

Public Document Pack



West Devon
Borough
Council

WEST DEVON STANDARDS COMMITTEE - TUESDAY, 19TH MARCH, 2013

Agenda, Reports and Minutes for the meeting

| Agenda No | Item |
|-----------|------|
|-----------|------|

- | | |
|----|--|
| 1. | <u>Agenda Letter</u> (Pages 1 - 2) |
| 2. | <u>Reports to Standards:</u> <ul style="list-style-type: none">a) <u>Item 5 -Update on the West Devon Members' Code of Conduct and Complaint Processes</u> (Pages 3 - 6)b) <u>Item 6 - Summary of Standards Complaints (July 2012 - March 2013)</u> (Pages 7 - 12) |
| 3. | <u>Minutes</u> (Pages 13 - 14) |

This page is intentionally left blank

AGENDA - STANDARDS COMMITTEE - 19th MARCH 2013

PART ONE - OPEN COMMITTEE

1. Apologies for Absence

2. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

3. Items Requiring Urgent Attention

To consider items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

Page

4. Confirmation of Minutes

Meeting held on 4th September 2012 (previously circulated)

5. Update on the West Devon Members' Code of Conduct and Complaint Processes

Report of the Monitoring Officer

2

6. Summary of Standards Complaints (July 2012 – March 2013)

Report of the Monitoring Officer

5

7. Appointment of Independent Person(s)

Verbal report of the Monitoring Officer

PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any)

If any, the Committee is recommended to pass the following resolution:-

“RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting on the grounds that exempt information may be disclosed as defined in Part I of Schedule 12(A) to the Act”.

This document can be made available in large print, Braille, tape format, other languages or alternative format upon request. Please contact the Committee section on 01822 813662 or email arose@westdevon.gov.uk

This page is intentionally left blank

| | |
|--------------------------|--|
| NAME OF COMMITTEE | Standards Committee |
| DATE | 19 March 2013 |
| REPORT TITLE | West Devon Members' Code of Conduct |
| REPORT OF | Monitoring Officer |
| WARDS AFFECTED | All |

Summary of report:

To update Members on the West Devon Members' Code of Conduct

Financial implications:

There are no financial implications to this report.

RECOMMENDATIONS:

That the Standards Committee notes the report.

Officer contact:

Catherine Bowen (Council Solicitor and Monitoring Officer)

Email: cbowen@westdevon.gov.uk or phone: 01822 813666

1. CODE OF CONDUCT

- 1.1 At its meeting on 26 June 2012 the Council adopted the West Devon Members' Code of Conduct in accordance with the new provisions under the Localism Act. The Localism Act abolished the national Code and required all councils to adopt a new local code from 1 July 2012.
- 1.2 The majority of the Parish and Town Councils within the Borough have adopted either the West Devon Code or the NALC Code.
- 1.3 As members will note from the separate report on this agenda, we have not received a sufficient amount of complaints (nor progressed them through the whole process) to enable an assessment of the effectiveness of the new Code until there has been further application of the new Code and procedures.

- 1.4 At its meeting on 26 June 2012, the Council delegated to the Monitoring Officer the drafting and implementation of new procedures for dealing with complaints under the new local Code. Members of the Standards Committee considered the new Complaints procedure at its meeting on 4 September 2012 and approved the procedure 'Dealing with Standards Complaints', and agreed that the Procedure be reviewed in 12 months in the light of experience. It is proposed to bring a review of the Procedure to the July meeting of this Committee.

2. LEGAL IMPLICATIONS

- 2.1 The relevant powers are set out in the Localism Act 2011
- 2.2 The Standards Committee is responsible for the Standards complaints procedures and for recommending a Code of Members' Conduct to Council.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications to this report.

4. RISK MANAGEMENT

- 4.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

5. OTHER CONSIDERATIONS

| | |
|---|--|
| Corporate priorities engaged: | Community Life |
| Statutory powers: | The Localism Act 2011 |
| Considerations of equality and human rights: | Not applicable |
| Biodiversity considerations: | Not applicable |
| Sustainability considerations: | Not applicable |
| Crime and disorder implications: | Not applicable |
| Background papers: | Council report 26 June 2012 Standards Committee report 4 September 2012 |

STRATEGIC RISKS TEMPLATE

| No | Risk Title | Risk/Opportunity Description | Inherent risk status | | | | Mitigating & Management actions | Ownership |
|----|--|---|----------------------------|----------------------------|------------------------------------|---|--|--------------------|
| | | | Impact of negative outcome | Chance of negative outcome | Risk score and direction of travel | | | |
| 1 | Lack of oversight of the implementation of the local Code of Conduct | For the Standards Committee to have an overview and ability to assess the Code of Conduct | 5 | 2 | 10 | ↔ | Regular updates to, and monitoring by, the Standards Committee | Monitoring Officer |

This page is intentionally left blank

| | |
|--------------------------|---|
| NAME OF COMMITTEE | Standards Committee |
| DATE | 19 March 2013 |
| REPORT TITLE | Summary of Standards Complaints since 1st July 2012 |
| REPORT OF | Monitoring Officer |
| WARDS AFFECTED | All |

Summary of report:

To update Members on the number of complaints received since the introduction of the new Standards regime on 1 July 2012, and to update Members on the outcomes of complaints lodged before 1 July but which were unresolved at that date.

Financial implications:

There are no financial implications to this report.

RECOMMENDATIONS:

That the Standards Committee notes the status of complaints received (and completed) since 1 July 2012.

