

### Annual Report of the Standards Committee 1 April 2010 to 31 March 2011

#### Purpose

The purpose of the Annual Report is to advise Members about what has happened in the previous financial year (1 April 2010 to 31 March 2011) in relation to the Standards Committee and its works.

#### Background

The Standards Committee was set up in 2002 under the Local Government Act 2000 and its overall purpose is to promote and maintain high standards of conduct throughout the Borough Council and the Parish and Town Councils within West Devon.

#### Roles and Functions of the Standards Committee

The roles and functions of the Standards Committee are set out in the Council's Constitution and include:

- Promoting and maintaining high standards of conduct by councillors
- Assisting councillors and co-opted members to observe the Code of Conduct
- Advising the Council on the adoption or the revision of the Code
- Advising the Council generally on matters relating to the ethical conduct of the Council and its members
- Monitoring the operation of the Members' Code of Conduct
- Advising and training of councillors on matters relating to the Code
- Granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
- Receiving, assessing and reviewing complaints alleging breach of the Code of Conduct
- Receiving investigation reports and carrying out Determination Hearings in respect of allegations of misconduct.
- Exercising the above points in relation to the parish/town councils within West Devon Borough and the members of those parish/town councils.
- Overview of complaints handling and Ombudsman investigations.

#### Membership and Appointments to the Standards Committee

The Standards Committee members for 2010 to 2011 were:

- Mrs Victoria Spence **Chairman** (Independent/lay Member)
- Cllr Robin Pike – **Vice Chairman** (Borough Council Member)
- Cllr Mrs Christine Grills (Borough Council Member)
- Cllr Mrs Deborah Sellis (Borough Council Member)

- Dr Roger Meyrick – (Independent Member)
- Cllr Mrs Wendy Eldridge (Parish Council Member)
- Cllr Mrs Janet Morgan (Parish Council Member)

The Borough Council Members are appointed at the Council's Annual Meeting in May. The Independent and Parish Representatives were appointed from 1 July 2007 until 30 June 2011.

Whilst West Devon Borough Council has had an independent Standards Committee Chairman since 2003, it is now compulsory for the Chairman of the Standards Committee, and its Subcommittees, to be an independent/lay member.

### Sub-committees

The Standards Committee has appointed three subcommittees to deal with the various elements of the local assessment system:

- **Assessment Sub-committee** – comprising a panel of three drawn from the full committee consisting of independent/lay member, borough member and parish representative. The sub-committee deals with the initial assessment of misconduct complaints
- **Review Sub-committee** – comprising a panel of three different members drawn from the full committee consisting of independent/lay member, borough member and parish representative. The sub-committee deals with requests from Complainants for a review of the initial decision
- **Hearing Sub-committee** - this can comprise the full committee (with minimum of three members) which receives investigation reports, determines whether the Code has been broken, and considers what (if any) sanctions should be imposed.

### Local Assessment

Local Assessment was introduced in May 2008, and now all allegations of councillor misconduct must be made to the local Standards Committee (as opposed to Standards for England). In this regard, the Standards Committee is responsible for:

- **Assessing allegations** of misconduct to decide whether or not to refer the complaint for investigation or other action
- **Reviewing** an initial decision not to refer for investigation, if the complainant so requests
- **Receiving reports** and conducting a **Hearing** following an investigation to determine whether the Code has been broken, and if so to consider what, if any, sanctions should be imposed.

The Committee has adopted procedures on Local Assessment which apply to all complaints about councillor misconduct relating to West Devon Borough Councillors,

co-opted members and Parish/Town councillors. The procedure applies to the initial **assessment** of complaints of misconduct and any **review** of that initial decision (where it has been decided that no action be taken). A separate procedure deals with Standards Committee **Determinations** where a matter has been referred for investigation and referred to the Hearing Sub-committee for determination.

### **Standards Committee Meetings**

The Standards Committee met on the following dates and dealt with the following matters:

#### **26 October 2010**

- Annual Report of the Standards Committee
- Annual Report from the Monitoring Officer
- Annual Corporate Complaints Report
- Annual Ombudsman Report
- Update on Standards Complaints
- Standards Committee Forward Plan
- Schedule of Standards Committee sub Committee meetings

#### **20 December 2010**

- Consideration Committee – consideration of Investigating Officer's Final report

#### **11 January 2011**

- Forward Plan
- Member Induction Training
- The Future of Standards
- Appointment of Parish Councillors at Mary Tavy
- Update on Standards Complaints

#### **8 March 2011**

- Review of Member/Officer Protocol
- Localism Bill and impact on Standards – presentation
- Future make up of Standards Committee
- Update on Mary Tavy Parish Council

#### **15 March 2010**

- Consideration of Investigating Officer's Report on complaints referred for investigation

In addition, the following Standards sub-committees met to deal with the complaints as set out below.

### **Assessment and Review Sub-committee meetings**

All complaints that a Councillor has broken the Code of Conduct must be made in writing and be considered by the Assessment Sub-committee.

