

**STANDARDS COMMITTEE**

**Wednesday, 12th May, 2010**

**10.00 am**

**Wantsum Room, Sessions House, County Hall,  
Maidstone**



## AGENDA

### STANDARDS COMMITTEE

**Wednesday, 12th May, 2010, at 10.00 am**  
**Wantsum Room, Sessions House, County**  
**Hall, Maidstone**

Ask for: **Peter Sass**

Telephone **01622 694002**

*Tea/Coffee will be available from 9.30 in the meeting room*

#### **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 18 March 2010 (Pages 1 - 4)
4. Members' Annual Reports (Pages 5 - 6)
5. The Standards Committee's Annual Report to the County Council (Pages 7 - 26)
6. The Annual Return to Standards for England (Pages 27 - 36)
7. Standards Committee Work Programme and future meeting dates (Pages 37 - 38)
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

**Tuesday, 4 May 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.*

**KENT COUNTY COUNCIL**

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**STANDARDS COMMITTEE**

MINUTES of a meeting of the Standards Committee held in the Stour Room, Sessions House, County Hall, Maidstone on Thursday, 18 March 2010.

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

IN ATTENDANCE: Mr G Wild (Director of Law and Governance) and Mr P Sass (Head of Democratic Services and Local Leadership)

**UNRESTRICTED ITEMS**

**14. Substitutes/apologies**

*(Item 1)*

An apology for absence was received from Mr London.

**15. Declarations of Interest**

*(Item 2)*

There were no declarations of interest by Members in any item on the agenda.

**16. Minutes of the meeting held on 20 November 2009**

*(Item 3)*

Resolved: that the minutes of the meeting held on 20 November 2009 be approved as a correct record and signed by the Chairman.

**17. The role and remit of the Standards Committee**

*(Item 4)*

The Committee considered a discussion paper from the Head of Democratic Services and Local Leadership, which examined notable practice in other Councils in relation to a possible wider remit and role for the Standards Committee.

During the debate, the following comments were made:

- In response to a question from Mr Gammon, Mr Sass confirmed that the operating costs for the Standards Committee, including training, conference attendance etc. was contained within the budget for the Democratic Services and Local Leadership Unit
- Mr Gammon suggested that there should be a rota amongst the independent members for attendance at main KCC meetings
- There was general acceptance that the focus of the Committee was appropriate and proportionate, given the overall high standard of ethical conduct in the

Authority. It was agreed that the leadership of the Committee was key and that this was a notable aspect of the Committee's work.

- Mr Wild stated that the role of the Committee was well respected in the Authority, but that it was important the Committee was not overworked by involving itself in wider aspects that were being managed effectively in other ways.
- There was agreement that a shadowing programme should be developed for independent Members of the Committee to spend time with elected Members in their various roles.

Resolved that:

- (1) the contents of the report be noted; and
- (2) the existing role and remit of the Committee was proportionate and that no changes needed to be made to the formal activities or Terms of Reference of the Committee at this stage;
- (3) the Head of Democratic Services and Local Leadership be requested to arrange a Member Shadowing programme for the independent Members of the Committee.

## **18. Members' Register of Interests, Gifts and Hospitality**

*(Item 5)*

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

Members of the Committee were concerned about the completeness of the declarations on gifts and hospitality and suggested that the Independent Remuneration Panel should give consideration to an amendment to the format for Members' Annual Reports, which specifically asks for either a full declaration or a nil return from each Member. It was also suggested that Members should be reminded of the need to declare any gifts and hospitality on a quarterly basis.

Resolved:

- (1) that the contents of the report be noted and that a review of Members' Declarations of Interest by the independent Members of the Committee was deemed to be not necessary;
- (2) the Head of Democratic Services and Local Leadership be requested to invite the Independent Remuneration Panel to consider an amendment to the Members' Annual Reports for 2010/11, which specifically asked for either a full declaration of gifts and hospitality or a nil return from each Member; and
- (3) the Head of Democratic Services and Local Leadership be requested to remind all Members on a quarterly basis to declare any gifts and hospitality.

## **19. Complaints Monitoring**

*(Item 6)*

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

The Committee considered that the wording on the third column in the schedule of complaints should be amended by the addition of the words: following consideration by (either) the Assessment, Review or Consideration Sub Committee, to reflect the work involved in determining complaints about the conduct of Members. It was also suggested that the final column in the schedule should be clearer about whether any further action was necessary in each case.

Resolved that:

- (1) the current position with regard to the receipt and consideration of complaints be noted;
- (2) the wording contained within the schedule of complaints received be amended as indicated above; and
- (3) the Committee agrees that there are no changes required to its Assessment Criteria at the present time.

## **20. Standards Committee Work Programme and future meeting dates**

*(Item 7)*

The Committee considered its future work programme.

Members noted that the Committee's Annual Report would need to be prepared and consulted upon well in advance of the next meeting on 12 May, as it would have already been circulated to the County Council, prior to its annual meeting on 13 May. Mr Sass undertook to ensure this happened.

Resolved: that the Committee's future work programme be noted.

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

To: Standards Committee – 12 May 2010

Subject: MEMBERS' ANNUAL REPORTS

Classification: Unrestricted

Summary: This report contains the comments of the Independent Remuneration Panel on the Members' Annual reports for 2009/10

#### FOR INFORMATION

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1. The Independent Remuneration Panel met on 28 April 2010, to consider Members' Annual reports for 2009/10. The Panel was very pleased with the overall response rate this year, with 83 reports being received before the Panel met, compared to 81 Members having completed their 2008/09 reports before the Panel met last year. One report was not received due to the illness of the Member.
2. The Panel was also very pleased with the high overall standard in that Members had taken seriously the need to account for their time on County Council work; supply details of their remuneration and grant giving; and to explain clearly how they make themselves available to their constituents. The Panel has written to Group Leaders individually, highlighting those reports submitted by Members of their groups that the Panel thought were of very high quality, and also those of poor quality, so that best practice examples can be shared within each group, with the expectation that the general quality will improve further next year.
3. Many Members sent an annual letter to their constituents, including details of how they spent the Local Community Grant; some Members mentioned that they regularly walk round their electoral divisions to talk to constituents, and some Members mentioned that they maintain their own websites to provide information to constituents and a means of contact. The Panel considered that this was excellent practice.
4. The following issues were raised by the Panel:
  - The overall standard of Members' Annual Reports was higher than previous years
  - The level of detail about how Members had utilised their individual Member grants had improved considerably this year
  - The detail provided about the receipt of Members' Allowances, both within KCC and other public authorities was good eventually after a reminder was issued that this information was required, but could be better in future years

