



AGENDA

STANDARDS COMMITTEE

Thursday, 22 May 2008 at 10.00 am Ask for: **Mary Cooper**
Darent Room, Sessions House, County Hall, Telephone **(01622) 694354**
Maidstone

Tea/Coffee will be available from 9.30am outside 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 (Pages 1 - 2)
4. Final Presentation on Web-site publication (Oral)
5. Appointment of Standards Sub Committees (Pages 3 - 4)
6. Member Annual Reports (Pages 5 - 6)
7. Standards Committee Annual Report to County Council (Pages 7 - 8)

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

Wednesday, 14 May 2008

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

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KENT COUNTY COUNCIL

STANDARDS COMMITTEE

MINUTES of a meeting of the Standards Committee held at Sessions House, County Hall, Maidstone on Wednesday, 30 April 2008.

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

IN ATTENDANCE: The Director of Law & Governance, Mr G Wild; Democratic Services Manager, Mrs M E Cooper.

UNRESTRICTED ITEMS

13. Minutes

(Item 2)

RESOLVED that the Minutes of the meeting held on 19 March 2008 are correctly recorded and that they be signed by the Chairman.

14. Presentation on Website Publication

(Item 3)

(Mr P Carter, Mrs T Dean, Dr M Eddy, together with Mrs L Frampton and Mrs E Tullberg of the Remuneration Panel)

(1) The Committee received a presentation on the proposed information to be displayed on the website to enable complaints to be made in respect of Members who had breached the Code of Conduct.

(2) RESOLVED that:-

(a) the presentation be noted; and

(b) a link be included to a complaint form on the site to enable complainants to complete and submit either electronically or in hard copy format.

15. Standard Committee Regulations

(Item 4)

RESOLVED that the report be noted.

16. New Standards Recommendations

(Item 5)

(1) The report followed a request from the London Borough of Bromley to appoint Independent Members from other Standards Committees to deal with specific allegations or complaints.

(2) RESOLVED that:-

- (a) the Independent Members would be prepared to cover sharing in appropriate circumstances; and
- (b) a similar proposal be put to Kent and Medway Fire and Rescue Authority and the Kent Police Authority.

17. Survey Results: BMG Satisfaction with the Standards Board for England and Attitudes to the Ethical Environment
(Item 6)

RESOLVED that the report be noted

18. Consultation Paper on Orders and Regulations relating to the Conduct of Local Authority Members in England
(Item 7)

RESOLVED that the report which gave a summary of responses received by the Department for Communities and Local Government be noted.

19. Date of next meeting

The Committee agreed the next meeting be held on 22 May 2008 at 10am.

By: Head of Democratic Services and Local Leadership

To: Standards Committee – 22 May 2008

Subject: APPOINTMENT OF STANDARDS SUB COMMITTEES

Classification: Unrestricted

Summary: The Standards Committee needs to appoint Sub Committees for the purposes of carrying out initial assessments of allegations and a separate Sub Committee with a different membership to carry our reviews where the Assessment Sub Committee has decided not to investigate a complaint, if so requested by the original complainant.

FOR DECISION

1. Members will be aware that the responsibility for dealing with alleged breaches of the Code of Conduct by elected and co-opted Members of the Council passed from the Standards Board for England to the local authority on 8th May 2008.
2. When a complaint about an alleged breach of the Code is received, the Standards Committee must appoint an **Assessment Sub Committee** to consider the initial complaint and decide whether, on the basis of the facts presented to it, there appears to have been a breach of the Code of Conduct by the Member concerned and whether it merits investigation. If the Assessment Sub Committee concludes in any particular case that no action should be taken in respect of the allegation, the complainant may ask for that decision to be reviewed by a separate Sub Committee with a different membership to the Assessment Sub Committee. This second Sub Committee is known as the **Review Sub Committee**. Nothing in the Regulations requires a Sub Committee of the Standards Committee to have fixed membership or chairmanship, although the Chairmen of Sub Committees must be selected from amongst the independent members.
3. For a meeting of one of the Sub Committees to be valid, at least three Members of the Standards Committee must be present, including at least one elected Member and one independent Member.
4. Accordingly, the Standards Committee is invited to appoint an Assessment Sub Committee and a separate Review Sub Committee, each comprising at least 3 Members and each with a different membership. The terms of reference of the Assessment Sub Committee will be as follows:

“To consider initial complaints that a Member or co-opted Member is alleged to have breached the Code of Conduct and decide whether, (a) the complaint appears to show a breach of the Code and (b) whether the complaint merits investigation.”

