

West Devon Standards Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 20th October, 2015								
Time:	2.00 pm								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Leech</p> <p style="text-align: center;">Vice Chairman Cllr Sheldon</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Ball</td> <td style="width: 33%;">Cllr Evans</td> </tr> <tr> <td>Cllr Kimber</td> <td>Cllr McInnes</td> </tr> <tr> <td>Cllr Moody</td> <td>Cllr Musgrave</td> </tr> <tr> <td>Cllr Yelland</td> <td></td> </tr> </table>	Cllr Ball	Cllr Evans	Cllr Kimber	Cllr McInnes	Cllr Moody	Cllr Musgrave	Cllr Yelland	
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Cllr Yelland									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Member.Services@swdevon.gov.uk								

1. Apologies for absence

2. Declaration of Interest

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).

4. Confirmation of Minutes

1 - 2

Meeting held on 7 July 2015

5. Options for the Future of the Standards Committee

3 - 10

Agenda Item 4

At a Meeting of the **STANDARDS COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 7th day of **JULY 2015** at **10.00 am**.

Present:
Cllr A F Leech – Chairman
Cllr J Sheldon – Vice-Chairman
Cllr K Ball
Cllr J Evans
Cllr P Kimber
Cllr J B Moody
Cllr C R Musgrave
Cllr J Yelland

COP Lead – Legal & Monitoring Officer
Case Managers, Strategy and Commissioning

***SC 1 APOLOGY FOR ABSENCE**

An apology for absence was received from Cllr J McInnes.

***SC2 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 17th March 2015, were confirmed and signed by the Chairman as a correct record.

***SC 3 TERMS OF REFERENCE**

The Monitoring Officer introduced the report and confirmed that she would update the Committee on a monthly basis regarding complaints received.

Members were concerned that they had no input unless a complaint was presented to the Committee. Some Members suggested they look at the SHDC model where the Standards Committee was absorbed within the functions of Overview & Scrutiny. A Member spoke to say they did not want the committee absorbed in such a way.

It was noted that mediation, No Further Action or consideration by the Committee were the three available routes in dealing with complaints. The Monitoring Officer clarified that there were three Independent People (IP) that were utilised in the complaints process. They were used on a rota basis, one for each complaint. A Member suggested the IP should be able to approach the Chair or Vice Chair on any complaint should the need arise. A Member suggested that the Committee consider co-opting a Parish or Town Councillor on to the Committee.

In light of the issues raised, it was requested that the Monitoring Officer produce a report on the future direction of the Committee to the next meeting.

It was then **RESOLVED** that the Monitoring Officer would present a report to the next meeting to enable discussion on the future direction of the Standards Committee.

***SC 4**

STANDARDS COMPLAINTS UPDATE

The Monitoring Officer introduced a report that updated Members on the number and types of standards complaints that had been received by the Borough Council over the previous twelve months (1 June 2014 to 31 May 2015).

During the discussion it was noted that most complaints were decided as 'no further action' being required, because the complaints did not disclose evidence of a breach of the Code or it was not in the public interest to pursue the complaint. The Monitoring Officer agreed to include the parish name in the regular updates circulated to the Committee.

It was **RESOLVED** that the report be noted.

(The Meeting terminated at 10.45 am)

Chairman

Report to: **Standards Committee**

Date: **20 October 2015**

Title: **Options for the future of the Standards Committee**

Portfolio Area: **Cllr W Cann**

Wards Affected: **all**

Urgent Decision: **N**

Date next steps can be taken:

December Council 2015

Author: **Catherine Bowen** Role: **Legal CoP Lead and Monitoring Officer**

Contact: Catherine.Bowen@swdevon.gov.uk

RECOMMENDATION

That the Standards Committee recommends to Council a way forward for its standards governance arrangements.

1. Executive summary

- 1) Following a discussion at the July 2015 Standards Committee on the future direction of the Standards Committee, this report suggests alternative options for the future of the Council's ethical governance and also summarises how other Councils are currently addressing similar issues.
- 2) Given the nature of the Standards Committee's work, it is not always necessary to hold the scheduled meetings, and the key issue is whether the Standards Committee should continue in its current form or whether the roles and functions of the Standards Committee should be absorbed by another Council body.
- 3) The Council has a statutory duty to adopt a local Code of Conduct, promote high standards of conduct by Councillors, and to have a policy for dealing with standards complaints. However, there is no requirement that this role must be carried out by a designated Standards Committee.