- The level of detail provided about the availability of training and development activity for Members, was good
- For future years, all reports should be typed to aid them being read on the website

### **Recommendation**

5. The Committee is invited to receive the report from the Chairman of the Independent Remuneration Panel and comment accordingly

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



From: Roberta MacCrone – Independent Chairman of the Standards Committee

Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee – 12 May 2010

Subject: **ANNUAL REPORT TO COUNTY COUNCIL**

Classification: Unrestricted

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

For Decision

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(1) It is customary for the Chairman of this Committee to submit an annual report to the County Council commenting upon the Committee's activities and achievements over the previous 12 months. It is also the convention that at least one independent Member of the Standards Committee is present at the County Council meeting and, with the permission of the Chairman of the County Council, to speak to the report and respond to any questions from Members.

(2) The production of an annual report is regarded by Standards for England as good practice and this is the eighth consecutive year that the Committee has produced such a report.

#### **RECOMMENDATION**

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

**Peter Sass**  
**Head of Democratic Services and Local Leadership**  
**01622 694002**

Background Documents: None

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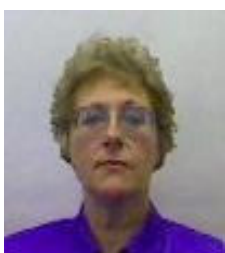
Kent County Council's Standards Committee

Annual Report – 2009/10

**Introduction**

The composition of the Standards Committee complies with statutory guidance and is chaired by one of the three independent Members on the Committee. The membership of the Committee for 2009/10 was as follows:

- Ms Roberta MacCrone (Independent Chairman)
- Ms Nadra Ahmed (Independent Member)
- Mr Leslie Christie (Labour Member)
- Mr Dan Daley (Liberal Democrat Member)
- Mr Peter Gammon (Independent Member)
- Mr John London (Conservative Member)



Ms Roberta MacCrone  
Chair



Mrs Nadra Ahmed  
OBE, DL



Mr Leslie Christie  
Labour



Mr Dan Daley  
Liberal Democrat



Mr Peter Gammon  
MBE



Mr John London  
Conservative

The Committee has met on four occasions during the last 12 months (20 July and 20 November 2009, and 18 March and 12 May 2010).

**Foreword by the Independent Chairman – Ms Roberta MacCrone.**

This is the eighth Annual Report of the Standards Committee, covering the period June 2009 to May 2010. The Committee's work programme for the past year has included:

- (a) Ethical Standards training for all 84 elected Members completed in March 2010;
- (b) Formal meetings with political Group Leaders and the Independent Remuneration Panel, as part of an ongoing and

constructive working relationship: to discuss matters of mutual interest; the role of the Standards Committee in raising ethical standards and Member induction training; and reviewing and making changes to the format and content of Members' Annual Reports;

- (c) Fine-tuning of the Monitoring Officer Protocol in relation to the assessment of complaints against Members; and
- (d) Reviewing the Members' Register of Interests

The Committee has also made its annual report to Standards for England, reporting on the year's work and has overseen the improvement of the pages on KCC's website relating to the work of the Committee. Three Members of the Committee attended the Standards for England Annual Conference in October 2009 and this proved to be one of the best, with thought provoking and useful content.

Standards for England has recently published a report highlighting Standards Committee best practice across the UK. Set against the context of this report, I believe that Kent is one of the best in the country, and this was recognised by the Local Government Chronicle (LGC), where our Committee was one of only six finalists in the Standards and Ethics category in the 2010 LGC Awards – sponsored by Standards for England.

The Standards Committee has received invaluable help and advice from Mr Sass, Head of Democratic Services and Local Leadership, and he has done much to ensure that KCC's Standards Committee is at the forefront of best practice in England.

This Annual Report sets out the role of the Standards Committee, including its involvement in Member training and development. The complaints aspect is, of course, the *raison d'être* of the Committee and the report sets our activity over the past year. Members' Annual Reports appear to have become embedded into Member activity - this is excellent and has so many merits to compensate for the time needed to complete the reports; they are not only used by the Standards Committee and Remuneration Panel; they are used by political group leaders for annual assessment purposes, are published on the website for the public to see, and they can and often are used locally by Members to disseminate information about the hard work undertaken by them on behalf of their electorate.

The Standards Committee has a future work programme that can probably best be summed up as "more of the same". In a world of constant change, it is good to feel we have done the best possible job; however, we are allowing ourselves only one deep breath before getting on with the hard work for the coming year.

### **The role of the Standards Committee**

The Committee's terms of reference are attached at **Appendix 1** and have not been altered by the County Council in the previous year.

The role and remit of the Committee continues to be proportionate and reflects the high standard of conduct within the County Council.

The Committee reviewed its operation, remit and role at its meeting in March 2010, following the publication in October 2009 of an academic study by Professor Alan Lawton and Dr Michael Macaulay from the University of Hull, which sought to assess the impact of Standards Committees and identify notable practice in 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

After discussion, the Committee agreed that its presence within the Council was successful and effective; that its role and remit was appropriate; and, that no changes to the formal activities or Terms of Reference of the Committee were necessary at the present time.

### **Training and Development**

The Committee played a key role in assisting the Selection and Member Services Committee with the preparations for Member induction and development following the County Council elections in June 2009, with particular emphasis on ethical standards training. The Committee reviewed the evaluation forms completed by Members and was pleased to note that 87% found the training sessions to be good or excellent overall. The Committee was delighted with the 100% attendance by elected Members. During the year, the Committee reviewed and updated a series of Advice Notes for Members, which are also part of the Members' Handbook.

Committee Members have also participated in relevant training events, in order to further improve their effectiveness on the Committee with regular discussions at Committee meetings with the Monitoring Officer and his staff. Three Committee Members attended the Annual Assembly of Standards for England in October 2009, which was regarded as an excellent learning opportunity by those Members who attended; and the Chairman continues to play a leading role at the Kent and Medway Standards Committee Independent Member Liaison Group, whose meetings are hosted at County Hall. Places have also been reserved for Members to attend the Annual Assembly in October 2010.

