for planning). However, several respondents argued that it is costly to have a planning officer attend parish meetings and therefore the Parish Liaison Officer represents significant value for money.

The Parish Liaison Officer also delivers training 'on site'. The council previously delivered training for parish councillors at the council offices with mixed attendance; the present arrangement involves the training delivered in bite size chunks (30 minutes) at the Parish Council meeting itself.

The officer identified the need to build up trust and personal relations: he acknowledged his good relations with the Parish Chairs and clerks who can ring him up at any time for advice. Indeed the Parish members we spoke to were very grateful for the officer's efforts. One told us: "I don't know where the idea [for a dedicated officer] came from but it was inspired". Indeed the officer is so highly regarded that when the council considered getting rid of the post as part of rationalisation of the authority in 2004, the parish and town members responded with such vigour that they persuaded the authority to change its mind and maintain the office.

In addition, the Parish Liaison Officer regularly networks with other local government organisations: he works with NALC and regularly speaks at the Somerset Association of Local Councils. He also has a small budget and can contribute £50-£100 to, for example, help with playing fields or footpath maintenance, which is not much but is enough to make a difference. As a result of all his activity, we would argue that the Parish Liaison Officer is an excellent example of a "boundary spanner" (Williams, 2002) – an individual that reaches across different organisational boundaries and builds relationships between different groups. In particular, the boundary spanner acts as a conduit for different elements of organisational knowledge and can pass on expertise to various stakeholders. It was actually during a meeting of the Somerset Association of Local Councils that the Parish Liaison Officer at Taunton Deane was brought to our attention as a success story in terms of local government in the South West.

Two possible objections could be levelled at our selection of the Parish Liaison Officer as an example of notable practice. First, that it may be difficult for an authority in the current economic climate to establish such an office (assuming that it was not already in place). Second, that this is an example of notable practice by the officers of Taunton Deane rather than the standards committee. Even the Parish Liaison Officer acknowledged the difficulties surrounding the first objection and did not think such a post was likely to be established from scratch. It is important to note, however, that many local authorities have such an office and further research would be useful to establish whether or not there is a consistency of role across the country. More importantly it might be argued that even where such an office does not exist, some person (or persons) could take up the mantle and engage directly and regularly with parish and town councils.

The second objection elicits a slightly more straightforward response. As part of his duties the Parish Liaison Officer ensures that one independent member of the standards committee accompanies him to each parish meeting he attends. These visits are divided up into a rota system so that each independent member goes to several meetings per year, allowing parish members to put faces to names and build up a direct relationship with the standards committee itself. Thus the notable

practice, while dependent on the excellent work of the Parish Liaison Officer, is by no means solely his responsibility.

We must stress again that such an office may not be an ideal solution to every authority with parish and town councils, but it has certainly led to very important bonds of trust within Taunton Deane Borough.

This case does illustrate the pivotal role of individuals in sustaining key relationships. The challenge is to embed the role within the authority so that if a particular individual leaves the authority he or she can be replaced.

### **Developing practice**

- Face to face contact is extremely important so develop direct relationships between parish and town members, and members of the standards committee
- Personal relationships help develop trust
- Flexibility and empathy are key virtues, recognise that managing at the 'boundary' of different organisations requires particular skill



## 5 Case study 3 – Developing members: Surrey Police Authority

### Background

Surrey Police Authority is an independent body consisting of 17 members. Membership is made up of nine elected councillors appointed by Surrey County Council and eight independent members, appointed after interview. Members are supported by a Secretariat consisting of a Chief Executive and eight members of staff. The standards committee has six members, three from the Police Authority (One authority councillor and two authority independents) and three of whom are appointed as independents to the committee.

The Terms of Reference for the standards committee are wider than many standards committees. In addition to advising the authority on the code of conduct and the register of interests, the Committee;

5. Maintains high standards of conduct by its Members:
  - The Independent Members of the standards committee review the Scheme of Allowances for authority members and bring recommendations to the Authority for approval
  - The Authority members of the standards committee review the scheme of allowances for independent members of the standards committee and bring recommendations to the Authority for approval
6. Review the effectiveness of the Police Authority:
  - assisting the Police Authority to develop and improve through the Self-Assessment process
  - review standing orders of the Police Authority and make any recommendations for change to the Authority
  - advising the Authority on any protocols which need to be developed in order for the Authority's business to be carried out appropriately
  - review audit and inspection reports relevant to the Police Authority and oversee implementation of any agreed recommendations
7. To assist in the implementation of the Authority's Equality Schemes

### Notable practice

The relationship with the wider Police Authority is of particular interest. The standards committee has been overseeing the implementation of the Authority's self-assessment as part of the preparation for the Police Authority's inspection carried out by the Audit Commission and Her Majesty's Inspectorate of Constabulary (HMIC). This involves a 'lightness of touch and a willingness to raise a head above the parapet'. It is about "continuous improvement and not just inspection." Clearly, there is a balance to be struck so that "the standards committee is not taking decisions that the authority should be taking." The role of the standards committee is as a "bit of grit in the oyster" "...if we do not do it then nobody else will".

The standards committee is particularly involved in remuneration and is seeking to develop a performance based culture, driven by personal development. The Remuneration Panel is made up of the three independent members of the standards committee and puts forward recommendations to the full Authority on the level of remuneration for Authority members and others, including the level of expenses and necessary equipment. The Remuneration Panel met in January 2009 and had carried out a 'light touch' review and recommended that allowances should be kept at the current level - "we cannot award ourselves any increase in the present climate"

The committee agreed that there was some evidence of differences in member contributions but this could be improved by having a robust annual training programme and a Personnel Development Review (PDR) in place. The committee agreed that the Authority should work towards a performance oriented culture in the future.

The members' annual review takes place with the Chair of the Authority. The standards committee has helped develop the processes for appraisal, objective setting and review. The impact of any training is to be assessed and elements of self-assessment will include a 360 degree appraisal, objectives setting and a training log. The *Member Development Charter* self-assessment has been submitted to the South East Employers for approval and the target date for assessment had been set for January 2010.

A 4-day workshop is part of the induction of new members to the Authority and 33 different training courses are offered, not just in the code of conduct but in areas such as equality and diversity, scrutiny and performance management training, corporate governance, data sharing and security, audit committee training, risk management, chairing and recruitment of senior officers and overview of the budget- setting process. Under the Integrated Member Development Process, each member has their own budget of £400. The focus is on 5 key areas:

1. Role and Deployment
2. Individual objectives and Deliverables
3. Self-assessment supported by 360 degree assessment
4. Personal Development
5. Longer term "own wishes"

The Authority has identified the member capabilities it wishes to develop and these are identified in the box below.

<b>Proposed "Member Capabilities" are clustered under three headings</b>	
<i>1. Incisiveness and Intellect</i>	<i>2. Leadership and Operational Abilities</i>
- Strategic Thinking	- Leadership
- Good Judgement	- Ability to communicate
- Analytical Ability	- Time management
- Ability to scrutinise and challenge	- Decisiveness

3. *Mindset and personal behaviours*

- Respect for others
- Integrity
- Enthusiasm and drive
- Team working
- Openness to change
- Community engagement
- Self-confidence

Surrey Police Authority faced a low number of complaints, and the standards committee has widened its scope, particularly to include individual development. The committee is taking performance seriously, both at the individual and the organisational level.

**Developing practice**

- Be sensitive to the role of the standards committee within the wider authority.
- Demonstrate a commitment to training and development.
- Locate responsibility for self-development with individual members.

## 6 Case study 4 – Working with partnerships: Newark and Sherwood District Council

### Background

NSDC will probably be familiar to you from its success in being highly commended for the LGC awards. The council consist of 46 members; 26 Conservatives, 9 Independent, 6 Labour, 4 Liberal Democrat and, at the time of writing, 1 vacant. The authority has a population of approximately 112,000 and the geography of the area is dominated by three major towns and over 80 villages in which community engagement is an important part of the local fabric. NSDC displays a number of strands in its community engagement programme; one strand focuses on its work with schools, which has started recently. A second strand has involved developing a protocol for partnership working. The standards committee has established a separate sub-committee, working with the communications team, which is seeking to promote standards issues and to publicise the role of the Committee. One recent example was an article in the Newark Advertiser (18<sup>th</sup> September 2009), from the Leader of the Council reassuring the readership that standards are taken seriously at NSDC. The standards committee consists of 15 members made up of 7 district councillors, 4 parish councillors and 4 independents

### Notable practice

The work with schools is in its early stages. The entire authority supports this programme and it draws upon the particular skills of members of the standards committee. Thus, one of the independent members is a magistrate heavily involved in schools engagement through the magistrates' service. A second member is a church Minister with experience of running discussion groups with young people (14-18 yrs.), and a third is a parish representative who is a retired deputy schools head. One possible benefit of schools engagement is that young people may be encouraged to vote and take part in local democracy and even stand for election as local councillors.

A key issue addressed by the standards committee is how to ensure high standards of conduct in partnerships and the committee has begun to develop a partnership toolkit. Over 120 partnerships characterised as strategic, operational and consultative, have been classified in risk management terms. A typical issue that they face is described in the box below:

Cllr A represents Barchester Borough Council on Barchester Town Partnership's Board. Her fellow board members include the Primary Care Trust, County Council, Police, local business club member and manager of the local CAB. The Board is chaired by the CAB manager, Mrs T. Board meetings are held in public. The partnership has terms of reference and a constitution describing how decisions are made.

A personal and public dispute develops between Cllr A and Mrs X of the Barchester business club. The disagreement involves personal accusations from both parties regarding bullying behaviour, intimidation and comments that erode their reputation with peers. Mrs X lodges a complaint with the local Standards Committee about the behaviour of Cllr A and speaks with the editor of the local newspaper about the incident.

