

Annual Report of the Standards Committee 1 April 2011 to 31 March 2012

Purpose

The purpose of the Annual Report is to advise Members about what has happened in the previous financial year (1 April 2011 to 31 March 2012) 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)
- Dr Roger Meyrick – **Vice Chairman** (Independent/lay Member)
- Cllr Miss Diana Moyse (Borough Council Member)
- Cllr Tony Leech (Borough Council Member)
- Cllr David Whitcomb (Borough Council Member)
- Cllr Mrs Wendy Eldridge (Parish Council Member)

- Cllr Mrs Janet Morgan (Parish Council Member)

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:

July 2011

- Annual Report of the Standards Committee
- Annual Report from the Monitoring Officer
- Annual Corporate Complaints Report
- Annual Ombudsman Report
- Update on Standards Complaints
- Future of Standards update
- Schedule of Dates for Assessment Sub-committee

25 October 2011

- Future of Standards – update and results of consultation

28 November 2011

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

24 January 2012

- Application for Dispensation (Parish Council)
- Update on Standards complaints

25 January 2012

- Hearing into allegation of breach of the Code of Conduct

2 February 2012

- Hearing into allegation of breach of the Code of Conduct

6 March 2012

- 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 2011/12

Date	Authority	Date assessed and Assessment Decision	Review	Hearing	Final Decision
13.06.11	WDBC	21 July 2011 Refer to MO for investigation		Hearing 2 February 2012	Finding of Breach of the Code
15.07.11	Parish	18 August 2011 Refer to MO for investigation		6 March 2012 Consideration	Upheld Investigating Officer's Report NFA
21.07.11	Parish	18 August 2011 Refer to MO for investigation			Final report awaited
21.07.11	Parish	18 August 2011 No further action			
17.08.11	Parish	22 September 2011 Refer to MO for investigation			Final report awaited
98.09.11	Parish	20 October 2011 Refer to MO for Investigation			Final report awaited
02.02.12	Parish	6 March 2012 No further action			
06.02.12	Parish	14.05.12 No further Action			

- During the last financial year the Standards Committee has dealt with 8 new complaints compared with 21 complaints received in the previous financial year.
- 7 complaints were against parish/town councillors and 1 against a West Devon Borough Councillor.
- The Assessment Sub-committee referred 5 cases to the Monitoring Officer for local investigation.
- In the remaining 3 cases the Assessment Sub-committee decided that no further action should be taken.
- Of the 'No further action' cases decided by the Assessment Sub-committee, none of the Complainants asked for a review of the Assessment Sub-committee's original decision.

Investigations

- Five complaints were referred for local investigation during this period. External Investigating Officers were appointed to investigate the complaints.
- The Investigating Officer's Final Report is awaited on three of the investigations.
- In of the matters the Hearing Sub-committee found that there had not been a breach of the Code.
- In the remaining matter the Hearing Sub-committee found that there had been a breach of the Code and applied sanctions.

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.

One application from a Parish Council was determined in this period and granted.

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

Date	Training	Number attending
10 May	Induction training	The Code and Standards
23 June	One to one training	The Code of Conduct
6 July	Standards Committee training	Handling Complaints
25. January	Standards Committee	Hearings

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, the 2011 assembly did not take place.

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 Councils' Contract Procedure rules which form part of the Constitution.

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 2011/12. The total spent during the year was £5,330.84 with an underspend of £2,669.16 (compared with the underspend of £4,409.00 the previous year). The costs relate to the investigations carried out during the financial year.

Forthcoming year

- Standards for England has already been abolished and the Standards framework will be abolished under the Localism Act later this year.
- Decisions to be made about what will replace the existing governance provisions