### **The locally managed framework for complaints**

Responsibility for dealing with alleged breaches of the Code of Conduct by elected and co-opted Members of the Council, which passed from Standards for England to the local authority on 8 May 2008, continues to be a key part of the Committee's work, although it should be noted that the number of complaints received in the previous 12 months has reduced to just two, compared with eight in 2008/09.

In July 2009, the Committee considered and agreed a formal protocol to guide the Monitoring Officer and his staff in relation to the receipt, processing and consideration of complaints (**Appendix 2**). This protocol, which now forms part of the Members' Handbook, contains important information about the notification procedure for complaints and the opportunity for local resolution. The Committee is satisfied that the introduction of the protocol has had a positive effect, in terms of the information to, and involvement of, the Member who is the subject of a complaint throughout the process. The Standards Committee has also developed the criteria it uses to assess complaints (**Appendix 3**) and these are reviewed on a regular basis by the Committee in the light of experience of dealing with complaints.

During the last 12 months, the Assessment, Review and Consideration Sub Committees has dealt with three complaints about the conduct of Members (one of which was submitted in 2008/09 but concluded with in 2009/10 following an investigation), as follows:

Reference	Complainant	Assessment outcome	Review outcome (only applicable if "no action" taken by the Standards Committee at the first stage)	Comments
KCC/3/2009	Member of the public	Conclusion of "no breach" accepted by the Standards Committee following a formal investigation	Not applicable	A formal press notice was issued confirming that this case had been determined.
KCC/5/2009	Member of the public	Referred to Monitoring Officer for "other action" (letter of apology)	Not applicable	Letter of apology accepted by the complainant and no further action was necessary
KCC/6/2009	Member of the public	Conclusion of "no breach" accepted by the Standards Committee following a formal investigation	Not applicable	A formal press notice was <u>not</u> issued, as this is the subject Member's right when no breach is found.

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

basis. All complaints have been dealt with within the timescales detailed in the guidance from Standards for England.

### **Local Government Chronicle (LGC) Awards 2010**

The Committee was delighted that the entry from Kent County Council for this year's LGC Awards in the Standards and Ethics category was one of six finalists. Kent's entry highlighted the connection between the formal responsibilities of Members (as detailed in the recently adopted Role Description for all Members), with the recorded activities of Members in their annual reports, which in turn leads to greater accountability to the people of Kent.

### **Members' Annual Reports**

The Standards Committee was formally consulted by the Independent Remuneration Panel about key changes to the Annual Report format, with particular emphasis on greater information about the utilisation of individual Member grant money and remuneration (both from KCC and other public bodies).

The Independent Remuneration Panel met on 28 April 2010, to consider Members' Annual reports for 2009/10. The Panel was very pleased with the overall response rate this year, with 83 reports being received before the Panel met, compared to 81 Members having completed their 2008/09 reports before the Panel met last year. One report was not received due to the illness of the Member.

The Panel was also very pleased with the high overall standard in that Members had taken seriously the need to account for their time on County Council work; supply details of their remuneration and grant giving; and to explain clearly how they make themselves available to their constituents. The Panel has written to Group Leaders individually, highlighting those reports submitted by Members of their groups that the Panel thought were of very high quality, and also those of poor quality, so that best practice examples can be shared within each group, with the expectation that the general quality will improve further next year.

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

(Attached at **Appendix 4** to this report is a summary of where the Members' individual community grants were spent).

The following issues were raised by the Panel:

- The overall standard of Members' Annual Reports was higher than previous years

- The level of detail about how Members had utilised their individual Member grants had improved considerably this year
- The detail provided about the receipt of Members' Allowances, both within KCC and other public authorities was good eventually after a reminder was issued that this information was required, but could be better in future years
- The level of detail provided about the availability of training and development activity for Members, was good
- For future years, all reports should be typed to aid them being read on the website

### **Future work programme for the Committee**

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

### **Conclusions**

Kent County Council's Standards Committee has enjoyed a successful and effective year and is pleased with its role in helping to induct and develop both new and returning Members to KCC following the County Council Elections. The Committee's approach is to offer appropriate support and challenge in relation to the promotion of high ethical standards amongst both elected and co-opted Members. The overall standard of Member conduct within the authority is high and the Committee looks forward to ensuring that KCC continues to be an exemplar for ethical standards and conduct.

Roberta MacCrone  
Independent Chairman  
May 2010



Terms of Reference of the Standards Committee

6 Members:

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

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

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

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

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

## Monitoring Officer Protocol

**Procedure to be followed by the Monitoring Officer in relation to the initial assessment and review of allegations that a member of the Authority has failed to comply with the Code of Conduct**

### **1 Receipt of Allegations**

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to ensure that any allegation made in writing that a Member of the Authority has, or may have, failed to comply with the Authority's Code of Conduct is referred to him immediately upon receipt by the Authority.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the Authority can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be entertained where the identity of the complainant is known, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in his opinion that would be in the public interest.

### **2 Notification of Receipt of Allegations**

- 2.1 All relevant allegations must be assessed by the Assessment Sub-Committee. The Monitoring Officer has no authority to deal with an allegation of failure by a relevant Member to observe the Code of Conduct other than by reporting it to the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer of the Authority.
- 2.2 Following receipt of the allegation, and where the allegation appears to be a complaint of misconduct against a relevant Member, the Monitoring Officer will promptly and in any case in advance of the relevant meeting:
  - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee at its next convenient meeting;
  - 2.2.2 notify the Member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation, and state that the allegation will be assessed at the next convenient

meeting of the Assessment Sub-Committee. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, he shall consult the Chairman of the Standards Committee, or in her absence another Member of the Standards Committee, and may then decide that no such advance notification shall be given;

2.2.3 collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the allegation;

2.2.4 seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;

2.2.5 place a report, including a copy of the allegation, such readily available information and his recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next convenient meeting of the Assessment Sub-Committee.

### **3 Local Resolution**

3.1 Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.

3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, he may approach the complainant and ask what action the complainant is seeking in terms of redress. This might include, for instance, an apology or a commitment to take some specified action in support of the complainant. The Monitoring Officer may then approach the Member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action, as suggested by the complainant. The Monitoring Officer shall in every case then report to the Assessment Sub-Committee as required, and at the same time report the comments of the complainant and the response of the Member concerned. This procedure should ensure that, where the Member has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is likely to be satisfied with the proffered apology or remedial action, the Assessment Sub-Committee will be able to take this into account when considering whether the matter merits investigation – although the Sub-Committee is not bound by any concessions.