Following an investigation, the council's standards committee decides that no action is necessary against Cllr A.

One issue seems to be that if elected members on partnerships do not observe the highest standards of behaviour they face damage to their reputation and are subject to sanctions through a regulatory framework. There is no effective sanction against other partnership members who do not observe ethical standards. A major concern is the extent to which all partnership members need to sign up to the same code of conduct. This issue has caused some concern for standards committees generally and has caused resentment amongst elected members. "Everybody should be subject to the same rules." Clearly, this is not an easy matter to resolve and members of the committee expressed different views. Some felt that the members' code might be too prescriptive, and others felt that it would be difficult practically to enforce a code on a member of a private organisation, particularly where there was no legislative framework to underpin this. It was suggested that the assessment sub-committee could deal with complaints involving members of private sector organisations and that a sponsoring organisation might be asked to change its representative in the event of unethical behaviour. The committee agreed that it is unfair if some members of a partnership are being scrutinised more closely than others and felt that adoption of partnership values could be a starting point. The committee endorsed the development of a partnership protocol which could reflect the 10 general principles for holders of public office which underpin the local government members' code and might address:

1. Equal opportunities issues
2. Behaviour during meetings
3. Declarations of interest
4. Behaviour outside of meetings
5. Confidentiality
6. Hospitality and Gifts
7. Conflicts of interest

The general principles could be included within a governance framework for partnerships with the standards committee having a role in determining appropriate action. What is clear is that this is an issue that most local authorities will face; the standards committee agreed that there must be standards for partnerships no matter how tricky the operation. The committee identified the need for an independent oversight body to judge the quality of governance within the local partnerships arguing that this may provide a "significant step" towards improving their confidence and the deficit perceived by elected councillors.

The standards committee is committed to sharing its experiences with other organisations. As Andrew Muter (Chief Executive) put it:

*"We worked with our neighbouring councils to talk them through the experience that we'd had. We ran a number of training sessions for other councils locally and we took part in the national dissemination and discussion about how to do local assessment work. We have a neighbouring authority which was struggling with the introduction of local assessment and we actually spent some time with their own standards committee to help them think through the process."*

Members of the standards committee will lead a workshop on standards at a forthcoming Parish Conference.

## **Developing practice**

- Engagement with the wider community is an important part of the standards committee role. NSDC takes its 'duty to involve' citizens in the democratic process seriously and believes that promoting the work of the standards committee will help build the community's trust and confidence in its elected representatives.
- Standards committees, in seeking to deliver a wider remit, will face challenging issues, and will have disagreements on how to deal with them. This is normal and such debates should be encouraged.
- If standards are part of the vision for the community as a whole then ethics and standards should be at the core of the authority, and not a bolt on.
- Standards committee members have a wealth of experience and expertise and are drawn from all walks of life. This can be drawn upon to enhance the work of the committee.

## **7 Case study 5 – Recruitment and retention: South Cambridgeshire District Council**

### **Background**

South Cambridgeshire District Council covers a population of approximately 130, 000 residents. It has 101 parish councils and their membership comprises 31 Conservative councillors; 16 Liberal Democrats; 1 Labour; and 9 Independents (8 of whom form an Independent coalition). The standards committee is made up of 8 elected members; 7 independent members; and 4 parish members.

Unfortunately, South Cambridgeshire District Council has a long history of problems with standards, which can be divided into two distinct categories: issues emerging from dealing with around 100 rural parishes; and problems of entrenched political divisions among members. These difficulties culminated in a negative Corporate Governance Report from the Audit Commission after which an improvement plan was established, particularly focussing on member behaviour. Under the plan senior members went to a local leadership forum and training was made available for political party spokespeople. Despite a more positive culture within the authority problems still exist: in the last year 18 complaints had been received: 10 complaints about District Councillors and the rest about parish matters.

Despite such seemingly entrenched problems, or perhaps because of them, South Cambridgeshire standards committee has grasped the nettle and been extremely proactive in addressing these local issues.

### **Notable practice**

Under the stewardship of the independent chair, the standards committee has created its own mission statement: “To support and enhance the democratic process in South Cambridgeshire by acting as the guardians of ethical conduct for the public we serve and elected members”. Although the researchers have a limited frame of reference it is one of the first specific mission statements of its type that we have encountered and it may be an interesting idea for other standards committees to approach.

South Cambridgeshire has also undertaken a series of operational procedures designed to enhance the local standards agenda. It has specifically engaged with parish councils by creating a parish toolkit, which has been sent to each council in order to perform a self-administered health-check. It also created a parish liaison group and ran an event in conjunction with the local County Association, delivering 4 sessions in 3 days on topics such as Freedom of Information Act, data protection and planning, all of which was in addition to issues surrounding the code of conduct. In addition, Key performance indicators have been identified and training has been expanded to incorporate specific sessions for the new sub-panels. Finally, the website has been updated and expanded, and in the views of the research team it certainly compares very favourably even to other well developed websites. The levels of information contained on the website are extremely high as well as providing

extensive means of communicating with each of the committee members. As the Monitoring Officer suggested “we [South Cambridgeshire DC] have gone from being a reactive to an extremely proactive standards committee”.

In the midst of all this activity, however, were instances of particular notable practice surrounding recruitment and retention. South Cambridgeshire embraced the changes towards local investigations and had volunteered to take part in Standards for England’s pilot scheme on local returns. Its standards committee also realised that with the issues it had faced throughout the years there would be a strong likelihood of very high workloads, coupled with potential concern about conflicts of interest from elected members. Thus it was decided each of the new panels (Assessment; Hearing; and Review) would be chaired by an independent member, and that there must be enough independent members to act as cover in case of unforeseen circumstances. As a result the standards committee needed to expand its membership.

Recruitment of non-elected members has often been identified as a problem for standards committees and the lack of incentive to join was summed up by the independent chair: “[It’s] not a nice job – zilch money, high profile and you have to make tough decisions”. Recruitment was potentially even more of an issue in South Cambridgeshire as some candidates may have had their own personal agenda for wishing to join and also because of the very high public profile of the committee, which is undoubtedly off-putting to many candidates.

Nevertheless the committee was to be expanded and subsequently the standards committee undertook a significant process of recruitment. A working group was established to look at the complex issues surrounding recruitment and, as the Deputy Monitoring Officer explained, a key decision was that the committee wanted to appeal to “average people, not the usual high flying businessmen and academics”. The working group also ensured that the committee received full training in recruitment.

A recruitment kit was created comprising an overview of the standards committee and a job description; a person specification; an application form (along with a description of the appointments process); and a copy of the code of conduct.

A further key decision was where advertising should be placed. Previously the advert had been placed in the public notices section of the local newspaper and 5 candidates had applied for 2 positions. In contrast, the new advertising was placed in the situations vacant section of the local newspapers and key organisations (including Parish Councils, the NECC, and the CBI) were directly targeted. Adverts were also placed on a number of websites. The result was a three-fold increase in applications: 16 candidates applied for 2 positions; 7 candidates were interviewed and finally 3 were chosen. As a result all panels have been given independent chairs, all of whom have been given specific chair’s training. So far it would appear that this strategy has circumvented concerns about membership of the panels from within the authority.

It would be fair to report that South Cambridgeshire District Council has encountered more problems than any other authority in this research project, but it is equally fair to argue that few



have done more in the last three years to tackle these issues. The one notable practice that we have looked at – recruitment of independent members – is inextricably linked with the other work that the standards committee had undertaken. Time will tell what effect this will have on public confidence and also on the levels of complaints that the authority receives, but it is unquestionable that the standards committee is working flat out to establish a proactive, preventative approach.

### **Developing practice**

- Ensure that you understand who you want to attract as an independent member: what skills, knowledge and other attributes are required for your committee.
- Use effective media: target the newspapers you wish to advertise in and utilise situations vacant sections in local press rather than public notices.
- Ensure that candidates all have the fullest available information regarding the role and if necessary develop job descriptions and person specifications.

## 8 Case study 6 – Joint training and development: Herefordshire Council

### Background

Herefordshire Council covers a population of approximately 180, 000 residents. It has 134 parish councils and its membership comprises 31 Conservative councillors; 14 Independent members; 9 Liberal Democrats; 2 Labour; and 2 members for the Alliance for Accountability and Democracy. Its standards committee comprises 4 independent members, 2 elected members, and 2 parish and town council representatives.

As with other cases identified in this study, Herefordshire Council's standards committee provide a good example of organisational learning in the local standards arena. Over the last two years the standards committee has taken a role in developing and shaping many key elements of the authority's constitution, including revising the planning code, Member/Officer protocols, communications protocols, and the protocol of use of council resources. In addition the standards committee was very proactive in seeking to get ahead of the curve on the new requirements (under the *Local Government and Public Involvement in Health Act, 2007*) to establish new local hearings, assessments and review panels, and took part in the Standards Board for England's pilot scheme that ran in 2007. Again this is in keeping with another of our case study organisations.

### Notable practice

Perhaps the most notable aspect of Herefordshire's commitment to learning, however, is its extensive use of joint working for training and development purposes, which has involved numerous other authorities. The research team was fortunate to join one of the joint training sessions on the requirements of the new assessment panels, and local hearings. The session was organised jointly by Herefordshire Council and Worcestershire County Council and was provided to members of standards committees in each of those authorities plus standards committee members from Hereford and Worcester Fire and Rescue Authority (totalling approximately 35 delegates). The training allowed the research team to engage in full participant observation, and we were allowed to join in the discussions and activities throughout the day. The training covered many key aspects of the new arrangements and was enhanced by scenario work in which small groups from different authorities could work through fictionalised incidents.

We would suggest that such joint arrangements are becoming increasingly more prominent, either formally in arranged training sessions such as this, or else less formally in the various regional meetings that we have already noted in the course of this research.

