

Report to: **Standards Committee**

Date: **21 November 2017**

Title: **ANNUAL REPORT**

Portfolio Area: **Support Services**

Wards Affected: **All**

Relevant Scrutiny Committee:

Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken: 21 November 2017

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RECOMMENDATION

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

1. Executive summary

- 1.1. At its meeting on 20 October 2015 the Standards Committee recommended to the Council that, with effect from the 2016/17 Municipal Year, there should be one scheduled Standards Committee each year subject to other meetings being called as required (minute SC8).
- 1.2. At the October 2015 meeting, the Standards Committee also recommended that the number of members of the Committee be reduced from nine to five members.
- 1.3. The Standards Committee last met on 29 November 2016, and this is the scheduled meeting of the Standards Committee for the municipal year 2017/18 and presents to Members an Annual Report of the Standards Committee.
- 1.4. For Members' reference, a copy of the Standards Committee's Terms of Reference is attached at Appendix 1.

2. Annual Report

2.1. The Standards Committee last met in November 2016 and Members are therefore asked to consider the following updates on standards.

2.2. Standards Complaints

2.2.1. In order to bring standards complaints in line with other reporting measures of the Council, it was proposed at the last annual meeting that, from 1 April 2017, complaints are logged on a yearly basis using the financial year from 1 April to 31 March. The 2017 complaints will cover the period 1 April 2017 to 31 March 2018. This presently provides a reporting period of 8 months. In order to align the complaints log with meetings I would suggest that future meetings are held in March from 2018.

2.2.2. From 1 April 2017 to date, the Council has received 1 formal standards complaint. The complaint referred to a town councillor. The complaint referred to a letter to the local press which appeared critical of the NHS management and staff and used strong and emotive language which caused offence. After due consideration and assessment, and consultation with the Independent Person, the decision was informal resolution by written apology to be made available to the public. The apology has been sent to the complainant and was published in the Okehampton Times on 2 November 2017.

2.2.3. By way of comparison, three complaints were received in the previous calendar.

2.2.4. The Standards sub-committee (three members of the main Committee) is responsible for considering complaints where (following an investigation) the Investigating Officer has found that there has been a breach of the Code. The sub-committee has not met this year as no complaints have been referred for investigation.

2.2.5. The Monitoring Officer provides 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. I am not aware of any alterations or changes to the standards policy since the last annual meeting.

2.3.2. The Monitoring Officer and the Deputy Monitoring Officers have not reported any issues with the application of the standards policy and procedures.

2.4. Dispensations

2.4.1. The Committee is responsible for granting dispensations under the Council's Dispensation Policy (please see paragraph 4.5 of the attached Terms of Reference in Appendix 1).

2.4.2. The Dispensation procedure is attached at Appendix 2 and shows the criteria for determining dispensation together with the current dispensations that are extant which are general dispensations relating to all members. These will be reviewed prior to the Annual Meeting in 2019.

2.5. Independent Persons

2.5.1. The Council retains three Independent Persons in accordance with relevant regulations and these are Mr George Barnicott, Mr Martin Glead and Mrs Victoria Sense. The Independent Persons are appointed until the Annual Meeting in May 2019. As the Annual Meeting may move to March from next year, consideration should be given to review the situation in March 2019 and plan accordingly.

2.5.2. The Independent Persons are consulted in respect of each standards complaint received. The Council's policy requires consultation in excess of the statutory requirements and this has proved particularly valuable in respect of the initial assessment of the complaints, from both the Monitoring Officer's perspective and providing more transparency for complainants.

2.6. Training

2.6.1. Standards and Code of Conduct training for West Devon Members was carried out in June 2017 following the elections. The session focussed on;

- Some examples of complaints received (with an interactive exercise);
- The experiences of the Council's appointed Independent Person(s); and
- Social media issues.

2.6.2. External specialist training for Independent Persons took place in February 2017. The feedback from the Independent Persons is that this is extremely valuable and assists the Independent Persons with best practice.

2.6.3. Parish Council training has been requested again. Whilst there is no doubt about the merits of this, the council faces the usual resource and finance challenges in providing the training. Charging for the training can be considered. A training session on Standards issues is proposed for the January 2018.

3. Proposed Way Forward

- 3.1. The Annual Report provides a summary of the Standards Committee’s responsibilities and the outcomes to date from the beginning of the calendar year.
- 3.2. Members are asked to consider the report and to make any necessary recommendations in order that the Committee can fulfil its responsibilities as set out in the Terms of Reference.

4. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>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.</p> <p>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.</p>
Financial	N	There are no direct financial implications to this Annual Report to the Standards Committee
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.
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

Appendix 2: Dispensation Policy and record of current dispensations.

Background Papers:

None