#### **4 Review of Decisions not to Investigate**

- 4.1 Where the Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the complainant of the decision, and the complainant may then within 30 working days of receipt of such notification request that the Review Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information that was provided to the Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

#### **5 Local Investigation**

- 5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Assessment Sub-Committee, to determine who to instruct to conduct a formal local investigation, and this may include another appropriately experienced senior officer of the Authority, a senior officer of another authority or a consultant.

## 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

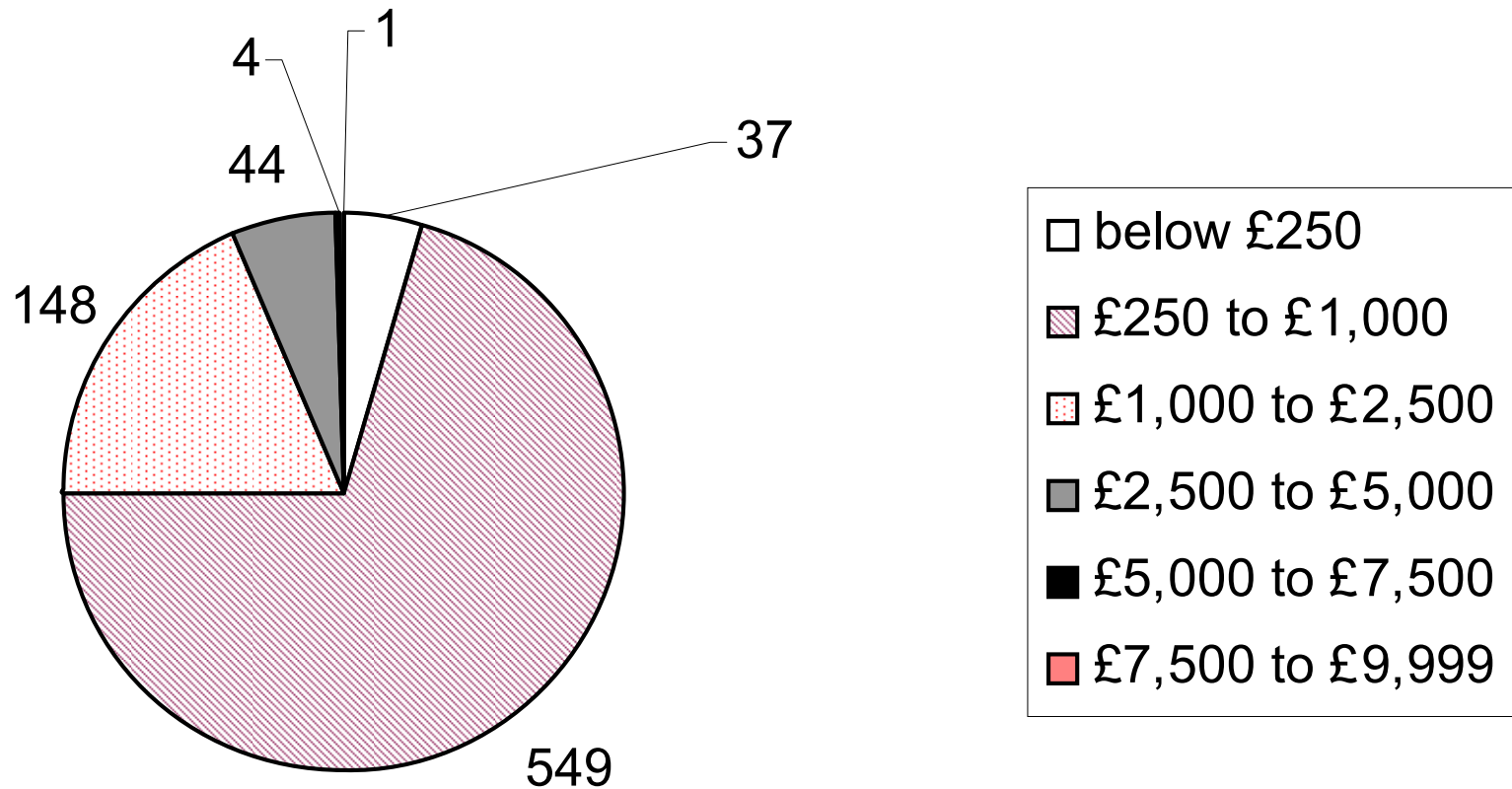
1. Does the complaint relate to dissatisfaction with a Council decision, rather than the conduct of a particular Member?

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?

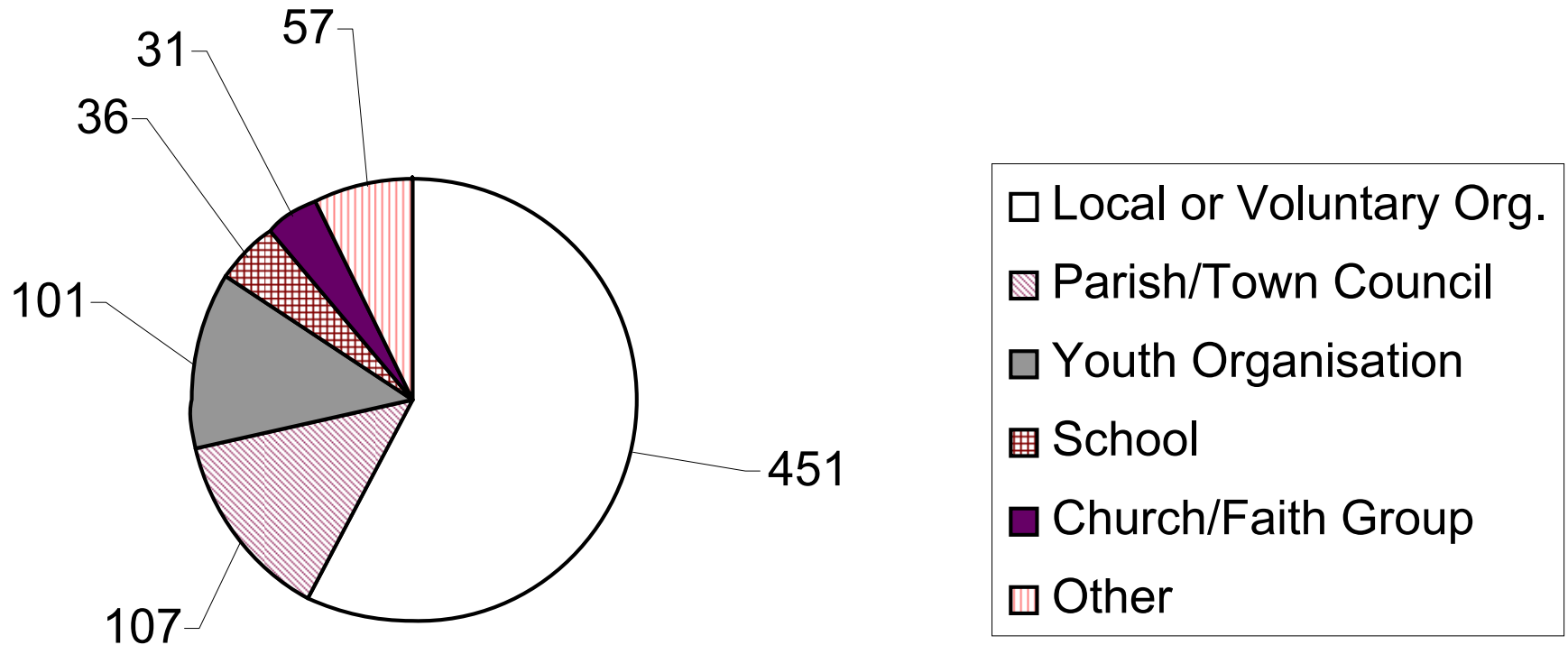
Note: If a matter is referred for investigation or other action, it does not mean that the Sub Committee assessing the complaint has made up its mind about the allegation. It simply means that the Sub Committee believes that the alleged misconduct, if proven, may amount to a failure to comply with the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

