

From: Roberta MacCrone – Independent Chairman of the Standards Committee

Peter Sass - Head of Democratic Services and Local Leadership

To: County Council – 22 July 2010

Subject: **ANNUAL REPORT TO COUNTY COUNCIL**

Classification: Unrestricted

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

For Decision

(1) It is customary for the Chairman of the Standards Committee to submit an annual report to the County Council commenting upon the Committee's activities 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 Council is invited to formally receive the Standards Committee's annual report (**Appendix A**)

Peter Sass
Head of Democratic Services and Local Leadership
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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.

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 been reserved for Members to attend the Annual Assembly in October 2010 and it is also proposed that the independent Members on the Committee should shadow elected Members in the coming months to gain a greater understanding about their various roles.

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

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 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 and dealt with in accordance with the relevant statutory timescales.
- 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 within an average of 20 working days of being received. 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 advise the complainant of the decision within 5 working days of the assessment 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

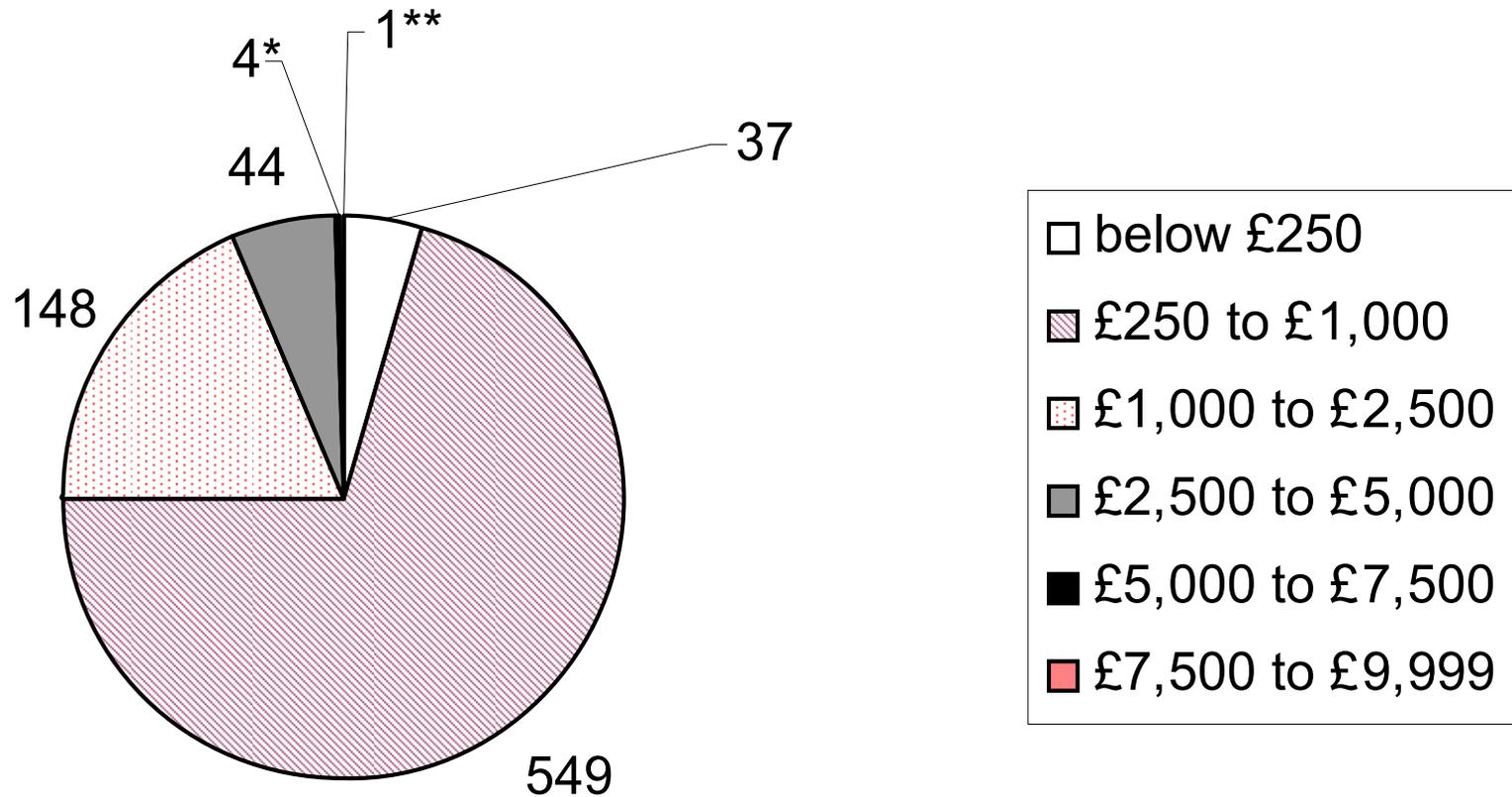
1. Does the complaint relate to dissatisfaction with a Council decision, rather than the conduct of a particular Member?