2. Background

- 1) Following the abolition of the previous standards regime in 2012 (which required a statutory Standards Committee, comprising Borough Councillors, Independent Members and Parish/Town Council representatives) the Localism Act, whilst requiring Councils to adopt a local Code of Conduct, did not prescribe how Councils should carry out their governance requirements. Following the changes, in June 2012 West Devon Borough Council appointed a separate Standards Committee of nine Members to deal with the statutory requirements for standards and governance.
- 2) However, the current Standards Committee's scope is vastly reduced from the previous Committee's remit; for example, responsibility for the Constitution and policies such as the Whistle-blowing policy has been transferred to the Audit Committee, and an overview of corporate and Ombudsman complaints is now carried out by the Overview & Scrutiny Committee (Internal).
- 3) The current remit of the Standards Committee is set out in Appendix 1 for Members' ease of reference and includes:
 - o To promote and maintain high standards of conduct and to provide appropriate training to members
 - o To recommend to Council the adoption of a local Code of Conduct
 - o To grant dispensations
 - o Adoption and review of the Standards Complaints policy and to deal with any associated hearings into breaches of the Code of Conduct (both Borough Council and Town/Parish Councils within the West Devon area).
 - o Standards Sub-committees (3 members) are called to deal with specific complaints where a breach has been found by an Investigating Officer
- 4) In 2012/13 the Standards Committee was scheduled to meet four times in the Council year and this has now been reduced to three scheduled meetings; however, it has sometimes been necessary to cancel the meetings because there has not been any relevant business; in the Council year 2014/15 there were two Standards Committee meetings each of which had one agenda item relating to dispensations.
- 5) Appendix 2 shows a summary of the range of approaches taken by Devon and Cornwall authorities together with some of those Councils who have adopted alternative arrangements.

3. Outcomes, and Options available

- 1) The outcome sought is to deliver efficiencies in Member and Officer time whilst still retaining the integrity of the Council's ethical governance arrangements.
- 2) All options will retain a sub-committee (3 members) to deal with specific complaints of a breach of the Code of Conduct.
- 3) Some authorities (for example, Plymouth) do not have a standards committee at all and delegate all aspects of standards complaints to the Monitoring Officer and refer matters of policy to the Council, but it is not proposed that West Devon follows this example.

- 4) One option is to retain the current Standards Committee as it is and perhaps scheduling only one or two formal meetings a year (other meetings can be called as necessary).
- 5) Alternatively it is possible not to schedule any formal meetings and only call the Standards Committee when required (see Mid and North Devon's arrangements in Appendix 2).
- 6) The options at paragraph 4 and 5 above will deliver efficiencies in that meetings will be called only when necessary but will still require the appointment of the Committee at the Annual Meeting and publication of separate agendas, and meetings will attract attendance allowances.
- 7) An alternative option will be to amalgamate the Standards Committee's functions within another existing Committee such as the Audit Committee or Overview & Scrutiny Committee (Internal). Other Council's have adopted this approach (please see the final column in Appendix 2) and this will achieve savings in member and office time including members attendance allowance for a separate standards committee.
- 8) The Monitoring Officer has experience of such alternative governance arrangements at South Hams which, following the changes in 2012, opted to assign the standards functions to the Overview & Scrutiny Committee and this arrangement has worked very well in practice for the past three years. The Scrutiny Panel is scheduled to meet a set number of times a year and covers a wide remit; standards issues are included on the Agenda as and when necessary. Where specific complaints are required to be considered, a sub-committee of three is called from the wider Committee who receive specific training on standards and how to conduct hearings.

4. Proposed Way Forward

- 1) Members are asked to consider the alternative options in order to ascertain which would be the most efficient and cost effective way of delivering the Council's standards functions whilst maintaining the integrity of its governance arrangements.
- 2) Members will need to make any changes by way of recommendation to the Council as only the full Council has the powers to make changes to the Council's structure and its committees.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Council has a duty under the Localism Act 2011 to adopt a local Code of Conduct, and to promote good conduct by Members. It is also responsible for making local arrangements for dealing with complaints that the Code of Conduct has been broken (by Borough Members or parish and town councillors within the West Devon area).</p> <p>The Localism does not prescribe how Councils</p>

		<p>should do this and it is a matter for each individual council to determine.</p> <p>Only the Council can make changes to the number and remit (and appointments to) its committees.</p>
Financial	N	<p>There will be no financial implications to a 'no change' position retaining the Standards Committee as it is at present, nor to a position where there are no formal meetings scheduled (and it is called as when required); savings will be achieved in Member and Officer time where meetings are cancelled or reduced in number.</p> <p>If the Standards Committee's functions are absorbed by another existing Committee then there will be savings in officer and Member time and in attendance allowances currently allocated to the Standards Committee</p>
Risk	Y	These are set out in paragraph 3
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/a
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a

Supporting Information

Appendices:

Appendix 1: Current remit of the Standards Committee

Appendix 2: Table of governance arrangements in other Councils

Background Papers:

None

Composition

1. Membership of the Standards Committee

1.1. The Standards Committee shall comprise nine Members of the Council

1.2. The Chairman and Vice Chairman shall be appointed by the Council in accordance with the Council's Procedure rules in Part 4 of the Constitution.