Peter Sass  
Head of Democratic Services and Local Leadership  
November 2008

## Analysis of Member Grants by size 2009/10

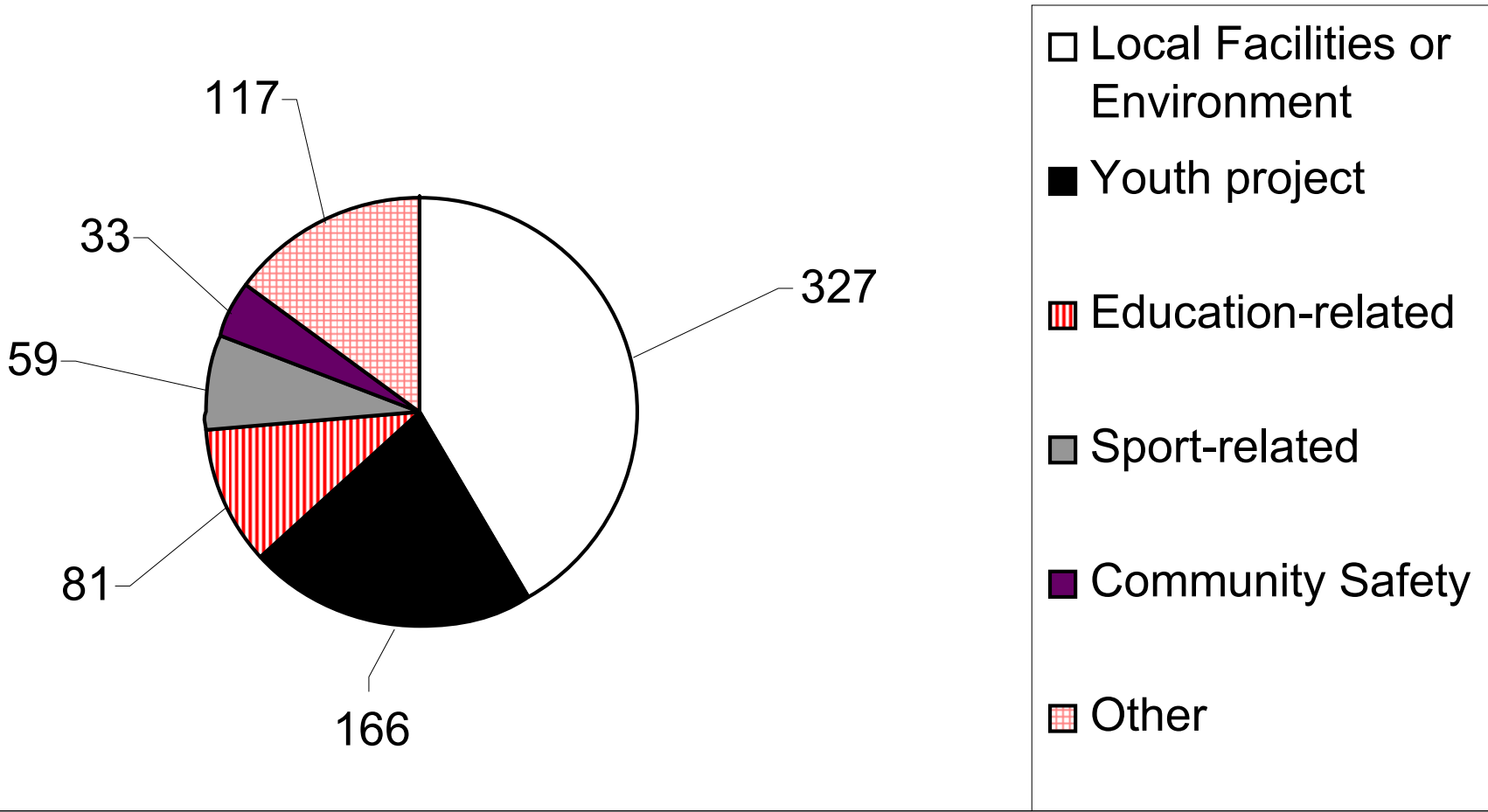


## Beneficiary Groups from Member Community Grant April 2009 to March 2010

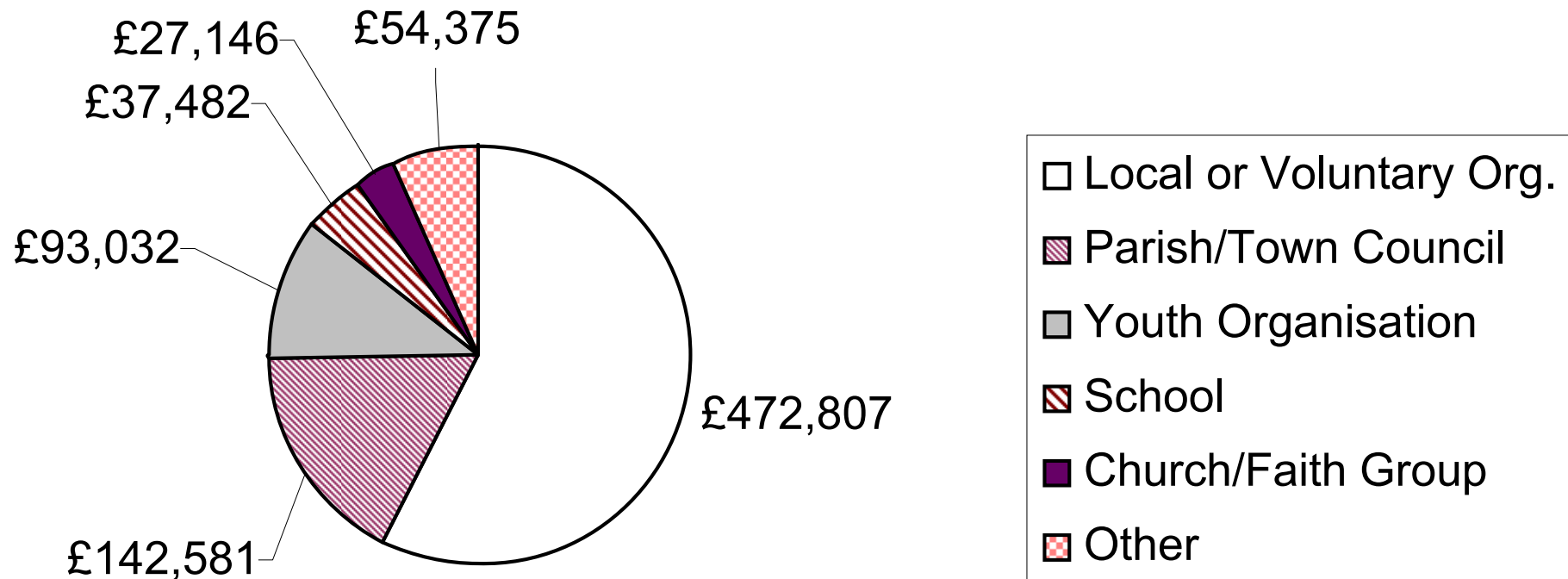




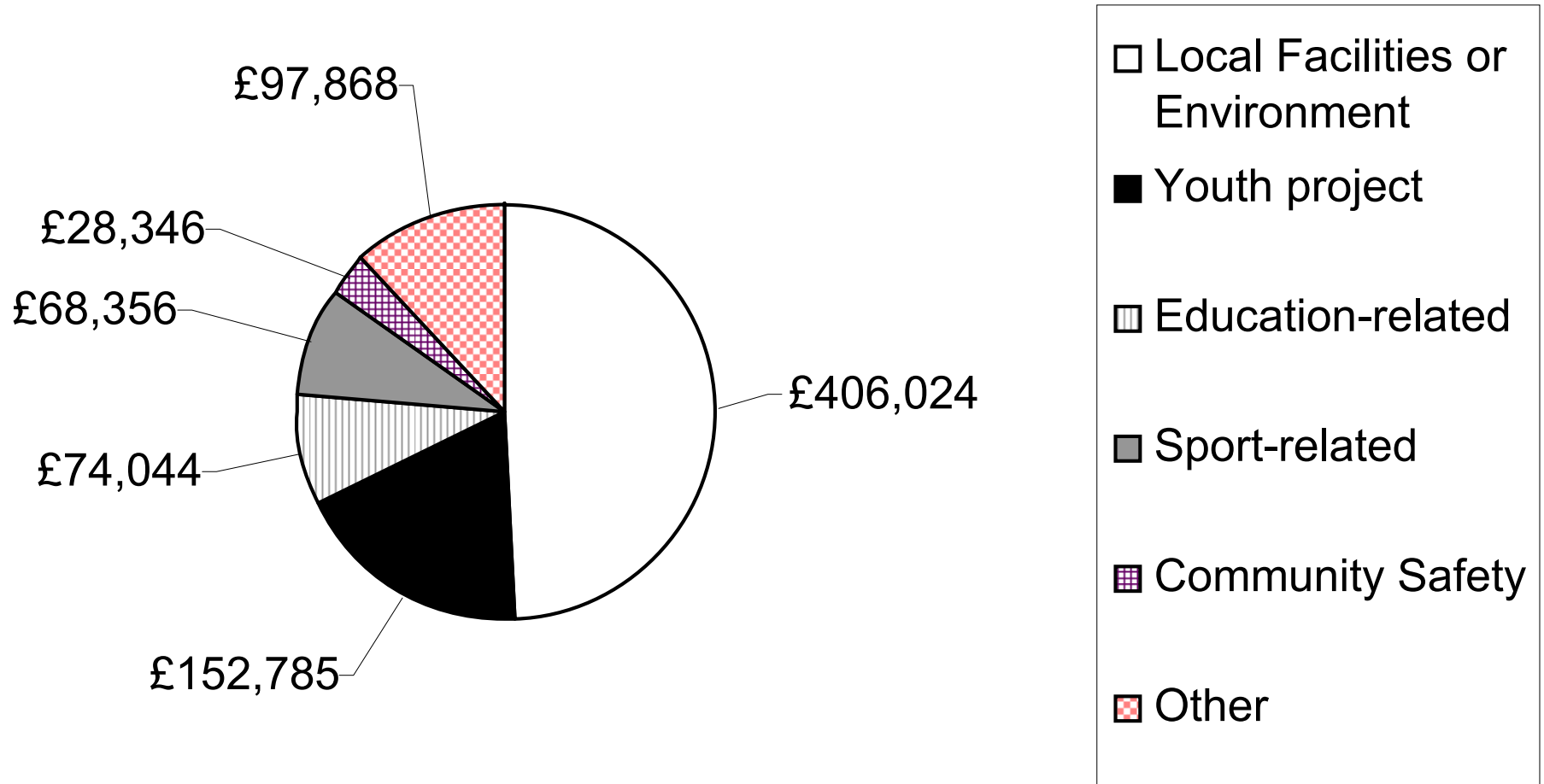
# Types of Activity supported by Member Community Grant, April 2009 to March 2010



## Value of Member Community Grant Projects, by type of recipient, April 2009 to March 2010



## Value of Member Community Grant Projects, by type of activity, April 2009 to March 2010



Figures based on provisional outturn 2009/10

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

To: Standards Committee – 12 May 2010

Subject: Annual Return to Standards for England

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Summary: To receive and comment upon the Council's annual return to Standards for England.

