

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

To: County Council – 25 June 2009

Subject: Terms of Reference of the Standards Committee

---

Summary: The County Council is invited to approve minor changes to the Terms of Reference of the Standards Committee, as recommended by the Committee following the receipt of a report by Kent Audit on the locally managed framework for dealing with complaints about the conduct of Members.

## **Unrestricted**

---

### **Background**

1. During the latter part of 2008 and early 2009, KCC's internal audit team, Kent Audit, reviewed the Council's mechanisms for dealing with complaints that a Member has breached the Code of Conduct.

### **Audit outcome**

2. The final report of the audit team was considered by the Standards Committee at its meeting on 30 April 2009. The assessed audit assurance was "High" for each of the four main risks identified, giving an overall rating of "High", which is the best possible outcome from the review. In addition, no formal audit recommendations were made.

### **Terms of Reference of the Standards Committee**

3. However, one of the areas commented upon by the auditors was the Terms of Reference of the Standards Committee and the need for appropriate amendments to be made that clearly reflect the role the Committee now has in assessing, reviewing and determining complaints about the Conduct of Members. Accordingly, the Committee agreed that its existing Terms of Reference, which are contained in Appendix 2 of Part 2 of the Constitution (page 31), should be amended as follows (alterations in bold type):

- (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

**Recommendation:**

4. The County Council is invited to approve the changes to the Terms of Reference of the Standards Committee, as indicated in paragraph 3 above.

Peter Sass  
Head of Democratic Services and Local Leadership  
June 2009