5. The Terms of Reference of the Review Sub Committee will be as follows:

“If so requested by the original complainant, to review any decision of the Assessment Sub Committee to take no action in respect of allegations.

6. Members are reminded of the Committee’s previous decision that officers would approach the Kent Police Authority and the Kent and Medway Fire and Rescue Authority to see if there was a willingness to share independent members between authorities for the purposes of appointing Sub Committees and, if required, hearings following investigations. In addition, the Committee accepted, in principle, the offer from the London Borough of Bromley to share members with that authority for the purposes of Sub Committee membership. This is considered particularly important given the overall size of this Committee, the possibility that one or more Members might at some stage be conflicted out of serving on a particular Sub Committee and the need for Members of the Assessment and Review Sub Committees to be different. Officers will give an oral update on the current situation with regard to these approaches.

RECOMMENDATIONS:

7. The Committee is invited to appoint an Assessment Sub Committee and a Review Sub Committee, each with at least 3 Members; each with at least one elected Member; and each with an independent Chairman.

8. The Committee is also invited to approve the Terms of Reference for the Assessment and Review Sub Committees set out in paragraphs 4 and 5 above.

Peter Sass
Head of Democratic Services & Local Leadership

Ext. 4002

By: Head of Democratic Services and Local Leadership
To: Standards Committee – 22 May 2008
Subject: MEMBERS' ANNUAL REPORTS
Classification: Unrestricted
Summary: Comments of Remuneration Panel
FOR INFORMATION

1. 78 Members had eventually completed their annual report and these were considered by the Remuneration Panel on 12 May. The Panel noted the sickness of two Members (Mr J B O Fullarton and Mrs B J Simpson). Reports for Mr R Bliss and Mr G Horne had not been signed off by the Leader and were not available. Mr K Ferrin and Mr A Crowther had failed to complete their Annual Returns when the Panel met; however Mr Ferrin's report has subsequently been completed, signed off by the Leader and sent to the Members together with the reports from Mr Bliss and Mr Horne. Mr Crowther has failed to complete his Annual Report.
2. The Panel were pleased that the overall the standard was high and the majority of Members have taken the need to account for their time on County Council work seriously, but some were so lacking in any detail that they presented little idea of the activities of the Members concerned, from the perspective of their constituents. Many members sent an annual letter to their constituents, including details of how they spent the Local Community Grant, and the Panel felt this was excellent practice.
3. The following issues were raised by the Panel:
 - (a) Since it was agreed by the Council in June 2007 that Annual Reports would be available on the Kent website this will be processed following this meeting.
 - (b) In future, the number of full Council meetings will be included prior to sending the forms out to prevent any inconsistencies
 - (c) The Panel were disappointed that some reports did not give specific information on the allocation of the Local Community Grants, and will give specific direction in this regard in the Guidance Notes sent out with the Annual Report forms next year.
 - (d) The Panel expressed concerns regarding the apparent lack of on-going training and awaits the report, due to go to the County Council in June 2008, on Member Development Policy.

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

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By: Head of Democratic Services and Localism
To: Standards Committee - 22 May 2008
Subject: **ANNUAL REPORT TO COUNTY COUNCIL**
Classification: Unrestricted
Summary: The Committee's Annual Report to the County Council
For Decision

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

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

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

RECOMMENDATION

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

P. Sass
Head of Democratic Services and Localism
01622 694002

Background Documents: None

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