**Unrestricted**

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**Background**

1. The Monitoring Officer is required to submit information to Standards for England at the end of each quarter in relation to the number of complaints received about the Conduct of Members and the progress/outcome of each complaint, anonymised accordingly.
2. From 2009, the Monitoring Officer is also required to submit an annual return, which provides information about the role of the Standards Committee in promoting ethical standards, Member/Officer relations, leadership, training, registering of interests etc. Attached to this report is a copy of KCC's annual return for 2009/2010, for the Committee's information and comment.
3. Standards for England has stated that it will produce a report later this year highlighting best practice nationally in relation to the promotion of ethical standards, using information gleaned from the annual returns. When this report is published, it will be useful in terms of guiding the Committee's future work programme.

**Recommendation:**

4. The Committee is invited to note the Council's annual return to Standards for England and comment accordingly.

Miss R MacCrone – Independent Chairman of the Standards Committee  
Peter Sass – Head of Democratic Services and Local Leadership  
May 2010

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## Annual Return form - 2010

**Authority name** Kent County Council  
**Primary contact** Geoff Wild  
**Primary contact email** geoff.wild@kent.gov.uk

### PART 1: COMMUNICATION

#### Annual Report

#### Does the standards committee produce an annual report?

Yes

#### What does the report contain?

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> A personal statement by the standards committee chairman           | <input checked="" type="checkbox"/> Information about the members of the standards committee                          |
| <input checked="" type="checkbox"/> The role of the standards committee                                | <input checked="" type="checkbox"/> The standards committee terms of reference  |
| <input checked="" type="checkbox"/> Information about the Code of Conduct                              | <input checked="" type="checkbox"/> Statistical information about complaints that have been received                  |
| <input checked="" type="checkbox"/> Information about the length of time taken dealing with complaints | <input checked="" type="checkbox"/> A summary of complaints which have led to investigation, sanction or other action |
| <input checked="" type="checkbox"/> Details about training/events provided                             | <input checked="" type="checkbox"/> The forward work plan of the standards committee                                  |
| <input checked="" type="checkbox"/> Other  |   |

#### Please describe what "Other" contents are in the report.

A summary of the key aspects of the Members' Annual reports

#### How is the standards committee annual report circulated?

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Sent to all senior officers  | <input checked="" type="checkbox"/> Sent to all members                                   |
| <input checked="" type="checkbox"/> Available on the authority intranet  | <input checked="" type="checkbox"/> Available as a specific item on the authority website |
| <input checked="" type="checkbox"/> Available in the standards committee papers published on the authority website | <input checked="" type="checkbox"/> Included as a full authority meeting agenda item      |
| <input type="checkbox"/> Publicised in local press   | <input type="checkbox"/> Distributed to households  |
| <input checked="" type="checkbox"/> Available at authority offices   | <input type="checkbox"/> Not circulated outside of the standards committee                |
| <input type="checkbox"/> Other   |   |

#### The report is "Available as a specific item on the authority website", please provide the web address.

kent.gov.uk<http://kent590w3:9070/ieListMeetings.aspx?CID=141&Year=2010>

#### The report is "Available in the standards committee papers published on the authority website", please provide the web address.

kent.gov.uk<http://kent590w3:9070/ieListMeetings.aspx?CID=141&Year=2010>

#### Publicising Complaints

#### How can the public access information about how to make a complaint against a member?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Through a 'compliments and complaints' type section of the council website | <input checked="" type="checkbox"/> Through the standards committee section of the website |
| <input checked="" type="checkbox"/> Complaints leaflets available from the authority                           | <input type="checkbox"/> Included as part of a council newsletter                          |
| <input type="checkbox"/> Information is not available to the public  | <input type="checkbox"/> Other   |

The information is on the "compliments and complaints" type section of the

**council website", please provide the web address.**

[http://www.kent.gov.uk/your\\_council/have\\_your\\_say/complaints\\_and\\_comments/cour](http://www.kent.gov.uk/your_council/have_your_say/complaints_and_comments/cour)

**The information is on "standards committee section of the website", please provide the web address.**

<http://democracy.kent.gov.uk/mgCommitteeDetails.aspx?ID=141>

**How can the public access information about the outcome of initial assessment decisions?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Written summary available for public inspection      | <input type="checkbox"/> All initial assessment decisions are publicised in the local press |
| <input type="checkbox"/> Publicised in the local press only if the subject member agrees | <input type="checkbox"/> Assessment decisions published on the authority website            |
| <input type="checkbox"/> Articles published in the authority newsletter                  | <input type="checkbox"/> Other  |

**How can the public access information about the outcome of investigations?**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Hearings are open to the public                                 | <input type="checkbox"/> All investigation outcomes are publicised in the local press |
| <input checked="" type="checkbox"/> Publicised in the local press only if the subject member agrees | <input type="checkbox"/> Published on the authority website                           |
| <input checked="" type="checkbox"/> Decision notices are available for public inspection            | <input type="checkbox"/> Articles in the authority newsletter                         |
| <input type="checkbox"/> Other  |   |

**Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.**

No

**Communicating the role and work of the standards committee and standards generally**

**What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Dedicated standards committee pages on intranet                          | <input type="checkbox"/> Standards committee has its own newsletter / bulletin                          |
| <input checked="" type="checkbox"/> Standards committee issues briefing notes                                | <input type="checkbox"/> Articles in employee newsletter / bulletin / newspaper                         |
| <input checked="" type="checkbox"/> Standards committee independent members observe other authority meetings | <input type="checkbox"/> Standards committee independent members contribute to other authority meetings |
| <input type="checkbox"/> Other   |   |

**How can the public access information about your standards committee?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Dedicated standards committee section on the authority website | <input checked="" type="checkbox"/> Within 'council and democracy' type section of website                        |
| <input type="checkbox"/> Ethical standards issues have been included in the local press / media    | <input checked="" type="checkbox"/> Standards committee minutes, agendas, and reports are available to the public |
| <input type="checkbox"/> Leaflets and/or posters are placed in public buildings                    | <input type="checkbox"/> Places articles in the authority newsletter / bulletin / other publication               |
| <input type="checkbox"/> Standards committee meetings are observed by members of the public        | <input type="checkbox"/> Information is not available to the public   |
| <input type="checkbox"/> Other   |   |