Herefordshire standards committee has gone much further than this, however, by establishing a close relationship with HALC (Herefordshire Association of Local Councils), the regional division of the National Association of Local Councils. Herefordshire standards committee and HALC have developed a close working relationship over the years: the parish and town council representatives on the committee are both members of HALC and there is traditionally a joint briefing session between the two organisations immediately before standards committee meetings.

The arrangement is particularly beneficial in light of the number of parish and town councils that fall within Herefordshire Council's boundaries. With a total of 134 councils, Herefordshire has one of

the highest numbers of parish and town councils in England. As one of the parish representatives told us, however, the governance arrangements are beneficial for the relationship between authorities: “all parish and town councils go to the same Monitoring Officer for advice, they use the same code and regulations. They understand the regime”.

As a result of the extensive joint working arrangements, Herefordshire standards committee and HALC have been involved in a pilot study for Standards for England to develop a working “compact”. The pilot study has recently drawn to a close and is currently being evaluated by BMG Research (whose report is not yet available to the research team).

What is particularly interesting about the compact is not in its breadth of joint roles and responsibilities (although these are wide ranging enough) but the depth of activities that the two organisations are involved in. All public information on issues pertaining to the code, for example, is to be developed and issued jointly. The regular pre-standards committee meeting has been enshrined in the compact, and there have been official agreements to work together with other organisations.

The new joint training arrangements are particularly detailed. The compact pledges:

- Joint training sessions for the benefit of all HALC members will be provided by Herefordshire standards committee and HALC.
- In-house training for individual HALC member councils will be jointly provided by Herefordshire standards committee and HALC upon request.
- Records will be kept by HALC of attendance at the training sessions.
- Monitoring and evaluation of the training sessions will be conducted by HALC, using feedback forms to assess the relevance, timeliness and quality of the session.

The benefit of such joint arrangements is clear. Joint provision allows a consistent and accurate message to be delivered, which is particularly important in updates to legislation that can become confused when outlined by different providers. Joint training also allows the standards committee to extend its sphere of influence in a way that reaches out and develops relationships, rather than potentially being viewed by parish and town councillors as interference.

Indeed, this case fits as neatly into liaising with parish and town councils as it does with organisational learning. We feel, however, that the extent of joint training for such a large number of other authorities – in addition to the other joint training and development that standards committee currently engages in – makes Herefordshire stand out as an exemplar of notable practice.

### **Developing practice**

- Keep your options open - joint training is an efficient and effective way of covering crucial ground in a number of authorities as well as sharing experiences, problems and good practice. It also builds trust and adds weight to what can often be viewed as an onerous task.
- Cast your net far and wide: joint provision can be very usefully extended to organisations other than neighbouring authorities.

## 9 Case study 7 – Joint standards and audit committee: Runnymede Borough Council

### Background

Runnymede Borough Council covers a population of approximately 82, 600 residents. It has zero parish councils and its membership comprises: 36 Conservative members; and 6 members of the Runnymede Independent Residents' Group. Its standards committee comprises 5 elected members and 2 independent members.

Of all the areas of notable practice identified in this report, perhaps the most controversial would be creation of joint standards and audit committees, not because there is anything inherently difficult with the idea of a joint committee but because there has been conflicting points of view over the years from different agencies about what the best arrangements should be. The current legislative requirement, of course, is that a standards committee is a statutory obligation whereas a separate audit committee is voluntary.

### Notable Practice

It was very interesting, therefore, to come across an authority which housed a long-standing joint standards and audit committee in Runnymede Borough Council. Runnymede had set up its joint committee as far back as 2003, partly to reduce the number of its committees and also to fit in with its governance structure as an alternative arrangements authority (i.e. it has no Executive structure).

The decision to create a joint authority was one that was very carefully considered. As the Monitoring Officer informed us: "a lot of thought has gone in at officer and member level about it [the committee's structure]". Nevertheless a lot of pressure fell onto the Monitoring Officer in the first instance to create a workable arrangement. After consulting best practice guidelines it was decided that it would be more useful to join together standards and audit rather than scrutiny and audit, a move that Runnymede also felt was comparable to private sector corporate arrangements. Policy and planning were seen as scrutiny issues whereas history and process were viewed as the remit of an audit committee.

Inevitably there was an initial period of nervousness among committee members that they would be required to have a much greater degree of accounting procedures than would ordinarily be assumed, but such fears were allayed relatively quickly. Whereas previously the chief audit officer would report directly to the corporate management team he now reports to the standards and audit committee who consider and comment on his reports. As the Chief Audit Officer told us, however, the key is to communicate the relevant information: "try and give the committee an overview rather than pitching too much detail".

Indeed it was made very clear that to be successful, it was crucial that the roles and responsibilities of a joint committee are firmly drawn and explicitly communicated. During the process of establishing a joint committee a working party met regularly, after which members returned to their respective political groups for discussion and further consideration. A key decision was to try and

find a cohesive remit for the joint committee, based around the corporate governance agenda, which would not be too taxing on members. The Monitoring Officer advised “think very carefully about the workload – avoid throwing the kitchen sink into it”.

Thus the joint committee was given clear roles from the outset. In addition to looking at reports from the Chief Audit Officer (and carrying out its statutory functions as a standards committee) the joint committee annually reviews Runnymede’s constitution following an initial redrafting by the Monitoring Officer. The joint committee also looks into staff grievances and appeals, a role that has been assigned to the committee since its inception. In the researchers’ experience this is a fairly unusual arrangement but one that neatly echoes some of our previous research (Lawton et al, 2005) in which we argued that standards committees could usefully apply themselves to broader HR issues. Clearly such a function may be expanded still further if the Officers’ code of conduct becomes enshrined in law in the future. For the minute all respondents argued that the arrangement was highly valued within Runnymede and that staff felt appreciative that independent members were looking into their cases. There was also an interesting contrast here in terms of workloads: while the joint committee had heard three appeals in the first six months of 2009 it has yet to enact a single hearing against a member.

One final notable point is that Runnymede mirrors the experience of another case – South Cambridgeshire District Council – in its experiences with recruiting independent members. Its first recruitment drive was very poorly received and so for the second four-year term a more prominent advert was placed in more prominent local media. As a result the response rate increased to around 25 applications, 4 of whom were considered as eminently suitable for the post.

It is apparent that opinions regarding joint standards and audit committees are still very much a mixed bag. Nobody at Runnymede suggested that it was ideal for every type of authority but that, when given careful and close consideration, it was an arrangement that worked. This could not have been better summed up than in the words of the independent chair of joint committee: “I’m very worried about this government, and I’m very worried about this country, but I’m not worried about Runnymede Borough Council”.

### **Developing practice**

- A joint committee requires very careful planning so take your time and establish clear boundaries.
- Roles and responsibilities need to be explicitly communicated to all members from the outset.
- Committee members should not be overloaded with audit information.

## 10 Case study 8 – High pressure investigations: Greater London Authority

### Background

Issues around standards, at both local and national level, are raised frequently in the media. Many authorities have to deal with the glare of local (and occasionally national) media. How authorities respond to high profile or 'hothouse' cases is worthy of investigation and this case study focuses on the recent investigation into the Mayor of London, Boris Johnson.

Our interest in this case is in the inevitable goldfish bowl of publicity that surrounded the case rather than the investigation or the results of that investigation. The complaint arose following the arrest of Damian Green, the Conservative spokesman on Immigration, by the Metropolitan Police. The complaint against the Mayor arose after he had contacted Mr Green after his arrest and was made by the GLA's Labour leader, Len Duvall. The Mayor was accused of jeopardising the integrity of the Metropolitan Police Authority, of which he chairs, and of bringing the MPA and the GLA into disrepute.

Part of the background consisted of a relatively new political administration, a new role for the mayor as Chair of the MPA, and the appointment to the mayor's staff of individuals without local government experience. At the same time, a robust standards regime was one of the building blocks in the creation of the GLA and its standards committee and MO had some experience of handling high profile cases.

### Notable practice

The standards committee of the GLA was also confident in its processes for complaints handling, confident in its ability to make 'big' decisions without fear or favour, and committed to accountability and transparency as a normal way of carrying out its activities. The GLA has a clear step-by-step procedure and this case was to be treated no differently than any other.

The decision was taken by the MPA and the GLA to conduct a joint investigation, producing a single report. To carry out the investigation a number of options were available, including that the investigation be carried out by a member of their own staff (e.g. Deputy MO or Head of internal audit or similar individual), an officer from another authority under a 'buddy' system, a large law firm or one of the small law firms that specialise in such investigations. It chose the latter and appointed an external investigator to carry out the investigation. The name of the investigator was known once the report was published. The choice of investigator was made on the basis of the independence of the investigator and his experience and expertise in both local authority and police authority work.

The investigation was completed within six weeks. The investigators were made aware of the 'goldfish bowl' of publicity through the interest of the community of political 'bloggers'. For example, the decision by the assessment sub-committee of the standards committee to conduct an investigation was on the Internet before the committee members had even left the meeting room.

The investigators were keen to stay focused on the investigation not least because "it was a very crowded landscape." The Home Affairs Select Committee was conducting a parallel investigation and

interviews were being held for the new head of the Metropolitan Police. Subsequent events have illustrated the tense relations between the Mayor's Office and the Metropolitan Police. The investigators had full co-operation from all parties in the investigation and there was no suggestion of the process being manipulated. The "background noise did not make a difference".

The standards committees managed the timescale so that the investigation would be completed as quickly as possible and made sure that the findings were published openly. The GLA and the MPA are small organisations, subject to world-wide scrutiny and a high profile mayor and any investigation of this kind is full of "elephant traps". The outcome of the investigation was reported in both the print media and online. Depending upon who was doing the reporting, the line taken was either that "Boris is in the clear" or the adverse findings were reported such as his actions were "extraordinary and unwise" (para 8.20) or risked being "perceived as furthering private interests."