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

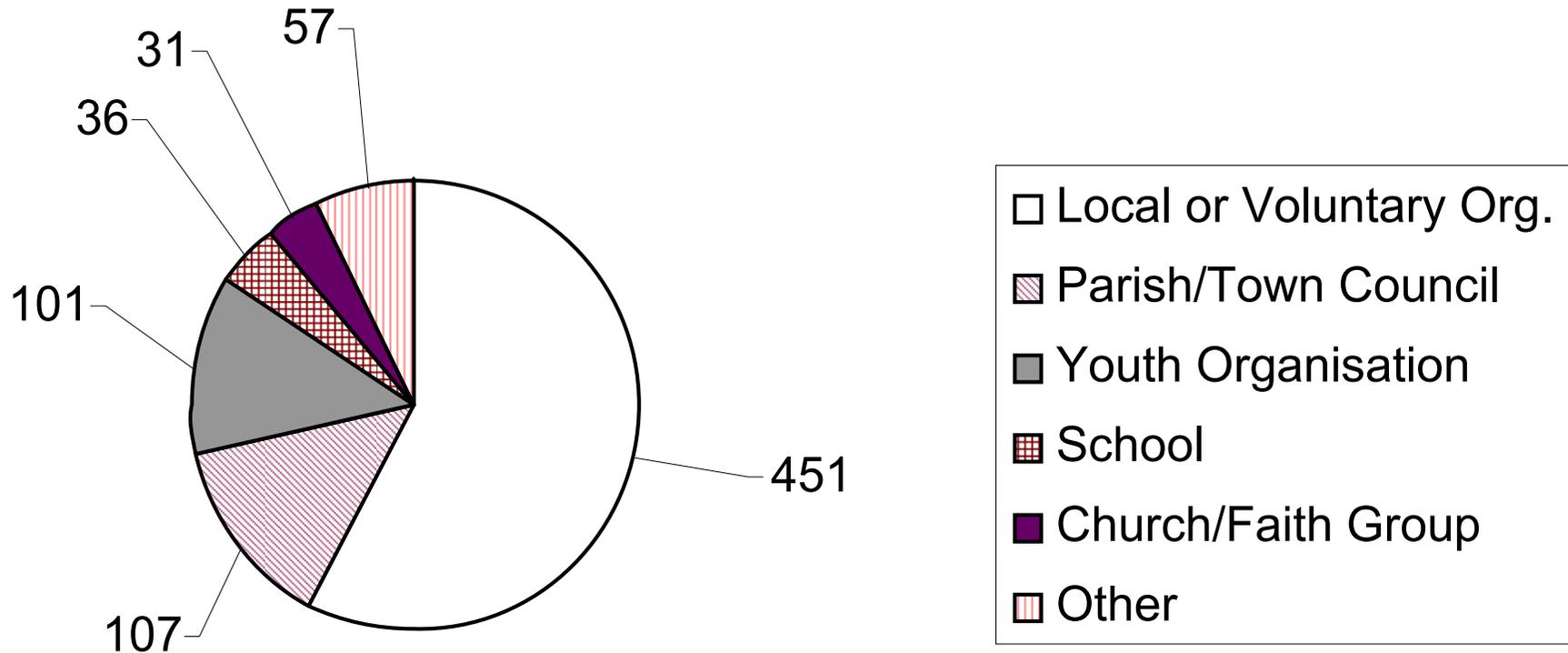
Analysis of Member Grants by size 2009/10