1.3. The Standards Committee may co-opt up to two parish / town council representatives from a parish/town council in the Borough

2. Membership of Sub-committees of the Standards Committee

2.1. The Standards Committee shall appoint sub-committees of three members to deal with specific standards complaints

2.2. Sub-committees will consult (where co-opted) parish / town councillors on decisions relating to town or parish councillors

3. Quorum for the Standards Committee and its sub-committees:

3.1. **Three** members for the duration of the meeting.

4. Roles and functions of the Standards Committee

4.1. To promote and maintain high standards of conduct by Councillors and coopted Members;

4.2. To assist Councillors and co-opted Members to observe the Members' Code of Conduct;

4.3. To advise the Council on the adoption or revision of the Members' Code of Conduct, and on matters relating to the ethical conduct of the Council and its Members;

4.4. To advise and train Councillors and co-opted Members on matters relating to the Code of Conduct;

4.5. To grant dispensations to Borough Councillors (and where relevant, co-opted Members to the Borough Council) from requirements relating to Disclosable Pecuniary interests in the following circumstances:

- 4.5.1. Where so many members of the decision-making body have a Disclosable Pecuniary Interest that Political Balance would be affected
- 4.5.2. It is in the interests of the inhabitants that a dispensation be granted, or
- 4.5.3. It is appropriate to grant a dispensation
- 4.6. The Monitoring Officer can grant dispensations where so many members have a Disclosable Pecuniary Interest that it would impede the transaction of the business of the Council
- 4.7. The Monitoring Officer (in consultation with the Chairman and Vice-Chairman) or the Standards Sub-committee can grant dispensations in cases 4.5.1 – 4.5.3 where it would not be expedient to wait until the next scheduled Standards Committee meeting
- 4.8. To consult the Independent Person(s) in accordance with the Dealing with Complaints (standards) Policy and Hearing Policy.
- 4.9. To be responsible for the Dealing with Complaints (Standards) Policy and Hearing Policy.
- 4.10. To consider complaints alleging a breach of the Code of Conduct by Borough Councillors (and any co-opted members where relevant) and those members of town and parish councils in the Borough of West Devon.
- 4.11. To receive Investigation reports and to carry out hearings (including sanctions) in respect of allegations of misconduct for Borough members (and co-opted members where relevant) and town/parish council members and to recommend sanctions or other recommendations/actions

5. Roles and functions of the Standards sub-committees

- 5.1. To consider complaints alleging members' breach of the Code of Conduct; as referred by the Monitoring Officer
- 5.2. To receive investigation reports and carry out Hearings (including sanctions) in respect of allegations of misconduct

Budget

To have authority for spending within the allocated budget.

Governance arrangements in other Councils

Appendix 2

Council	Standards Committee	Number of Scheduled meetings	Number of actual meetings	Remit of Standards Committee	Other governance arrangements
South Hams	No				Overview & Scrutiny Panel
Torbay	Yes	2	1	Complaints, complaints policy, training,	n/a
Plymouth	No				Complaints are Delegated to the Monitoring Officer (in consultation with a member working group) and the Code and Policy approved by Council
Mid Devon	Yes	No scheduled meetings – called as and when needed			Previously combined Audit and Standards
Devon County	Yes	3	2	Governance, operation of Code, all complaints (including corporate and Ombudsman)	Considered combing with Audit but this was not adopted
Torrige	Yes	4	3 - 4	Complaints policy, Constitution	
North Devon	Yes ('Ethics	Previously every 6	Meet once in last	Policy,	All complaints

	Committee')	weeks but now no scheduled meetings; meets as and when required	18 months	Ombudsman decisions	delegated to Monitoring Officer
East Devon	Yes	4	2 - 3	Standards complaints and policy some Constitutional issues	
Cornwall	Yes	4	4	Standards complaints, training, complaints policy, Ombudsman, whistle-blowing	
Isles of Scilly	No				Finance Audit & Scrutiny Committee
Brighton & Hove	No				Audit and Standards
Hartlepool	No				Audit & Governance Committee
Hull	No				Audit Committee
Southampton	No				Combined audit & standards in a Governance Committee