

From: Roberta MacCrone – Independent Chairman of the Standards Committee

Peter Sass - Head of Democratic Services and Local Leadership

To: Standards Committee - 28 May 2009

Subject: **ANNUAL REPORT TO COUNTY COUNCIL**

Classification: Unrestricted

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

For Decision

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

RECOMMENDATION

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

Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

Background Documents: None

Kent County Council's Standards Committee

Annual Report – 2008/09

Introduction

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

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

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

(Add photographs of Committee Members)

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

The role of the Standards Committee

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

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

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

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

The locally managed framework for complaints

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

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

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

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

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

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

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

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

Training and Development

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

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

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

Revised Code of Conduct

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

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

Future work programme for the Committee

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

Members' Annual Reports

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

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

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

The following issues were raised by the Panel:

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

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

Conclusions

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

Roberta MacCrone
Independent Chairman
June 2009

Terms of Reference of the Standards Committee

6 Members:

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

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

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

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

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

Assessment Criteria

Introduction

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

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

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

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

Initial questions

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

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

Assessment Criteria

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

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

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

Peter Sass
Head of Democratic Services and Local Leadership
November 2008