

Report to: **Standards Committee**  
Date: **10 March 2020**  
Title: **ANNUAL REPORT (2019-2020)**  
Portfolio Area: **Cllr Edmonds (Resources & Performance)**  
Wards Affected: **All**  
Urgent Decision: **N** Approval and clearance obtained: **N/A**  
Date next steps can be taken: **N/a**

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**RECOMMENDATIONS:**

**To consider the Annual Report to the Standards Committee and make any necessary recommendations to the Council.**

**1. Executive summary**

- 1.1. The Standards Committee last met on 5 March 2019; the meetings are annual unless there is a reason to convene a special meeting. This is the scheduled meeting of the Standards Committee for the municipal year 2019/20 and presents to members an Annual Report for the period April 2019 to March 2020.
- 1.2. Dialogues are held regularly with the Chairman throughout the year on relevant standards matters.

**2. Annual Report**

- 2.1. The Standards Committee last met in March 2019 and Members are therefore asked to consider the following updates on standards issues. The Committee's terms of reference are attached at Appendix 1.

**2.2. Standards Complaints**

2.2.1. Under the Localism Act 2011 the Monitoring Officer is responsible for standards matters and the Council must have a policy for considering complaints about Borough Members and Parish and Town Councillors within the Borough of West Devon. This report covers complaints received since 1 April 2019.

2.2.2. During this period, the Council has received seven formal standards complaints. No complaints were received relating to a Borough Councillor, two

referred to Town Councillors and five referred to Parish Councillors. The complaints alleged a range of breaches including treating others with disrespect, bringing the council into disrepute, bullying, conferring an advantage and failure to declare an interest. The outcomes are 'no further action' for 5 of the complaints and two related complaints were referred for investigation. The final report has only just been received and informal resolution has been recommended.

2.2.3. From November 2017 to March 2018 eleven complaints were received (one against a Borough Councillor and 10 against Parish/Town Councillors). The Council received one standards complaint for the period April to November 2017, and three complaints were received in the previous calendar year (2016). The discrepancies in time frames are due to moving the Annual Standards Committee meeting from November to March.

2.2.4. The Standards sub-committee (three members of the Standards Committee) is responsible for considering complaints where (following an investigation) the Investigating Officer has found that there has been a breach of the Code, in the circumstances set out in the 'Dealing with Standards Complaints Policy'. The sub-committee has not met since November 2017 as no complaints have been referred for investigation where there was a finding of a breach of the Code.

2.2.5. The Monitoring Officer and Deputy Monitoring Officers provide ongoing advice throughout the year to Borough Members and Town and Parish Councils on the Code of Conduct (in relation to both conduct and interests).

### **2.3. Standards Policy and procedure**

2.3.1. A review of the 'Dealing with Standards Complaints' Policy was carried out during 2019 and a revised Policy agreed and brought into effect from the Annual Meeting in May 2019.

2.3.2. The whole procedure has been reviewed but the main proposed amendments can be summarised as follows:

2.3.2.1. Management of Expectations - it was accepted that the previous procedure could be clearer through all stages of the process, as to what the standards procedure can and cannot consider, and what the potential outcomes could be if it is decided that the Code of Conduct has been broken. The Monitoring Officer also amended the complaints form and accompanying guidance notes to ensure further clarity and transparency.

2.3.2.2. The introduction of an 'Initial Assessment' stage which authorises the Monitoring Officer to reject complaints that do not satisfy three preliminary tests (the complaint must be about a named councillor; the councillor must have been a councillor at the time the allegation was made and, if proven, the complaint would disclose a breach of the Code of Conduct). The Monitoring Officer may also reject complaints at this stage if she considers that the complaint falls within one or more of the defined criteria set out in the Policy. If there is any doubt at this stage, then the complaint will progress to the formal assessment stage of the complaint process whereby the councillor's views are considered and the Independent Person's view sought.