Throughout the process, the MOs of the two authorities were in constant touch to ensure consistency in terms of the documentation being produced and the communications with all parties concerned.

### **Developing practice**

- In conducting the investigation in such a high profile case, demonstrating that acting 'without fear or favour' will enhance the integrity of the standards committees and their authorities.
- By appointing their own investigator the standards committees retained control over the timescale.
- Ensuring that existing processes are robust and focusing upon the specific complaint to be investigated diminishes the 'background noise'.
- Communications, and good relations, between the MOs of the respective authorities ensures that there are 'no surprises' or mixed messages.
- In high profile cases, it will be difficult to 'manage' the media, particularly with instant reporting on the web. Standards committees need to be aware of the changing dynamics of, for example, communicating the results of committee meetings to relevant parties in a timely manner.

## 11 Case study 9 – Embedding standards: Newcastle City Council

### Background

Newcastle City Council covers a population of approximately 271, 600 residents. It has 6 parish councils and the council membership comprises 78 councillors: 49 Liberal Democrat and 29 Labour (0 Conservatives or Independents). The standards committee is made up of 6 elected members, 4 independent members, and 3 parish members.

In 2009 Newcastle City Council found itself shortlisted for the inaugural LGC standards committee of the year award. Unlike other authorities shortlisted for the same prize, Newcastle's standards committee had no single specific achievement to make itself stand out. Instead it put itself forward as a sustained success story, in which the standards committee had become an embedded and vital element of the authority. The committee had achieved this success through a long term commitment and continual engagement of leaders whether these were political, officers, or independent members of the standards committee itself.

### Notable Practice

The first notable element of the case, like several others previously identified in the study, is that standards were a part of Newcastle's agenda before the *Local Government Act 2000* introduced standards committees as a legal obligation in local authorities. Originally introduced in 1999 as a joint standards/audit committee, the standards committee was not designed to tackle any particular problem but rather to reinforce the already favourable public view of the council. The Monitoring Officer explained to us: "you can criticise Newcastle for many things but we have never had a history of bad behaviour"; a point reinforced by the legal advisor to the committee who highlighted "a culture of good behaviour and compliance [in Newcastle]".

The standards committee was also ahead of legislative requirements in a number of other key aspects. From its inception it had been chaired by an independent member and it has always maintained three independent members as part of its structure.

The standards committee thus seems to be part of a symbiotic relationship between local authority and public, which appears to be largely one of trust and respect. The authority had never experienced a complaint about breach of the code of any sort until late 2008, when two complaints were levelled against members. As a result the standards committee has not sought to introduce any specific public facing roadshows or open days, but it has been involved in broader initiatives such as Newcastle's *City of Peace* campaign to look at cultural awareness within the city. It has also been involved in issues outside of its statutory duties.

There is a further symbiosis in the relationship between members of the standards committee, officers, and political members that has led to the committee being recognised as central to the local authority.

In terms of members there is widespread recognition that the Independent Chair of the committee is very highly regarded throughout the authority: "[he] has established such a rapport with everyone in the authority, there is clear respect in the way he is received at council". The Chair has remained



in post since the committee was first established (although there are regular elections every three years) and he has managed to build up sustainable relationships with others. He personally also indicates that one notable reason for his longevity is his understanding of politics and local government more generally: his father was involved in local government for 40 years and he himself is involved in trade unions. Also due to his wider political interests the Chair is well known in other regional circles and is a familiar figure to politicians and officers in other (non local government) areas. As both the Monitoring Officer and legal advisor both recognise, however, the Chair has managed to retain a strong sense of independence and has been at the forefront over proactive measures regarding the code of conduct, perhaps most notably establishing a requirement that all members hand in regular gifts and hospitality accounts, even though these are regularly nil returns. Seen initially by some members as a rather futile exercise, the Chair successfully persuaded the authority that it was a very proactive way of displaying transparency and accountability throughout the city. It would be inaccurate, however, to view Newcastle's standards committee as the beneficiary of just one single individual. Other members are equally important, and there was a crucial exchange of knowledge when the joint standards and audit committee split into two separate committees. To maintain a sense of continuity the Vice Chair of standards became Chair of audit, while the Chair of standards moved into the Vice Chair's position in the new committee.

Perhaps even more important, however, is the level of political support that the standards committee has always received. All respondents were keen to highlight the support that party whips give the committee, crucial in maintaining discipline within political parties and ensuring that the views of the standards committee are taken seriously elsewhere. Again we have seen how this has occurred in other cases, most notably in Bristol City Council. In addition there are senior political members on the standards committee itself, reinforcing the importance and gravitas of the committee.

There has also been sustained support from senior officers, perhaps most notably the Chief Executives that have been in place in the last decade who have often presented specific reports from the standards committee to senior management meetings. These factors have all contributed to a situation in which the standards committee is held in high regard within the authority, to the extent that all members of the committee are given allowances for their work, whereas the Chair is regarded as being on a par with any full-time committee chair (planning, licensing, etc.) and is remunerated accordingly.

The notable practice most clearly identified in this case, therefore, is the ongoing and sustained engagement of the leadership of the authority, focussing on the triumvirate of political leadership, officer leadership and independent leadership of the committee itself.

### **Developing practice**

- A committed independent chair is invaluable.
- Political support is crucial for long-term development.
- Committee members need to be valued by the authority.

## 12 Conclusions

We feel it is important to emphasize yet again here that this research is *not* intended to be prescriptive. None of the case study authorities argue that their experiences are necessarily ideal templates, but simply that they adopted innovative ideas that worked for them. We hope that their stories are taken in the context of information and not outright recommendation.

It has never been the intention of this research project to provide scientifically precise, mathematically validated conclusions about what may be regarded as notable practice in standards committees. On the contrary, our aim has always been to flesh out some of the very real stories that standards committees have to tell and allow any reader to draw their own lessons from them. It is fair to say, however, that in the course of our nine in-depth case studies some fascinating patterns emerge that we would like to draw out here as general considerations for the future of standards committees.

1. *Context does not appear to be crucial.* In the course of our project we have been privileged to encounter all sorts of different standards committees in a wide variety of local authorities. The variations were extremely apparent throughout: cases ranged from urban to rural; large to small populations; nearly one hundred and fifty parish councils to zero. Most importantly our studies took us to standards committees that faced almost continual complaints and investigations and also to others that are still to face a single case. What was extremely interesting to note was that despite this broad spectrum, each committee we investigated had managed to produce some type of notable practice. This may seem a rather bland conclusion until one considers that the two most common complaints about proactivity in standards committees is either: (a) that standards committees are too busy to be able to progress beyond a heavy workload, or; (b) that standards committees have nothing to do and little direction. Our research strongly suggests that neither of these issues need apply: standards committees in both extremes have managed to forge notable ways of working that have made them a valued and valuable cog in the wheel of local government.
2. *Notable standards committees are notable for several reasons.* One of the unexpected features of our research was that not once did we find a standards committee that was notable solely for the practice that we were initially interested in. Indeed several of the standards committees had done, or are considering, many of the practices we have identified. Several committees, for example, are now considering creating a joint standards and audit committee; several others have engaged in public awareness campaigns of one form or another; nearly all of the standards committees had been involved in joint training of some variety; more than one had utilised more accessible forms of recruitment for independent members. Thus it seems reasonable to suggest that standards committees are beginning to engage with their roles in an expansive and very productive fashion – even those that are heavily under fire from a barrage of complaints and potential hearings.
3. *Leadership is essential.* This conclusion may seem so blindingly obvious that it barely warrants mention, but leadership is one of those organisational virtues that is constantly extolled but rarely elaborated upon. Nowhere is this more apparent than in the realm of local government, a sector which has commonly found itself being encouraged to take up a

leadership role while having the forces of centralisation simultaneously act as a restraint. It was very interesting, therefore, to see that in all the cases we investigated there was a strong sense of shared leadership: from members of the standards committee itself; politicians; and leading officers. One of our previous pieces of research (Lawton, et al 2005) found substantial evidence that Monitoring Officers were still the lynchpin of the standards committee and that the majority of committees were reliant on MOs for their expertise and guidance. In the cases we studied this no longer appeared to be the case. While Monitoring Officers were (and no doubt always will be) absolutely central to the work of the standards committee non-elected members and independent chairs appear to be acting with confidence and a sense of genuine authority. Even more important was that standards committees that genuinely embraced elected members (for example, having leading politicians on the committee or encouraging the attendance of party whips) were seen as having authority, respect and standing within the authority. Our research may not provide a definitive model of the ideal standards committee, but it certainly fleshes out genuine and sustained stories of successful leadership in local standards.

4. *Composition of Standards Committees needs to be balanced.* We have found that Standards Committees are now being more imaginative in their recruitment of independent members and now have less difficulty in attracting applicants. This gives standards committees the opportunity to think about the skill mix of those that they recruit. Not only that, but the independents can bring a range of different experiences, often from different sectors, to the committee and this adds to organisational learning.
5. *Standards committees learn from each other.* Probably the single most crucial finding from this research is that standards committees are involved in a substantial array of networks throughout the country, which act as a focal point for organisational learning. Some of these are based on national bodies, such as the *Association of Independent Members of Standards Committees*; others are geared towards specific tiers within the standards framework, for example the *North East Assembly of Independent Chairs*, or the South West conference for independent members; others still are based within specific regions, such as an annual assembly of authorities in Somerset, which the research team were fortunate to attend. These are not isolated incidents, however, and every standards committee throughout the country seems to be attached to one or more informal networks. This is crucial as it would indicate that standards committees are taking their lead from each other as well as from Standards for England or the DCLG, not that these agencies are unimportant but that standards committees are now much more confident about doing things for themselves.