## Table of Complaints 2010/11

Date	Authority	Assessment Decision	Review Decision	Final Decision
16.06.10	Parish	Refer to Monitoring Officer for investigation		Complaint withdrawn before investigation
28.06.10	WDBC	Referred to SfE for investigation		Committee upheld ESO's finding of no breach
6.07.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
12.07.10	Parish	Referred to Monitoring Officer for investigation		Final Report imminent
20.07.10	Parish	Referred for investigation		Investigating Officer – no breach. Upheld by Standards Committee
20.07.10	Parish	19 August Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
20.07.10	Parish	NFA	NFA	NFA
03.09.10	WDBC	NFA		
03.09.10	WDBC	NFA		
03.09.10	WDBC	NFA		
08.09.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
13.09.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
13.09.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
16.09.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
20.09.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
20.09.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
05.10.10	Parish	Referred for Other action		<ul style="list-style-type: none"> <li>Attendance at MTPC meetings Jan to April</li> <li>M.O. Training 24.02.11</li> </ul>
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Date	Authority	Assessment Decision	Review Decision	Final Decision
19.10.10	Parish	NFA	NFA	
08.01.11	Parish	NFA	NFA	
02.03.11	Parish	NFA	NFA	

- During the last financial year the Standards Committee has dealt with 21 new complaints compared with seven complaints received in the previous financial year.
- 17 complaints were against parish/town councillors and 4 against West Devon Borough Councillors.
- The Assessment Sub-committee referred 3 cases to the Monitoring Officer for local investigation and one to Standards for England for investigation.
- 10 matters were referred for other action (compared with none for the previous year)
- In the remaining 7 cases the Assessment Sub-committee decided that no further action should be taken.
- In 4 of the 'No further action' cases decided by the Assessment Sub-committee, the Complainant asked for a review of the Assessment Sub-committee's original decision. A separate Review Sub-committee reconsidered the matters and in all 4 cases agreed with the original decision of 'No Further Action' which meant the end of the process for those complaints.

### Investigations

- Four complaints were referred for investigation during this period and in the three cases referred to the Monitoring Officer for investigation, an external Investigating Officer was appointed to investigate the complaints.
- In the fourth case the matter was referred to Standards for England who found that there was no breach. This finding was upheld by the Standards Committee.
- The Investigating Officer's Final Report is awaited on one of the investigations.
- One investigation has been withdrawn
- In the remaining investigation, the Investigating Officer found that there had been 'no breach' and this finding was upheld by the Standards Committee.

### Applications for dispensations

The Standards Committee may grant dispensations to Borough and Parish/Town Councillors in limited circumstances. This allows the councillor to take part in the debate or vote when s/he would otherwise be excluded from doing so because of a prejudicial interest. The Standards Committee has the power to grant or refuse a dispensation having regard to the particular facts in the matter.

No applications were received during this period.

### Training - April 2010 to March 2011

The following table shows the Standards training that has been carried out for members of the Standards Committee, borough councillors and parish/town councillors during this period.

### **Schedule of Councillor training**

<b>Date</b>	<b>Training provided for:</b>	<b>Training</b>	<b>Number attending</b>
22.09.10	Standards Committee	Joint training with SHDC Standards Committee	5 West Devon Standards Committee members
24.02.11	Mary Tavy Parish Council	Following other Action direction to Monitoring Officer	Parish Council
05.03.11	Standards Committee	Localism Bill	West Devon Borough Council Standards Committee

### **Standards Annual Assembly**

This usually takes place during October and comprises a series of lectures and workshops dealing with topical issues in ethical governance from a broad range of speakers. It is attended by Standards Committee members, Monitoring Officers, Standards for England members and Government ministers.

However, due to the changes to the Standards regime and abolition of Standards for England proposed by the Localism Bill, the 2010 assembly was cancelled.

### **Advice from the Monitoring Officer**

Advice is given by the Monitoring Officer to both Borough Councillors and Parish Clerks/Councillors when required on a frequent and regular basis throughout the year.

### **Policy and Procedures**

The Standards Committee reviewed the Member Officer Protocol in March and this was approved and adopted by the Council at its meeting in April.

### **Standards Board publications**

Standards for England still retains its advisory functions, and guidance and previous publications are still available on Standards for England website at: <http://www.standardsforengland.gov.uk>, including:

- The Bulletin - covering topical issues, forthcoming events, updates on complaints
- Newsletter for parish and town councils on standards issues
- The Case Review – an annual publication on investigations and outcomes and developing policy on the Code of Conduct
- Annual review of the performance of Standards for England over the preceding year
- Guidance and best practice on various areas and issues.

### **Corporate Complaints and Ombudsman**

The Standards Committee is also responsible for overseeing the Council's Corporate Complaints procedure and Ombudsman complaints. Separate summaries on both these issues are also reported annually to the Standards Committee.

### **Budget**

The budget for the Standards Committee was £8,000 for the financial year 2010/11. The total spent during the year was £3,590.25 with an underspend of £4,409.75 (compared with the overspend of £2,567.00 the previous year). The costs relate to the investigations carried out during the financial year. The difference in spend is accounted for by less spend on investigations than the previous year and no external training has been carried out.

### **Forthcoming year**

- Standards for England and the Standards framework will be abolished under the Localism Bill due to take effect Spring 2012
- Decisions to be made about what will replace the existing governance provisions