**Please provide the web address for the standards committee section on the authority website.**

<http://democracy.kent.gov.uk/mgCommitteeDetails.aspx?ID=141>

**Please provide the web address for information within the council and democracy section of your website.**

<http://democracy.kent.gov.uk/mgCommitteeDetails.aspx?ID=141>

**What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?**

Kent County Council hosts the regional meetings of Standards Committee independent Members and our independent Chairman hosts these meetings, which are vital for information sharing with key partners in the local government family in Kent and the Police and Fire Authorities. KCC also carries out training on behalf of the Police and Fire Authorities for those Members appointed to serve on those Authorities





## PART 2: INFLUENCE

### How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Formal meetings between standards committee members and senior figures specifically set up to discuss standards | <input checked="" type="checkbox"/> Informal discussion on particular standards issues  |
| <input checked="" type="checkbox"/> Senior figure attendance at standards committee meetings  | <input checked="" type="checkbox"/> Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings |
| <input type="checkbox"/> Executive or senior member has portfolio responsibility for standards  | <input checked="" type="checkbox"/> Chair (or other standards committee member) addresses full authority meeting(s)                 |
| <input type="checkbox"/> Other  |   |

### How do the senior figures in your authority demonstrate strong ethical values?

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Through a strongly promoted whistle-blowing policy | <input checked="" type="checkbox"/> By ensuring there are references to ethics in the authority vision / objectives           |
| <input checked="" type="checkbox"/> Demonstrating appropriate behaviours               | <input checked="" type="checkbox"/> Senior figure(s) makes personal commitment to standards in statements to public/employees |
| <input type="checkbox"/> Through any other method                                      |   |

### Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

No

### What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Informal discussion/mediation          | <input checked="" type="checkbox"/> Monitoring Officer mediation                   |
| <input checked="" type="checkbox"/> Chair of standards committee mediation | <input checked="" type="checkbox"/> Senior figure mediation (e.g. Chief Executive) |
| <input checked="" type="checkbox"/> Advice from Human Resources department | <input checked="" type="checkbox"/> Solicitor / legal adviser consulted            |
| <input type="checkbox"/> Informal hearing                                  | <input type="checkbox"/> No mechanisms other than normal complaints process        |
| <input type="checkbox"/> Other   |  |

## PART 3: TRAINING AND SUPPORT

**Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?**

Yes

**If yes, what needs were identified?**

- |  |   |
|--|---|
| <input type="checkbox"/> Introduction to the Code of Conduct                                 | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> The role and responsibilities of the standards committee | <input checked="" type="checkbox"/> Ethical governance/behaviour    |
| <input type="checkbox"/> None  | <input type="checkbox"/> Other                                      |

**What training/support was provided during the period 1 April 2009 to 31 March 2010?**

- |  |   |
|--|---|
| <input type="checkbox"/> Introduction to the Code of Conduct                             | <input checked="" type="checkbox"/> Elements of the Code of Conduct |
| <input checked="" type="checkbox"/> Role and responsibilities of the standards committee | <input checked="" type="checkbox"/> Ethical governance/behaviour    |
| <input type="checkbox"/> None  | <input type="checkbox"/> Other                                      |

**Who received training/support?**

- |   |   |
|---|---|
| <input type="checkbox"/> Standards committee chair  | <input checked="" type="checkbox"/> Independent members   |
| <input type="checkbox"/> Other standards committee members  | <input checked="" type="checkbox"/> All authority members |
| <input checked="" type="checkbox"/> Specific authority members with particular needs (e.g. new members, planning committee members) | <input type="checkbox"/> Other                            |

**What methods were employed to give training/support?**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Internal training (presentations/seminars/workshops) | <input checked="" type="checkbox"/> External trainer/speaker          |
| <input checked="" type="checkbox"/> One on one training                                  | <input checked="" type="checkbox"/> Joint/regional training event     |
| <input checked="" type="checkbox"/> Online learning                                      | <input checked="" type="checkbox"/> Guidance notes/briefing materials |
| <input checked="" type="checkbox"/> Standards for England materials                      | <input checked="" type="checkbox"/> Ethical governance toolkit        |
| <input type="checkbox"/> Other   |   |

**What other training/support has been provided on areas of an authority member's role or activities they may engage in?**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Chairing skills                           | <input checked="" type="checkbox"/> Lobbying                                |
| <input checked="" type="checkbox"/> Predetermination, Predisposition and bias | <input checked="" type="checkbox"/> Blogging and/or the use of social media |
| <input type="checkbox"/> Electioneering                                       | <input type="checkbox"/> Freedom of Information (FOI)                       |
| <input type="checkbox"/> None   | <input type="checkbox"/> Other  |

**In general, how well attended was the training provided?**

75% or more of those invited

**Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?**

For all Members, including twin-hatted Members, a presentation of the key aspects of the Code, including the Nolan Principles; advice on registering and declaring interests, gifts and hospitality; the process for local assessment; rules on IT use.

**In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all**

**that apply.**

Initial assessments

Reviews

Hearings

Other

Other action/mediation

Investigations

Sanctions

## PART 4: INVESTIGATIONS

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**How many investigations have been completed during this period?**

2

**Of the investigations completed during the period, for how many have external investigators been used?**

1

**Overall, what was your principle reason for out-sourcing the investigation(s)?**  
Impartiality

**What type of external investigator(s) did you use?**

Employee of another authority

Self-employed investigator

Private law firm

Other

**What "Other" type of investigators did you use?**

Former senior employee and current independent member of another Standards Committee

**For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s) for completed cases?**

£3500.00

**Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.**

Only appoint trained investigators with proven experience

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**End of form**

By: Peter Sass - Head of Democratic Services and Local Leadership  
To: Standards Committee – 12 May 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  
May 2010

Standards Committee Work Programme - 2010

Meeting	Item	Source (*Standard item unless stated )
12 May 2010	Members' Annual Reports	
	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	
	Monitoring of Complaints	
18 November 2010	Monitoring of Complaints	
	Review of Register of Interests, Gifts and Hospitality	
	Work Programme and future meeting dates	