

By: Benjamin Watts - Monitoring Officer
To: Standards Committee – 31 July 2019
Subject: Monitoring Officer's Update
Classification: Unrestricted

Summary: This report sets out an update from the Monitoring Officer to the Standards Committee.

1 Introduction

- (1) The County Council on 19 July 2012 adopted a new standards regime, as required by the Localism Act 2011 and established a Standards Committee with the Terms of Reference set out in the Constitution.

2 Kent Code of Conduct for Members

- (1) The Kent Code of Conduct was adopted by the County Council on 12 December 2013 following consideration and recommendation by the Standards Committee.
- (2) Update on the Registration of Members Interests and declaring gifts and hospitality
- (3) I can confirm that all Members elected to the County Council since the last meeting of the Standards Committee, in accordance with the Code of Conduct (paragraph 4 (1) of the Constitution in effect at the time), signed Disclosable Pecuniary Interest (DPI) forms within 28 days of becoming a Member of KCC. These forms should be updated by Members within 28 days of a change to their DPI. All DPI forms are uploaded onto each Member's KCC webpage and are available for public inspection.
- (4) Other Significant Interests (OSI) declared by Members at meetings are recorded in the minutes for that meeting.

Code of Conduct Training for County Members

- (5) As part of the post-election induction for Members arrangements were made for both newly elected and re-elected Members to either attend a training session on the Members Code of Conduct or a one to one session with the Monitoring Officer/Deputy Monitoring Officer or Head of Democratic Services. There is a process in place to ensure that following any by-election Code of Conduct training is provided. Training was given to Mr Burden and Mr Clinch following their election at by-elections in May 2019.

Operation of Code of Conduct

- (6) A function of this Committee is to receive, monitor and assess the operation and effectiveness of the arrangements for dealing with Member Code of Conduct Complaints.
- (7) The Localism Act 2011 resulted in changes to the process for dealing with Code of Conduct complaints made against Elected Members.
- (8) Attached as Appendix A is an overview of the Complaints received since May 2017 and the outcome or progress to date.

Registration of Gifts and Hospitality

- (9) As part of the Code of Conduct Training Elected Members are made aware of the requirement under the Code to notify the Monitoring Officer of any gift, benefit or hospitality with an estimated value, or annual cumulative value of £100 or more received and accepted in their role as an Elected Member. This notification must be made within 28 days of receipt of the gift or hospitality.
- (10) The notification is made on a standard form which is then published on each individual Member's KCC webpage and available for public inspection. Currently 15 Members have submitted such a notification. I have no reason to believe that there are any other notifications required which have not been submitted, but of course the onus is on Elected Members to comply with this requirement.

3 Sub-Committee - Hearing Panel

- (1) As set out in the Terms of Reference for the Standards Committee, part of the remit of the Committee is to appoint a sub-committee to deal with Code of Conduct complaints, following investigation by the Council's Monitoring Officer. This sub-committee is also referred to as a "Hearing Panel".
- (2) The Membership of the Standards Sub-Committee was agreed at the meeting of 30 October 2018 as being Mrs Ann Allen, Mr Rob Bird, and Mr Jeremy Kite.

4 Recent Developments

- (1) Members of the Standards Committee received an overview of the Cox report into 'The Bullying and Harassment of House of Commons Staff' at the previous meeting. Although it had a narrow formal remit, this report holds lessons for any organisation run by and/or supporting elected members at every level of the British state. In particular, the presence of a small but persistent minority of offenders who are not being dealt with undermining the good work and efforts of the vast majority is echoed in the CSPL report. The specific criticism of a culture that is fixated on ensuring the business of the organisation continues and finds workarounds and temporary fixes to cases of bullying and sexual harassment at all levels (elected member: officer and officer: officer) rather than dealing with the incidents is one that all similar organisations need to reflect on. The conclusions of the Cox

report put the emphasis heavily on culture and the aggregation of individual behaviours over formal procedures.

- (2) In January 2019, two reports of relevance were published. The first was the into 'Local Authority Governance' by the National Audit Office. The focus of the report was on financial management rather than standards and codes of conduct. However, a clear link is drawn between a local authority exhibiting good governance and its ability to avoid the problems reported at Northamptonshire County Council.
- (3) The second report published in January 2019 was 'Local Government Ethical Standards' by the Committee on Standards in Public Life (CSPL).

5 'Local Government Ethical Standards' by the Committee on Standards in Public Life

- (1) This report produced a longer and more detailed set of recommendations than the Cox Report. These were separated out into:
 - a. 26 recommendations to government, the Local Government Association, parish councils and political parties as to changes that need to be made to either legislation or guidance; and
 - b. 15 best practice recommendations.
- (2) Although the CSPL is only an advisory committee, its status and the rising levels of interest in this area means that at least some, if not all, of the legislative and regulatory changes are likely to be brought in, though not necessarily at the same time or exactly as set out in the recommendations. Some would only require secondary legislation and so be relatively easy to introduce. It would be for KCC to determine whether it supported the proposed changes and whether to make any changes which would bring KCC practices as close to them as possible pending changes to legislation/guidance.
- (3) 13 of the 15 best practice recommendations are relevant to KCC and any changes needed to introduce them at KCC where they did not already apply would be possible under the current system. Where KCC does not adhere to the precise wording, this does not necessarily mean that KCC is not achieving the aim intended by the recommendation through a different mechanism/approach. Again, with the status of the CSPL, there is likely to be informal pressure within the local government sector to explain any gaps between these best practice recommendations and actual practice.
- (4) A summary of the CSPL report along with the two sets of recommendations is set out in Appendix B.

6 Recommendations:

- (a) To note and comment on the actions, as set out in Appendix A, taken by the Monitoring Officer in dealing with complaints;
- (b) To approve the appointment of a sub-committee to deal with Code of Conduct complaints, following investigation by the Monitoring Officer;
- (c) To make any recommendations relevant to the Committee's role and function in promoting ethical conduct by Elected Members, including any in response to the report by the Committee on Standards in Public Life.

Background Documents

Local Government Ethical Standards by the Committee on Standards in Public Life, January 2019. <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

KCC Code of Conduct for Members and procedures for complaints. <https://www.kent.gov.uk/about-the-council/complaints-and-compliments#tab-10>

Northamptonshire County Council Best Value Inspection January – March 2018 by Max Caller CBE, March 2018. <https://www.gov.uk/government/publications/northamptonshire-county-council-best-value-inspection>

Local Authority Governance by the National Audit Office, January 2019. <https://www.nao.org.uk/report/local-authority-governance-2/>

The Bullying and Harassment of House of Commons Staff. Independent Inquiry Report by Dame Laura Cox DBE, October 2018. <https://www.parliament.uk/documents/dame-laura-cox-independent-inquiry-report.pdf>

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