- 2.3.2.3. Finding of breach by the Monitoring Officer without an investigation. The reasoning behind this provision is that, in some cases, it is not in the public interest to refer a case for investigation. For example, in some complaints it is apparent (and often accepted by the subject councillor) that there has been a breach of the Code during the assessment stage, and in some cases the Councillor has already provided a remedy for the issues raised by the complainant. Where there is any doubt, the matter will be referred for investigation. There will be a right to request a review by the Councillor where the Monitoring Officer has found a breach without an investigation. The complaint will be reviewed by a different officer.
- 2.3.2.4. Where a matter has been referred for an investigation and the Investigating Officer has found that there has been a breach of the Code, the Monitoring Officer has power to accept that decision and apply sanctions or make recommendations without the matter being referred to a hearing. Serious and complex matters will be referred to a hearing.
- 2.3.2.5. Where there has been a breach of the Code, the outcomes of the decisions will be published. A summary of the complaint and the decision will continue to be referred to the Standards Committee but also published on the Council's website. Where there is a decision to take no further action at the formal assessment stage, the Councillor has the option to decide whether or not to publish the decision.

## **2.4. Committee on Standards in Public Life**

- 2.4.1. In 2019 the Committee on Standards in Public Life issued a report which I commend Members to read: <https://www.gov.uk/government/news/local-government-ethical-standards-committee-publishes-report>
- 2.4.2. The rationale for the report was to review the effectiveness of the current arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011. The Report makes a series of recommendations, some of which will need primary legislation (see page 15) and also some recommendations on best practice on changes and improvements the current ethical governance regime (see page 18).
- 2.4.3. In addition the Local Government Association (LGA) has issued a report called 'Civility in public life and the review of the model code of conduct' in response to growing concerns about the impact that an 'increasing level of public intimidation and toxicity of debate is having on our country's democratic process particularly at local level' The report at the following link responds to these concerns and sets out the LGA's proposed programme of work (which also includes a introduction of a model Code of Conduct by July 2020): <https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-and-review-model-code-conduct>
- 2.4.4. Members are recommended to have a discussion around the issues set out in the reports.

## **2.5. Training**

- 2.5.1. Following the local elections in May 2019, sessions were included in the Member Induction programme on standards and ethical governance. In

addition, a workshop was held on Good Governance with an external trainer in June 2019 on what good governance looks like, understanding the roles and responsibilities of councillors and reflecting on councillors' engagement with others.

2.5.2. Further training was carried out in September 2019 by the Monitoring Officer on standards and good governance (with a session on social media from the Comms Lead). There was a morning session for Borough Members and an afternoon session for parish and town councils which was very well attended.

2.5.3. The Monitoring Officer is also in discussions with other Monitoring Officers across Devon together with DALC about standardising and sharing standards training across Devon.

### 3. Proposed Way Forward

3.1. The Annual Report provides a summary of the Standards Committee's responsibilities and the outcomes to date since the last scheduled Standards Committee in March 2019.

3.2. Members are asked:

3.2.1. To consider this Report and to make any necessary recommendations in order that the Committee can fulfil its responsibilities as set out in the Terms of Reference.

3.2.2. Consider what further training should be provided to Members and parish and town councils.

### 4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Standards Committee is responsible for promoting and maintaining high standards of conduct by Members and it is important that the Committee has an overview of actions taken over a period of time, with an opportunity to make any recommendations.  It is important that the Committee has an overview of the number of, and types of standards complaints, received against both Borough Members and town and parish councillors and to make any necessary recommendation in relation to those complaints.
Financial	N	There are no direct financial implications to this report.
Risk		There is a risk that, without an annual report and overview, the Standards Committee cannot fulfil its responsibilities for promoting and maintaining high standards of conduct by Members.

Climate Agenda and biodiversity		There are no implications arising from this report
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/a to this report
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		n/a
Other implications		n/a

**Appendices:**

Appendix 1: Terms of Reference for the Standards Committee

**Background Papers:**

None