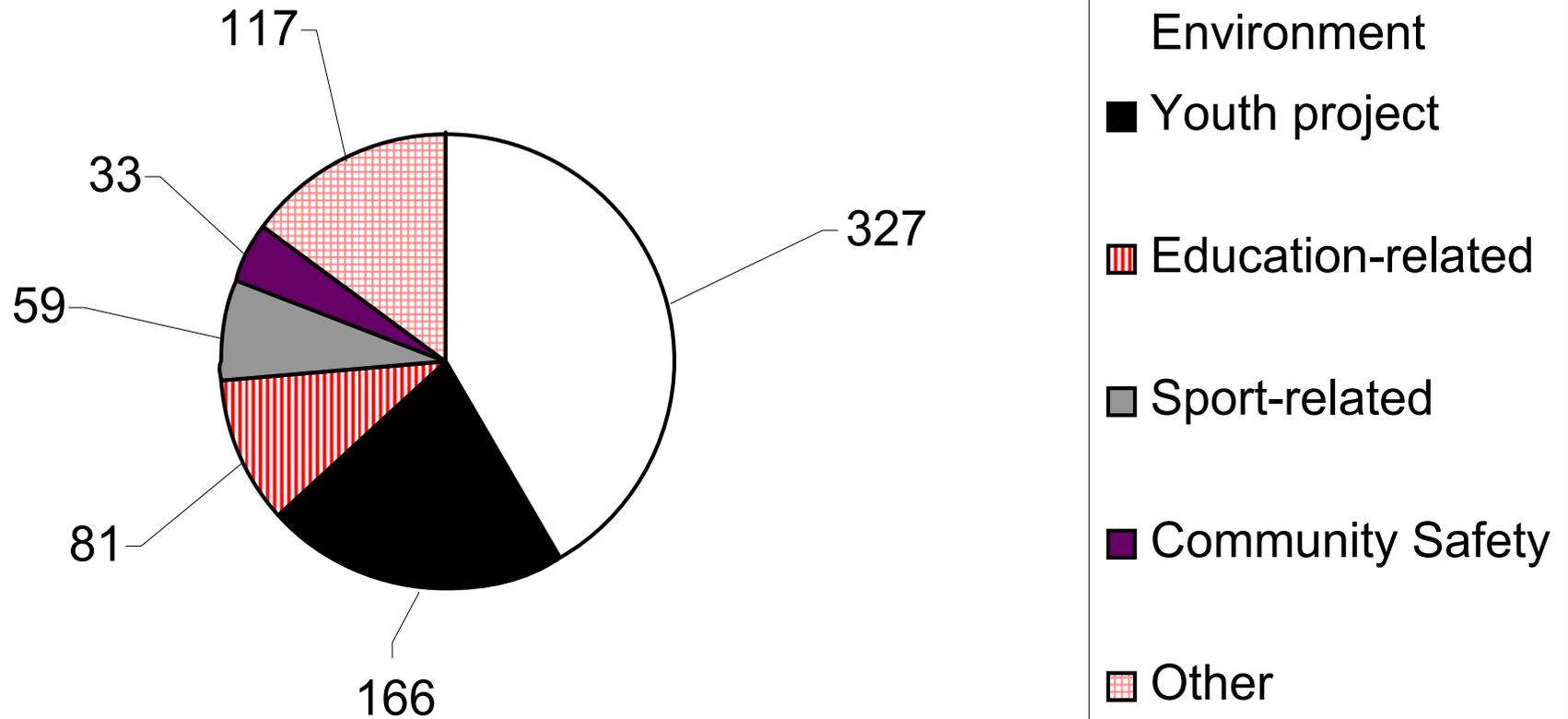
* relates to 4 awards in the £5,000 to £7,500 range

** relates to 1 award above £7,500

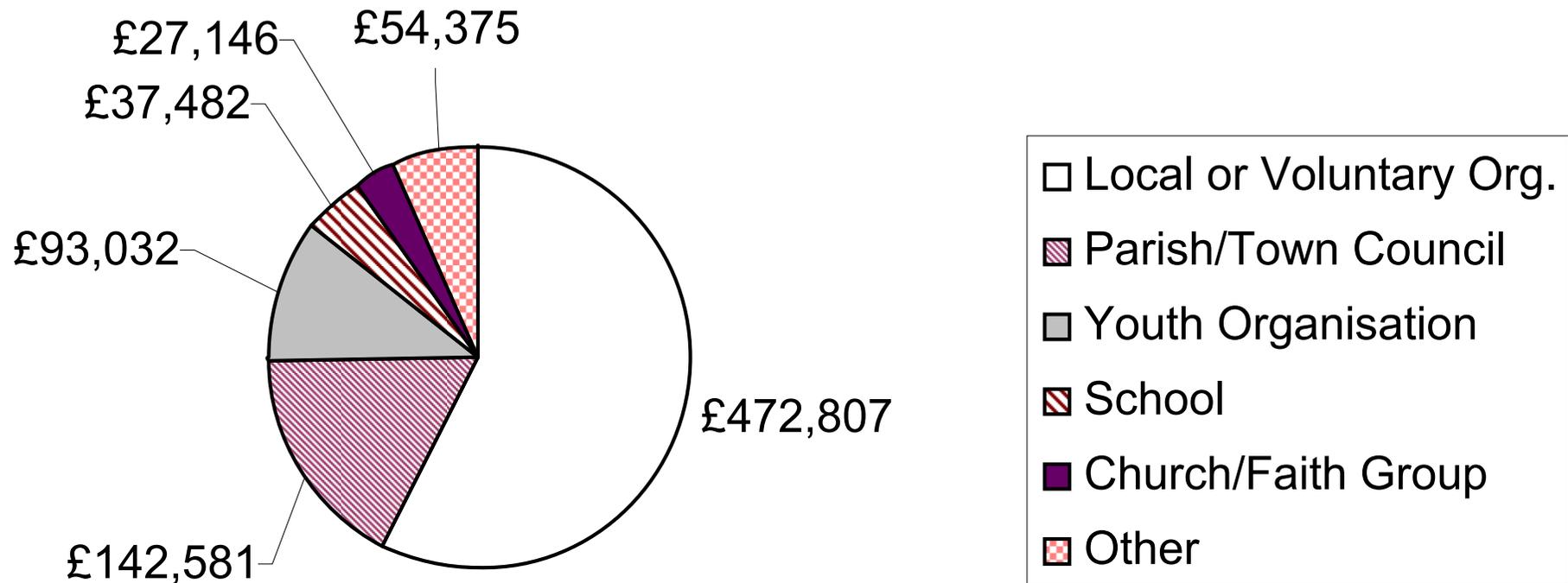
Beneficiary Groups from Member Community Grant April 2009 to March 2010