Officer contact:

Catherine Bowen (Council Solicitor and Monitoring Officer)

Email: cbowen@westdevon.gov.uk or phone: 01822 813666

1. STANDARDS COMPLAINTS

- 1.1 The purpose of this report is to update Members on the number and status of complaints received since 1 July 2012 and the outcome of those complaints which were lodged under the 'old' system but not completed by 1 July.
- 1.2 Three complaints have been received since 1 July 2012 which relate to parish councillors. Two have been assessed at the initial assessment stage by the Monitoring Officer (in consultation with the Independent Person) and the decision was to take no further action in both cases because the complaint did not disclose a potential breach of the Code of Conduct. The third complaint was considered under stage 2 of the complaints assessment, and was referred for

investigation as it disclosed a potential a breach of the Code. The investigation is still in the early stages. Please see Appendix A.

1.3 As at 1 July 2012, there were two outstanding matters which had commenced under the previous standards system. The new standards provisions were introduced on 1 July with no transitional provisions for completing the old matters; these were required to be completed under the new arrangements. Two hearings were held in January 2013 which has now finalised all of the outstanding matters.

1.2 Comparisons with the financial year 2011/2012 show that the Council received nine complaints during that year, five of which were referred for investigation.

2. LEGAL IMPLICATIONS

2.1 The relevant powers are set out in the Localism Act 2011.

2.2 The Standards Committee is responsible for the Standards complaints procedures.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications to this report.

4. RISK MANAGEMENT

4.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

5. OTHER CONSIDERATIONS

| | |
|---|---------------------------------|
| Corporate priorities engaged: | Community Life |
| Statutory powers: | The Localism Act 2011 |
| Considerations of equality and human rights: | Not applicable |
| Biodiversity considerations: | Not applicable |
| Sustainability considerations: | Not applicable |
| Crime and disorder implications: | Not applicable |
| Background papers: | None |
| Appendices | Appendix A: Table of complaints |

STRATEGIC RISKS TEMPLATE

| No | Risk Title | Risk/Opportunity Description | Inherent risk status | | | | Mitigating & Management actions | Ownership |
|----|---|---|----------------------------|----------------------------|------------------------------------|---|--|--------------------|
| | | | Impact of negative outcome | Chance of negative outcome | Risk score and direction of travel | | | |
| 1 | No overall assessment of number and type of complaints received | For the Standards Committee to have oversight of overall direction and comparison of complaints | 2 | 2 | 4 | ↔ | Regular updates to the Standards Committee | Monitoring Officer |

This page is intentionally left blank

Standards Complaints from 1 July 2012

Appendix A

| Parish or Borough Councillor | Initial assessment | Outcome | Second assessment stage | Current status |
|------------------------------|--------------------|--|------------------------------------|----------------------------|
| Parish | Yes | No further action : does not disclose a breach of the Code | | |
| Parish | Yes | No further action : does not disclose a breach of the Code | | |
| Parish | N/a | N/a | Potential breach of Code disclosed | Referred for investigation |

This page is intentionally left blank

Agenda Item 3

At a Meeting of the **STANDARDS COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **19th** day of **MARCH 2013** at **10.00 am**.

Present:

| | |
|--|--------------|
| Cllr J McInnes – Chairman | |
| Cllr M Ewings – Vice-Chairman | |
| Cllr R Baldwin | Cllr A Leech |
| Borough Solicitor & Monitoring Officer | |
| Committee & Ombudsman Link Officer | |

In attendance: Cllr J Sheldon

SC 12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs A Clish-Green, D Horn, J Moody, D Moyse and L Rose.

***SC 13 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 4th September 2012, were confirmed and signed by the Chairman as a correct record.

***SC 14 UPDATE ON THE WEST DEVON MEMBERS' CODE OF CONDUCT AND COMPLAINT PROCESSES**

The Monitoring Officer presented a report (page 2 to the Agenda) updating the Committee on the West Devon Members' Code of Conduct and its effect on the number of complaints received. The Code was introduced on 1st July 2012 as required by legislation and the number of complaints received since then appeared to have reduced. It was difficult to provide comparable data of complaints received and their type as the new Code was very different from the one in force until 30th June 2012.

The majority of Town and Parish Councils within the Borough had adopted either the West Devon Code or that provided by the National Association of Local Councils. The Code provided for complaints to be made to the Town/Parish Clerk for onward transmission to the Borough Council's Monitoring Officer for consideration. This appeared to be working well and may have contributed to the reduction in the number of complaints being made. It was also noted that Devonwide, the number of complaints made had fallen following the introduction of the new Code.

The Monitoring Officer was in the process of developing a "frequently asked questions" paper to help the Parishes with any questions which may arise and it was suggested that this paper be also circulated to all Members of the Borough Council.

It was **RESOLVED** that the report be noted and that a further report be presented to the Committee's Meeting in July 2013, showing comparable complaints statistics of the old Code with the new Code.

***SC 15 SUMMARY OF STANDARDS COMPLAINTS SINCE 1st JULY 2012**

In the light of the discussion arising on the previous item (Minute No. SC 14), it was **RESOLVED** that the report prepared by the Monitoring Officer (page 5 to the Agenda) be received and noted.

***SC 16 APPOINTMENT OF INDEPENDENT PERSON(S)**

The Monitoring Officer reported that one of the former Independent Members had been appointed as independent person by the June 2012 Council, under transitional provisions until July 2013. Subsequent regulations suggest that appointments made before 24th July 2012 could be made permanent and the independent person, who was very experienced, had indicated that they would accept a permanent appointment.

Subject to clarification of the above regulations, it would only be necessary to appoint two further Independent Persons. The Monitoring Officer would, therefore, proceed with these new appointments including placing of an advertisement in the local newspaper and on the Council's web site. The Committee noted the Monitoring Officer's report.

(The Meeting terminated at 10.30 am.)