

At a Meeting of the **STANDARDS COMMITTEE** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK**, on **TUESDAY** the **12th** day of **JULY** at **11.10 am**

Present

West Devon Borough Council	Mr A Leech, Miss D Moyse, Mr D Whitcomb
Parish/Town Councils	Mrs W Eldridge & Mrs J Morgan
Independent	Dr R Meyrick (Vice Chairman) & Mrs V Spence (Chairman)

Officers

Monitoring Officer
Deputy Monitoring Officer
Borough Committee Secretary

***S 1 CONFIRMATION OF MINUTES**

The Minutes of the meeting held on 8 March 2011 were agreed and signed as a true record.

S 2 ANNUAL MONITORING REPORT OF THE STANDARDS COMMITTEE 2010/2011

The Deputy Monitoring Officer presented a report (page 7 to the agenda) which detailed the work that the Standards Committee had carried out during the last financial year. The Annual Report covered the following areas:

- The role and function of the Standards Committee and its sub committees
- Standards Committee membership
- The work of the Standards Committee and its sub committee meetings throughout this period
- Details of standards complaints received during 2010/11
- Training
- Advice, policy and procedures
- Standards for England publications
- Budget
- Issues for the forthcoming year

It was **RESOLVED** to recommend that Council considers and notes the Standards Committee's Annual Report for the year 1 April 2010 to 31 March 2011.

S 3 MONITORING OFFICER ANNUAL REPORT 2010-2011

The Deputy Monitoring Officer presented a report (page 17 to the agenda) which detailed the work carried out in the role of monitoring officer. These duties included:

- Agenda monitoring
- Support to the Standards Committee
- Standards investigations
- Register of interest, gifts and hospitality

- Annual and quarterly returns to Standards for England
- Providing advice on Standards matters
- Training
- Investigations of officers misconduct
- Constitution
- Procedure Rule duties
- Contract Procedure Rule exemptions and investigations

It was **RESOLVED** to recommend that Council considers and notes the Monitoring Officer's Annual Report for the year 1 April 2010 to 31 March 2011.

***S 4 OMBUDSMAN'S ANNUAL LETTER 2010-2011**

The Deputy Monitoring Officer presented a report (page 27 to the agenda) which included a copy of the Local Government Ombudsman's Annual Letter. This set out details of complaints that the Ombudsman had received and/or determined throughout the year ending 31 March 2011.

A total of 13 complaints were received about the Council in 2010-2011. There were eight complaints about planning, three about environmental services, one about corporate services and one relating to benefits & council tax.

The Ombudsman's Letter set out tables showing the complaints received together with outcomes and response times. Eight complaints against the Council were decided by the Ombudsman with the following decisions:

- In three cases the Ombudsman found no (or insufficient evidence) of maladministration
- Two cases were outside of the Ombudsman's jurisdiction
- In one case, the Ombudsman exercised his discretion not to investigate further
- Two cases were settled by way of Local Settlement (where the Ombudsman considered the action taken by the Council to be a satisfactory response to the complaint) one of which was a planning matter and one related to environmental services.

The average response time to the Ombudsman's enquiries was 19 days well within the target response time of 28 days.

It was **RESOLVED** that Members note the Ombudsman's Annual Letter for 2010-2011.

***S 5 COMPLAINTS REPORT 2010-2011**

The Deputy Monitoring Officer presented a report (page 36 to the agenda) which set out an analysis of corporate complaints received by the Council between 1 April 2010 and 31 March 2011. The total number of complaints received during the period was 184 compared to 134 in the previous year. The 37% increase was mainly due to a sharp rise in the rate of complaints due to severe weather around and just after Christmas of which the vast majority of complaints were around missed refuse and recycling collections. The most popular method of receiving complaints was by email. The following was the breakdown of complaints by department:

- Environmental Services 70%
- Planning 10%
- Revenues & Benefits 7%

The breakdown of reasons for complaints included:

- Failing to provide a service
- Delays in providing a service
- Failing to follow the Council's procedures
- Failing to meet advertised service standards
- Failure to meet statutory obligations
- Failing to provide all relevant information
- Alleged inappropriate behaviour by employees

Most complaints were resolved at the first stage (92%) with 14 complaints being escalated to Stage 2 of the Complaints Procedure.

It was **RESOLVED** that Members note the complaints received in 2010-2011.

***S 6 THE FUTURE OF STANDARDS – UPDATE**

The Monitoring Officer presented a report (page 42 to the agenda) which developed the themes discussed by the Committee at its meeting on 8 March, in light of information received from other authorities and the passage of the Localism Bill. It included a draft consultation paper which it was proposed be sent out to Borough, Town and Parish Councillors in West Devon.

The Localism Bill was, currently, proposing to abolish the Local Standards Framework including Standards for England, the Code of Conduct, General Principles of Public Life and Standards Committees with the following having effect from April 2012:

- The duty on authorities to promote and maintain high standards of conduct by elected and co-opted members will remain
- Authorities may voluntarily adopt a code of conduct for their councillors and set up processes by which any failures to comply with the voluntary code can be investigated and dealt with

- The Monitoring Officer must establish and maintain a register of members' interests which would be available for public inspection
- Regulations would specify:
 - what interests are to be registered
 - when they should be disclosed
 - when a member with an interest may not participate in the Council's business
 - when dispensations may be granted permitting participation
 - what sanctions an authority may impose for failure to comply with the regulations.
- Failure to register a financial or other interest or to disclose it before taking part in the Council's business where that interest is engaged, or taking part in business when that is prohibited on account of the interest, would be criminal offences (prosecutions will be brought by the Police not the Council) and the maximum fine will be £5,000. In addition the Court may disqualify the member for up to five years.

Members discussed the consultation paper and suggested a number of amendments.

It was **RESOLVED** that the consultation paper (as amended by Members) be approved for consultation with Members of the Borough Council and Parish & Town Councils in the Borough.

***S 7 ASSESSMENT SUB COMMITTEE/REVIEW SUB COMMITTEE – DATES FOR FORTHCOMING YEAR**

A table showing proposed dates and membership for assessment and review sub committees for the coming year was attached to the agenda (page 50). The dates were noted by Members.

(The Meeting Closed at 12.15pm)