As we stated in the introduction one of the most important facets of our research has been the manifold application of organisational learning within, and across, standards committees. Standards committees do not have to 'reinvent the wheel' whenever they wish to develop a new protocol or engage in new activities. The willingness to learn is, we believe, a sign of a healthy organisation and on that basis it seems to us that many standards committees are in robust condition.

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

To: Standards Committee – 25 November 2008

Subject: The role of the Standards Committee

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Summary: To consider and discuss the role of the Standards Committee in relation to the promotion of the ethical standards agenda.

## **Unrestricted**

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### **Background**

1. The Committee is invited to consider its current and possible future role in the promotion of high ethical standards across KCC and whether Members wish to pursue the introduction of one or more of a number of proposed enhancements to the work and activities of the Committee. This report provides information about a research study carried out by Lancashire County Council in 2006 in relation to an enhanced role for their Standards Committee. Also appended to this report, for Members' information, is a document from the Standards Board for England entitled "The role and make-up of Standards Committees".

2. The Committee's existing terms of reference are contained within appendix 2 of part 2 of the Constitution and include reference to promoting and maintaining high standards of conduct by Members (including co-opted Members); assisting Members through advice and training to observe the Code of Conduct; and monitoring the operation of the Code of Conduct and advising the Council on its operation and revision.

### **The Committee's existing role**

3. The Committee's existing role in the promotion of high standards of conduct by both elected and co-opted Members within KCC is a positive one. The Committee has dealt effectively with the introduction of the revised Code of Conduct in June 2007 and also ensured that the authority was well-placed to take on the role of local determination of alleged breaches of the Code of Conduct from May of this year. The Committee's annual report to the full Council is good practice, with the sixth such report having been presented to Council in June 2008. Excellent co-operation and effective joint working exists between the Committee and the Independent Remuneration Panel, with particular emphasis on the completion by each Member of their individual annual reports. The Committee has taken a keen interest in the progress on Member Induction and Development and all 3 Group Leaders have attended meetings of the Standards Committee to hear about its work and to help guide future work in relation to maintaining and promoting high ethical standards.

### **Expanding the Committee's role**

4. In 2006, Lancashire County Council undertook a research study with 12 other authorities (including KCC) into the role of Standards Committees and, in particular,

how those authorities were meeting the ethical agenda. A summary of the responses received is attached at Appendix 1. The Committee will note the range of activity across the authorities surveyed, including internal and external communication; the use of the Audit Commission self assessment toolkit; and the development of a work programme, which includes meetings with Group Leaders, the Chief Executive and senior managers.

5. Attached at Appendix 2 is a publication from the Standards Board for England entitled "The role and make-up of Standards Committees". Reference is made in the document to the Committee's wider role in relation to the governance of the authority, although Members will be aware of the existence of the Governance and Audit Committee, which complements the work of this Committee.

6. This is an initial discussion report on the possible expansion of the Committee's role in relation to the promotion of high ethical standards across KCC. The views of the Committee are sought as to the way forward. Any changes to the Committee's terms of reference will, of course, have to be agreed by the full Council.

**Recommendation:**

7. The Committee's views are sought with regard to enhancing the role of the Standards Committee in relation to promoting and maintaining high ethical standards across KCC

Miss R MacCrone – Independent Chairman of the Standards Committee  
Peter Sass – Head of Democratic Services and Local Leadership  
November 2008

Extract from Lancashire County Council report on the role of Standards Committees

1. Has your Committee given formal consideration to general issues of ethical governance?
  - The Committee receives reports of case decisions of interest at every meeting.
  - Considers complaints made under the Code of Conduct every 6 months and compares these to the statistics provided by the Standards Board.
  - Reviews of Register of Interests, Register of Gifts and Hospitality and Whistleblowing Policy every 12 months.
  - Review of certain codes and protocols in the Constitution every 12 months.
  - Regular receipt of reports regarding declarations of interest and Councillors attendance at Committees.
  - The Committee is briefed on the amount of Freedom of Information requests received, whistleblowing complaints and the proposed ethical element to the Comprehensive Performance Assessment in order to ensure compliance with appropriate guidelines and requirements of corporate governance.
  - The Committee considers the way in which the Register of Councillors Interests is made available for inspection
  - Response to Standards Board Papers.
  - Some Committees consider the conduct of Officers and formulate protocols in respect of this.
  
2. Assessment of ethical standards within the Authority.
  - Receives complaints about Members.
  - Reviews complaints made on a 6 monthly basis and by regular ethical audits.
  - Preparing an ethical audit (Audit Commission).
  - Received presentation from Audit Commission's representative.
  - 'Self-assessment' survey carried out.
  - Full ethical audit currently being carried out using Audit Commission's toolkit.
  
3. Raising awareness of the ethical agenda within the Authority
  - Internal newsletter, Intranet pages, handouts, briefings and e-learning.
  - Chair of Standards Committee has regular meetings with the Leader of the Council to talk about Standards issues and is co-opted onto the Audit Committee (this was the case for 1 County Council and 1 Unitary Authority surveyed).
  - Articles in Council's newspaper that is delivered to all households about the nature of the Standards Committee's work.
  - Key developments in ethical arena included in a 4 times yearly bulletin distributed to all Councillors.
  - Responds to all consultative papers issued by the Standards Board.

- An Officer Working Group chaired by the Monitoring Officer has as one of its standing items the increase of awareness and acceptance of ethical governance within the Council.
  - Compiled a mandatory Code of Conduct for senior officers.
4. Do you have work plans for your Standards Committee?
- Detailed ever changing work plan prepared in draft at least 9 months in advance.
  - No defined work plan.
  - A work programme is set out yearly and included in the programme is meetings with Group Leaders, the Chief Executive and Senior Officers at least once a year.
5. Does your Committee have a purely regulatory role or a wider supportive role?

About half of the authorities who replied to the survey had a purely regulatory role and half had a wider role.



# THE ROLE AND MAKE-UP OF STANDARDS COMMITTEES

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**Size and composition**

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# introduction

This guidance is on the Standards Committee (England) Regulations 2008 (the regulations). It gives our view on the role and make-up of standards committees. The regulations are mandatory. This guidance must be taken into account by your authority. It is aimed primarily at members of standards committees and monitoring officers but will also provide a useful reference tool for all members and officers.

It applies to:

- district, unitary, metropolitan, county and London borough councils
- English and Welsh police authorities
- fire and rescue authorities (including fire and civil defence authorities)
- the London Fire and Emergency Planning Authority
- passenger transport authorities
- the Broads Authority
- national park authorities
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

Members of parish and town councils may also find this guide useful.

The Local Government Act 2000 says that your authority must set up a standards committee. The regulations set out the rules governing the size and composition of a standards committee and should be read alongside this guidance.

Throughout this guidance we use the term 'independent member' to describe members appointed by the authority under Section 53(4)(b) of the Local Government Act 2000, and Regulation 5 of the regulations.

You may also like to consult our guidance **Local assessment of complaints** available from our website [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

You can contact the Standards Board for England on **0845 078 8181** or email [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

# functions of standards committees

The main role of a standards committee is to promote and maintain high standards of conduct throughout its authority. One of the aims of setting up a standards committee is to create a sense of 'ethical well-being' in the authority.

The Standards Board for England believes there needs to be a culture of high standards in every authority. Each authority has the opportunity to reinforce its position as a leader in standards of conduct, setting an example to other bodies it works with, and to the community at large.

Standards committees, and indeed monitoring officers, are at the heart of the standards framework. They promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

Standards committees have a key role to play in creating an ethical organisation and setting an example for their councils. Indeed, creating and maintaining an ethical organisation is not just about adopting and enforcing the Code. It is also about relationships, both internally between members and authority staff, and externally with members of the public and other stakeholders. It is about how the authority relates to the community and other stakeholders, and improves the service it provides.

Standards committees have the following functions:

## Main functions

- to promote and maintain high standards of conduct for members
- to help members to follow the Code of Conduct

## Specific functions

- to give the council advice on adopting a local Code
- to monitor the effectiveness of the Code
- to train members on the Code, or arrange for such training
- to assess and review complaints about members
- to conduct determinations' hearings
- to grant dispensations to members with prejudicial interests
- to grant exemptions for politically restricted posts

The functions set out in this section should be included in the committee's 'terms of reference'. Standards committees can also undertake other functions as they consider appropriate.

The Audit Commission has recommended that authorities set up audit committees. The role of the standards committee should complement the role of the audit committee. While the audit committee

# functions of standards committees

should oversee the financial processes, standards committees should take the lead on promoting good ethical conduct. It is important that committees are clear about their roles and responsibilities, and that there are clear distinctions in their terms of reference. This will avoid confusion, disputes and possible duplication.

If you change the terms of reference of your standards committee, you must send a copy of the amended terms of reference to us. We are happy for you to email this to us at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

## Adopting the Code of Conduct

Your authority must have adopted a local Code of Conduct by 1 October 2007, or as soon as possible after this date. In order to adopt a Code your standards committee must become familiar with the Model Code. Your local Code must include all of the provisions of the Model Code, and these cannot be changed. All of the provisions in the Model Code automatically apply, even if you do not adopt them all in your local Code. Your authority may also adopt extra provisions in its Code to suit local circumstances as long as those provisions are consistent with the Model Code.

You can amend and readopt your local Code at any time as long as it still contains all of the mandatory provisions of the Model Code.

We believe that all members should be judged by the same standards.

If you add provisions to the Model Code, you should be aware that members will be

assessed against these extra provisions. If you do add extra provisions, we advise you obtain legal advice to make sure these provisions can be enforced and do not breach any relevant law or regulation, such as the Human Rights Act.