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

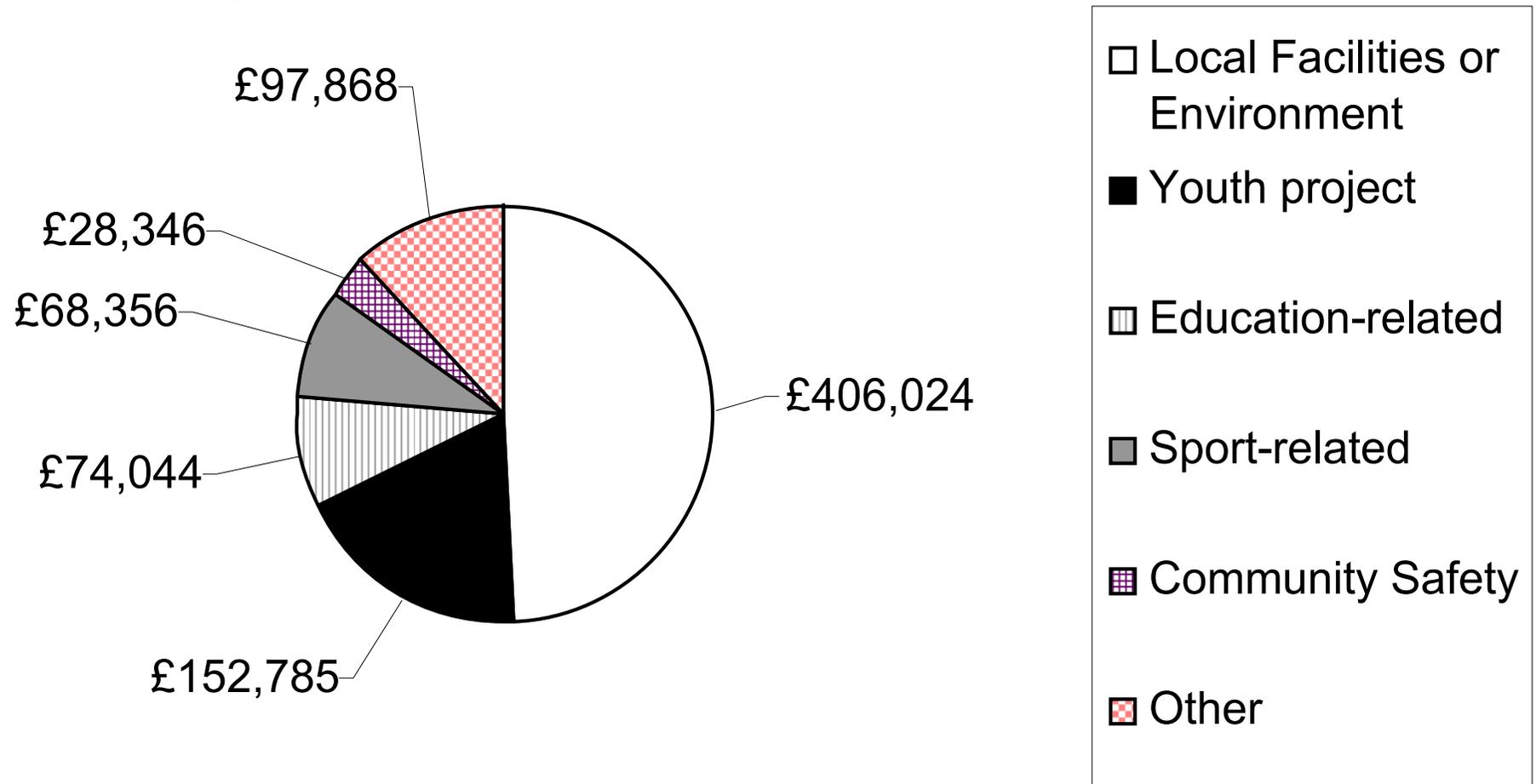


Value of Member Community Grant Projects, by type of recipient, April 2009 to March 2010



Figures based on provisional outturn 2009/10

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



Figures based on provisional outturn 2009/10