Standards committee members can act as examples to other members by supporting the adoption of the Code, and by discussing ethical issues widely with their colleagues. They should lead by example in declaring the existence and nature of their interests at meetings, and by supporting and promoting attendance at training events. This will help keep the principles which govern the conduct of members and the Code at the centre of the authority's culture and values.

## Publicising adoption of the Code of Conduct

When your authority has adopted a Code of Conduct or a revised Code, the monitoring officer must publish a notice in one or more local newspapers. This notice should say that a Code has been adopted and that it is available for public inspection. If your council publishes its own paper and prints a notice in that paper, it must also print a notice in another local paper. The notice must say that it can be seen by members of the public at all reasonable hours. We would expect you to place the notice on your website, with links to your complaints' process and forms.

Parish and town councils have the same duty as principal authorities to publish a notice in one or more local newspapers

# functions of standards committees

when they have adopted the Code. Your authority can help the parish and town councils in your area to do this. Advertising can be expensive, so bear in mind that one advertisement can publicise Codes for several authorities in your area, for example, several parish and town councils.

If you decide to do this, the advertisement could simply list the authorities in the area that have adopted the Code and where it is available for the public to view. The advertisement should be placed in a publication covering all of the authority's area. Your authority can also advertise the Code on its website. But it must additionally publish its Code in one local newspaper, which excludes the newspaper in your own council.

If you make amendments to your Code, you must send a copy of the Code you have adopted to the Standards Board for England. If you add provisions to the Model Code, you should highlight any changes before sending them to us.

We are happy for you to email amended Codes to us at [enquiries@standardsboard.gov.uk](mailto:enquiries@standardsboard.gov.uk)

## Training members on the Code of Conduct

Standards committees are responsible for training members on matters relating to the Code of Conduct, or for arranging appropriate training to be provided. Training is an excellent way for your authority to set out the standards of conduct it expects from its members.

The training should ensure that members know about the workings and implications of the Code, as they are required to sign an undertaking to comply with it.

It would be good practice for standards committees to issue guidance notes or memos through their minutes to run alongside the Code. These could include guidance or protocols on local issues and an explanation of any extra provisions proposed to be added to the Code. This guidance could also be included in a members' handbook and placed on your website.

If your authority is responsible for any parish or town councils, it must also make sure that training is available to members of those councils. You may want to consult county associations to see if they provide any training.

We strongly encourage different tiers of local government to work together on ethical matters, particularly with training. This is because all members should know their rights and responsibilities, regardless of the type of authority.

Standards committees may like to base the training around some examples of potential ethical misconduct. This will allow members to see some of the provisions in action. Case summaries of completed investigations into misconduct are available on our website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

Alternatively, you can consult our *Case Review* publication which is also available on our website.

# functions of standards committees

Monitoring officers should be able to provide their standards committee with the training materials published by the Standards Board.

## Monitoring the effectiveness of the Code of Conduct

Standards committees need to monitor how effectively members are adhering to the Code of Conduct, the type of complaints received and how quickly these complaints are dealt with. This will help identify where problems are and what should be included in future guidance and training. Monitoring officers may provide overview reports to the committee highlighting these issues.

Monitoring officers will also make quarterly and annual returns to the Standards Board for England on the operation of the Code in their authority and the standards framework locally.

The Standards Board consulted authorities to determine how they will tell us that the local arrangements are working. We have designed a monitoring system based on what standards committees need locally. The system enables authorities to provide information to the Standards Board as simply as possible. Authorities will be able to use the system locally for their own records, to keep standards committees informed of the authority's ethical activities.

## Giving standards committees a wider role

The Local Government Act 2000 allows your authority to give the standards committee extra functions to give them a wider governance role. Some standards committees do take on extra functions.

These may include:

- dealing with the protocol for members and authority employees' relations
- receiving reports on complaints procedures and/or reports from the Local Government Ombudsman or external auditors
- setting up the independent remuneration panel
- commenting on recommendations on members' allowances
- advising the council on the appointment of independent members

We believe that giving standards committees wider-reaching responsibilities is a positive step and will help promote confidence in local democracy. It will also provide a workload which is regular and interesting, and should in turn aid the recruitment and retention of independent members.

Authorities should review their constitutions regularly, at least once every five years. A constitution should be a living document provided to members, available



# functions of standards committees

to the public and staff, and placed on your website. You may want to consider making the standards committee responsible for ensuring the constitution is designed to reduce the opportunity for misconduct and to promote effective governance. This will also mean that processes are properly accountable to both members and the public, and that relations with outside organisations are properly managed.

A wider role for standards committees can also be valuable for the following reasons:

- a work programme prevents ethics slipping off the agenda
- periodic ethical audits highlight any systemic weaknesses
- standards committees provide a useful structure for learning from the experiences and cases in other authorities
- standards committees can provide support to relevant officers when faced with a highly politicised environment

## Granting dispensations

Members can apply to their standards committee for a dispensation to allow them to attend meetings where they would otherwise be excluded because they have a prejudicial interest. This can happen when more than 50% of the council or a committee would be prevented from taking part in a meeting because of prejudicial interests, or when the political balance of the council or committee would be upset.

Dispensations must be applied for in writing individually, and not as a group or authority. If the standards committee approves the application, it must grant the dispensation in writing and before the meeting is held.

Only the standards committee can grant the dispensation and will do so at its discretion. Standards committees will need to balance public interests when granting dispensations. They will have to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of authority members. If a failure to grant a dispensation will result in an authority or committee not achieving the minimum number of members required for the group, this may be sufficient grounds for granting a dispensation.

However, paragraph 12(2) of the 2007 Model Code of Conduct enables members to represent their community and speak on issues important to the community and themselves, even when they have a prejudicial interest. This is to support members' roles as community advocates.

If members have a prejudicial interest, under paragraph 12(2), they will be able to make representations, answer questions or give evidence relating to that business. This is provided that members of the public are also allowed to attend the meeting for the same purpose.



# functions of standards committees

**Note:** there is a problem with the drafting of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. The political balance criterion for granting dispensations is linked to an authority being able to comply with its duty under the Local Government and Housing Act 1989.

This duty requires the appointment of committees that reflect the overall political balance of an authority. However, the duty does not arise in relation to individual meetings, either of the authority or its committees. For this reason, it is difficult to envisage circumstances in which the criterion would be met.

## Politically restricted posts

The Local Government and Public Involvement in Health Act 2007 imposed new duties in relation to politically restricted posts under the Local Government and Housing Act 1989 on standards committees. These are outside the scope of this guidance, but should be included in the standards committee's terms of reference.

# size & composition

You must have at least three people on your standards committee. It must include at least two members of the authority and at least one independent member. At least 25% of the members of the standards committee must be independent members.

Please see the section on **Parish and town council representatives** on **page 16** for further information.

The chair of the standards committee must always be an independent member. You may therefore also want to appoint an independent member to act as vice chair of the committee in case the chair is unable to attend.

If your authority has executive arrangements, you are permitted to have one executive member on the standards committee. However, this executive member must not be the elected mayor or leader.

As the standards committee carries out a number of functions including the assessment of complaints and determination hearings, we recommend that your authority has at least six members on your standards committee. This is because different members will be required to carry out the different functions to avoid conflicts of interest.

If your authority is responsible for any parish or town councils, at least two representatives from those parish or town councils must be appointed to your standards committee and they cannot also be members of your authority. A parish or town council representative must sit on the standards committee at all times when parish matters are being discussed.

# independent members

Independent members are important in helping increase public confidence in local government. They provide a clear signal that the standards committee acts fairly and impartially. Independent members also bring a wider perspective from their outside experiences. There is no limit to the number of independent members you can have on your standards committee. Indeed some authorities may wish to have a majority of independent members.

Your authority decides how to select independent members and how long an independent member should sit on the committee. We recommend that you set a fixed period of four years. This will be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that they could be perceived as losing their independence.

When re-appointing an independent member, you should bear in mind that we recommend that independent members should serve no longer than two terms, which is a maximum of eight years. It may be helpful for independent members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously.

## Choosing an independent member

Independent members must be chosen in a fair and open way.

A person can only be an independent member if that person:

- has not been a member or employee

of your authority within the five years before the date of appointment

- is not a member or officer of that or any other relevant authority. Please see the section **Recruiting independent members from another standards committee** on **page 13** for further information on when this does not apply
- is not a relative or close friend of a member or employee of your authority
- has applied for the appointment
- has been approved by a majority of the members of the council
- the position has been advertised in at least one newspaper distributed in your authority's area, and in other similar publications or websites that the authority considers appropriate. The decision on which other publications or websites to use may be something that the authority delegates to the standards committee.

The regulations say that a 'relative' means:

- a partner (a spouse, civil partner or someone a person lives with in a similar capacity)
- a parent
- a parent of a partner
- a son or daughter
- a stepson or stepdaughter
- the child of a partner
- a brother or sister
- a brother or sister of a partner

# independent members

- a grandparent
- a grandchild
- an uncle or aunt
- a nephew or niece
- the partners of any of the people mentioned above

The regulations do not provide a specific definition of a close friend. The Standards Board for England's publication the *Case Review 2007* includes a section on defining a close associate, which might be helpful in identifying a close friend. The *Case Review 2007* is available at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk).

The regulations require a majority of all members of the authority to approve the appointment. However, we believe that in practice, a report only needs to go to full council when selecting independent members. If so, we recommend that the monitoring officer ensures the majority of members approve, not just those attending the meeting.

We recommend that the power to assist the recruitment of independent members is delegated to the standards committee by the authority and is included in the committee's terms of reference. A standards committee may appoint a sub-committee to take on some of its functions, for example, if your standards committee is asked to advise members of the council on the appointment of independent or parish members. If so, then the standards committee may set up a sub-committee of suitably trained members to shortlist and interview candidates and make recommendations to council. The sub-committee may find it

helpful to have the monitoring officer and a human resources officer present to provide advice and assistance.

An individual's membership of a political party does not automatically bar them from being an independent member of a standards committee. However, the more politically active an independent member is the less likely they will be seen as being independent. You should consider public perception before making an appointment of this sort.

If you are finding it difficult to attract suitable people to become independent members, you should review the criteria in your advertisement to make sure they are reasonable. For example, you should make sure that the time you are asking the member to invest is reasonable for the role.

You may also want to consider additional methods of attracting candidates. This could include:

- placing articles in the local press about the role of an independent member
- placing advertisements on your website or on your local radio station
- placing flyers in libraries, adult learning centres or places of worship
- advertising through other authorities' partnerships or through the local voluntary or community sector
- approaching your citizen's panel
- the personal approach. For example,

# independent members

contacting neighbouring authorities which may have more suitable candidates than they can appoint.

- approaching a person who is an independent member of a standards committee of a different authority. This person may also be appointed as an independent member of the standards committee of your authority. This is unless they were a member or officer of your authority within the five years preceding the appointment, or are a relative or a close friend of a member or officer of your authority.

Remember that all the selection criteria for the position will still apply, so even if you approach someone directly, they must still make a formal application.

We recommend that the application form includes sections on:

- personal details
- qualifications
- summary of experience
- relevant expertise/skills

Accepting a CV with an application form may make the process easier for busy candidates. You may also want to consider online applications. We recommend that the monitoring officer should be involved throughout the recruitment process to advise the panel and the authority.

## Skills and competencies of independent members

The competencies you should look for in an independent member include:

- a keen interest in standards in public life
- a wish to serve the local community and uphold local democracy
- high standards of personal integrity
- the ability to be objective, independent and impartial
- sound decision making skills
- questioning skills
- leadership qualities, particularly in respect of exercising sound judgment
- the ability to act as the chair of an assessment or review sub-committee or a determination hearing

Please see the section **The role of the chair** on **page 13** for further information on acting as a chair.

You should assess candidates looking for these qualities in interviews and any other assessment process you carry out. You also need to ensure that your authority complies with its duties under the Equality Act 2006. The human resources department of your authority may be able to advise you further on this matter.

# independent members

For further information on the recruitment of independent members, you may want to look at the recruitment pack produced by the Association of Council Secretaries and Solicitors (ACSeS). The pack provides practical advice on how to set about recruiting independent members, together with their roles and responsibilities. The pack can be downloaded at [www.acses.org.uk](http://www.acses.org.uk)

## Recruiting independent members from another standards committee

An independent member of one standards committee may also sit on other standards committees. For example, the member can sit on county and district, or county, police and fire authorities' standards committees.

Independent members may also be temporarily appointed to another standards committee to consider a particular assessment, review or hearing or for a particular period of time. For example, it would be appropriate to appoint an independent member of a neighbouring standards committee for a short period in situations where the permanent member is unwell or if there is a conflict of interest. These appointments can be made without needing to advertise the position. The appointments do not need to be ratified by a majority of the members of the authority, but proper procedures should be in place to appoint independent members on a temporary basis.

Independent members appointed on a temporary basis cannot have been a member or officer of that authority in their

five years before the appointment, and cannot be a close friend or a relative of a member or officer of that authority. They must also comply with the Code of Conduct of each authority whose standards committee they sit on.

## Ceasing to be an independent member

Under the regulations, any person appointed as an independent member who becomes a member or officer of an authority, or a relative of a member or officer of that authority, will no longer be able to be an independent member of that authority's standards committee.

## The role of the chair

It is a legal requirement that the chair of the standards committee must be an independent member. It is important for the chair to be independent because of the key role they play in the business of the standards committee. By being independent, the chair can ensure that the standards committee's business is conducted in such a way that no one can question its integrity.

Authorities should aim to select a person who will command the respect of members and the local community. We recommend that the decision on who should be appointed as chair be taken by the full council or delegated to the standards committee. You may also choose to appoint an independent vice chair for the reasons discussed in the section on **Size and composition** on [page 9](#).

# independent members

An effective chair will ensure that the business of the meeting is completed while allowing a fair and balanced debate and any professional advice to be taken into account. The chair may summarise the points put to the committee, and will ensure that the meeting is run correctly from a procedural point of view. They will also ensure that the decisions made are accurately recorded. The chair is responsible for keeping order and adjourning meetings where necessary. They should also have a good level of assertiveness. It is also the chair's responsibility to ensure that members of the public and press leave the meeting when a private report is being considered. Please see the section **Skills and competencies of independent members** on **page 12** for further information.

Preliminary matters will often arise in relation to hearings. The chair, with the advice of the monitoring officer, may make initial process decisions in relation to such matters. However, it is important that the hearing committee or sub-committee considers and approves such arrangements.

Ultimately, it is the way the chair operates independently, and is seen to operate independently, that should enhance confidence in the integrity of the standards committee. It is also the chair's status as an independent member, a role drawn from outside the authority and independent from the authority that should provide a clear signal that the committee is fair.

## **Induction of independent members**

While it is not mandatory, we recommend that an induction programme should be provided for independent members. This should include training on the Code of Conduct and the functions of standards committees. Inductions should also include attendance at authority meetings, such as meetings of planning and licensing committees and the full council. If authorities are operating executive arrangements, then attendance at cabinet meetings and overview and scrutiny committee meetings should be part of the induction.

Independent and parish representatives should also receive a copy of the authority's constitution. In addition, they should receive a copy of the Code of Conduct that has been adopted by your authority, the protocol for member/officer relations and any other protocol in use.

The constitution should also include the authority's scheme of delegations of functions. Whistle-blowing policies, any policies and procedures under the Equality Act 2006, and the authority's anti-bullying policy should also be included. It may be helpful to add an A-Z of people in the authority, a list of authority services and the municipal calendar.

There are a number of regional independent member organisations. Many authorities use a mentoring system to assist new independent members of standards committees. In some parts of the country regional groups of independent



# independent members

members have been established. Information relating to these will be helpful as may a list of useful websites.

To find out if there is a regional group of independent members in your area you should contact the Standards Board for England. The Association of Independent Members of Standards Committees in England (AIMSce) may also be able to provide support. Information about AIMSce can be found at [www.aimsce.org.uk](http://www.aimsce.org.uk) Authorities may also want to consider making members' IT facilities available to both their independent and parish representatives.

## **Remuneration for independent members**

Authorities must introduce an annual scheme for the payment of a basic allowance to their members, based on the recommendations of an independent remuneration panel. The annual scheme can also extend to the payment of other allowances, including a co-optee's allowance. A co-optee's allowance relates to a person who is not a member of the authority but is a member of a committee or sub-committee, for example an independent member of a standards committee.

We recommend that independent members should be able to claim for financial loss, travel and subsistence. This will help attract those people that may have been deterred from the role because of the costs involved. Each authority must consider the recommendations of its panel

as to whether it should provide for the payment of a co-optee's allowance and of travelling and subsistence expenses.

## **Indemnities for independent members**

Where independent members are carrying out their statutory duties, they may be protected by their authority's indemnity arrangements under the Local Authorities (Indemnities for Member and Officers) Order 2004. We recommend that all authorities include independent members in their indemnity arrangements.

## **Complying with the Code of Conduct and the register of members' interests**

Independent members must sign an undertaking to comply with the Code of Conduct and disclose their interests in the register of members' interests maintained by the monitoring officer, in the same way as other members. Complaints about the conduct of independent members must be treated in the same way as that of other members.



# parish and town council representatives

If your standards committee is responsible for parish or town councils we recommend you have a minimum of three parish or town council representatives on your standards committee, though the legal minimum is two.

A standards committee with three parish or town council representatives will provide you with flexibility. It should allow the local assessment of complaints to be carried out if a parish or town council representative is unavailable or conflicted out. You may wish to increase the number further to avoid situations where the parish or town council representative is conflicted out, and to prevent the parish or town council representatives from feeling isolated. It will also avoid meetings having insufficient members, if the parish or town council representative is not present when issues affecting parish or town councils are discussed.

This will bring the recommended total number of people on your standards committee to nine members.

Having nine members means that you can meet the requirement of having a different parish or town council representative when the committee's sub-committees carry out each of the separate assessment and review functions. Please see our guidance **Local assessment of complaints** for further information.

Your council must consult parish and town councils within its area to help decide if there should be a parish sub-committee to deal with some of its functions relating to

parish and town council matters. Any parish sub-committee must include at least one parish or town council representative and at least one independent member. In addition, your council must consult parish and town councils to determine how many parish and town council representatives are needed and how long they should serve on the committee.

## Choosing parish and town council representatives

Your authority must decide how to recruit and appoint parish or town council representatives. Your parish and town council representative should have the trust of town and parish councils in your area, so you should involve them in the selection procedure.

If you are finding it difficult to find a parish or town council representative, your local county association of local councils may be able to help you. For example, the county association may be able to give you a list of possible candidates. They may also be prepared to conduct an election process for you.

This process should receive the support of the parish and town councils in the area and show that you want to appoint standards committee members in a fair and open way.

# other members

## **Executive members on the standards committee**

If the authority is operating executive arrangements, the standards committee does not need to include a member of the executive. However, you should consider whether it is appropriate to appoint an executive member. Appointing an executive member might show that the committee is supported and respected by all parts of the authority. Not having an executive member could reflect a degree of independence from the political leadership of the authority. Nevertheless, this is ultimately a decision for the authority.

## **Elected members on the standards committee**

Standards committees need not reflect the political balance of the authority. This is because the standards committee should be above party politics and its members need to have the respect of the whole authority, regardless of the governing political party. It may be helpful to remind elected members of this when committee appointments are being made.

It would be useful for your standards committee to include members who are supported by all political parties, particularly when the local assessment of complaints is carried out. This is so that greater trust and confidence can be established in the decision-making process among all political members.

Standards committees should be seen as making judgments impartially and without

regard to party loyalty. Elected members should consequently be mindful of this when serving on a standards committee. Elected members on standards committees should not be subject to a party whip. In other words, they should not be told how to vote on matters. Members should also remember that they must adhere to the Code of Conduct when serving on a standards committee.

It is important when assessing complaints, reviewing assessment decisions and holding determination hearings that the sub-committee is properly constituted and that members are trained on the Code and the relevant legislation. We recommend that you keep a clear record of the training of all standards committee members. Some authorities provide refresher training before hearings.

## **Substitute members**

Some authorities operate a substitute system. This allows a substitute member to attend a meeting of the committee or sub-committee whenever a regularly appointed member cannot be present. This is often done to maintain the political composition.

However, we do not recommend the use of substitutes for standards committees. Standards committees are not intended to operate along party political lines and therefore it is not necessary to ensure a political balance.

In instances where all your independent members are unavailable, you would be

# other members

able to substitute your independent members with independent members from another authority. Please see the section on **Recruiting independent members from another standards committee** on **page 13** for further information.

It should also be noted that nothing in the regulations requires a sub-committee of a standards committee to have fixed membership or chairmanship.

# supporting standards committees

## The role of the monitoring officer

Your monitoring officer plays an important role in helping the standards committee to carry out its functions. The monitoring officer should have the necessary knowledge, skills and experience to do this. They are the link between your members and the standards committee. Your monitoring officer also plays an important role in the relationship between parish and town councillors and the standards committee.

Under the Local Government Act 2000, monitoring officers are responsible for investigating allegations and they receive directions to carry out actions other than an investigation. It is for this reason that they are well placed to monitor the effectiveness of the Code of Conduct. Please see our guidance [Local assessment of complaints](#) for further information on other action.

Monitoring officers must also maintain the register of members' interests. Monitoring officers may appoint deputies to help them fulfil their roles. They may, for example, appoint a deputy to conduct an investigation on their behalf, or to write a report to the standards committee.

Your monitoring officer may also want to arrange training on standards matters for standards committees or for other members. Under the Code, members must have regard to the advice of the monitoring officer when it is given as part of the monitoring officer's statutory duties.

# operation of standards committees

## Validity of meetings

The requirements in relation to membership and composition of standards committees are set out in the section on **Size and composition** on **page 9** of this guidance. All members of sub-committees must be drawn from and appointed by the standards committee.

A standards committee **must** appoint a sub-committee to:

- assess new complaints
- review decisions to take no action over a complaint

A standards committee **can** appoint a sub-committee to:

- consider a monitoring officer's final investigation report
- consider determination hearings

For the meeting of the sub-committee to be valid at least three members of the standards committee must be present throughout. These three members must include at least one member of the authority and one independent member, who must be the chair.

Meetings of the standards committee must include at least three members of the committee and be chaired by an independent member. The requirement to have an independent chair does not apply to other sub-committees of the standards committee.

A member of an assessment sub-committee cannot be present at the review sub-committee meeting when it considers a complaint that the assessment sub-committee decided no action should be taken on. Please see our guidance **Local assessment of complaints** for further information.

If the standards committee appoints a sub-committee to consider matters relating to parish and town councils, and the members of those councils, the sub-committee must have at least three members who are present throughout the meeting, including a parish or town council representative and an independent member.

At least one parish and town council representative must be present when matters relating to parish and town councils are being discussed by any meeting of the standards committee or one of its sub-committees.

## Agendas and reports for standards committee meetings

Standards committee agendas should be open for inspection five days before the meeting and a copy should be sent to parish and town councils that the authority is responsible for. Meetings of the assessment and review sub-committees are closed and therefore agendas for these meetings do not come under this rule. Many councils place agendas on their website.

# operation of standards committees

Copies of meeting reports should also be available for inspection. If the monitoring officer is a **proper officer** they can decide to exclude the whole report or any part of it, if they believe the meeting where the report(s) will be discussed is unlikely to be open to the public. These might include confidential or exempt items, or parts of reports that if disclosed might be in breach of the Data Protection Act.

If the chair believes, by reason of special circumstances specified in the minutes, that an item should be considered as a matter of urgency, this can be considered, despite it not having appeared on the agenda for the meeting.

Meeting minutes should be available for six years after the meeting, unless they relate to a part of the meeting that the public was excluded from, in which case they should not be made available.

Please see our guidance **Local assessment of complaints** for further information on access to meetings of the assessment and review sub-committees.

By: Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 18 March 2010

Subject: Members' Register of Interests, Gifts and Hospitality

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Summary: To agree the most appropriate method of reviewing the Members' Register of Interests and Gifts and Hospitality submissions.

## **Unrestricted**

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### **Background**

1. At its meeting in November 2008, the Standards Committee agreed that there should be a standing item each year to review the Register of Members' Interests, Gifts and Hospitality, starting in the new Council term.
2. Following the County Council elections in June, all Members completed their Register of Interests, which are published on KCC's website. Written guidance to Members on the nature of their interests is provided by the Monitoring Officer and additional advice is provided on request. In addition, the training provided by the Deputy Monitoring Officer on the Code of Conduct and ethical standards reinforces to Members the importance of (a) keeping their registered interests up to date (i.e. within 28 days of any change) and (b) always declaring the existence of personal and prejudicial interests at meetings where there is a relevant item on the agenda. All 84 Members have attended this training and it is considered that the overall process for registering and declaring interests works well. Members are also encouraged to properly register any gifts or hospitality they may receive in accordance with the Code of Conduct. All such declarations are also published on KCC's website.
3. At its meeting on 20 November 2009, the Committee agreed that the Head of Democratic Services and Local Leadership be asked to arrange for a review to take place involving at least two of the three independent Members of the Committee. This review is outstanding and the Committee's instructions are requested.

### **Recommendation:**

4. The Committee is invited to determine the way forward in relation to the review of Members' Registers of Interests.

Peter Sass – Head of Democratic Services and Local Leadership

March 2010

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By: Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 18 March 2010

Subject: Complaints Monitoring report

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Summary: To formally note the current position with regard to the receipt and consideration of complaints about KCC Members and the action taken by the Assessment and Review Sub Committees.

## **Unrestricted**

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### **Background**

1. At the meeting of the Standards Committee on 25 November 2008, it was agreed that a report would be submitted to the Committee every six months, giving the relevant details of the current stage of any complaints that had been considered by the Assessment or Review Sub Committee. Accordingly, attached at **Appendix 1** is a schedule detailing this information.

### **Assessment Criteria**

2. It is good practice, from time to time, for the Standards Committee to consider and review the criteria used to assess complaints, and this is attached at **Appendix 2**. The criteria were last reviewed in April 2009. Members are asked if they would like to change the criteria in any way, by the addition, deletion or amendment of assessment criteria. Once agreed, the revised criteria will be published on the existing web pages that inform the public how to complain about the conduct of Members.

### **DVD from Standards for England – “Assessment made clear”**

3. Standards for England have released a new training DVD called “Assessment made clear” and the Committee has agreed that all Members would view the DVD in their own time. The Chairman has now viewed the DVD and it is available for other Members from the Head of Democratic Services and Local Leadership.

### **Recommendation:**

4. The Committee is invited to:
- (a) Formally note the current position with regard to the receipt and consideration of complaints (Appendix 1); and
  - (b) Consider whether the Assessment Criteria for the local complaints framework should be amended in any way (Appendix 2);

Peter Sass – Head of Democratic Services and Local Leadership  
March 2010

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## Complaints received by the Standards Committee – May 2008 to March 2010

Reference	Complainant	Assessment outcome	Review outcome	Comments
KCC/01/2008	Member of the public	No action	Not requested	None
KCC/02/2008	Member of the public	No action	Not requested	None
KCC/03/2008	A local head teacher	No action	Not requested	None
KCC/04/2008	A Borough Councillor	No action	Refer to Monitoring Officer: Member to issue apology to complainant	Letter of apology not accepted
KCC/01/2009	A Borough Councillor	Refer to Monitoring Officer for conciliation	N/A	Complainant refused to take part in conciliation
KCC/02/2009	Member of the public	No action	Not requested	N/A
KCC/03/2009	Member of the public	Refer for investigation	Conclusion of "no breach" accepted by Sub Committee	Press Notice issued
KCC/04/2009	Member of the public	No action	Not requested	None
KCC/05/2009	Member of the public	Referred to Monitoring Officer for other action (letter of apology)	N/A	Letter of apology accepted by complainant
KCC/06/2009	Member of the public	Referred to the Monitoring Officer for a formal investigation	N/A	Standards (Consideration) Sub Committee meeting is on 18 March to determine the way forward

## 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: Peter Sass - Head of Democratic Services and Local Leadership  
To: Standards Committee – 18 March 2010  
Subject: Standards Committee Work Programme and future meeting dates

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

**Unrestricted**

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**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)

Peter Sass – Head of Democratic Services and Local Leadership  
March 2010

Standards Committee Work Programme - 2009

Meeting	Item	Source (*Standard item unless stated )
18 March 2010	The role and remit of the Committee	Request from previous meeting
	Work Programme and future meeting dates	
	Register of Interests	
	Complaints Monitoring	
12 May 2010	Members' Annual Reports	
	Monitoring of Complaints	
	Annual Return to the Standards Board	
	Committee's Annual report	
	Work Programme and future meeting dates	
15 July 2010	Annual meeting with Group Leaders	
	Work Programme and future meeting dates	
18 November 2010	Monitoring of Complaints	
	Review of Register of Interests, Gifts and Hospitality	
	Work Programme and future meeting dates	