

West Devon Standards Committee



West Devon
Borough
Council

Title:	Agenda								
Date:	Tuesday, 7th July, 2015								
Time:	10.00 am								
Venue:	Chamber - Kilworthy Park								
Full Members:	<p style="text-align: center;">Chairman Cllr Leech</p> <p style="text-align: center;">Vice Chairman Cllr Sheldon</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Cllr Ball</td> <td style="width: 33%;">Cllr Evans</td> </tr> <tr> <td>Cllr Kimber</td> <td>Cllr McInnes</td> </tr> <tr> <td>Cllr Moody</td> <td>Cllr Musgrave</td> </tr> <tr> <td>Cllr Yelland</td> <td></td> </tr> </table>	Cllr Ball	Cllr Evans	Cllr Kimber	Cllr McInnes	Cllr Moody	Cllr Musgrave	Cllr Yelland	
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Cllr Moody	Cllr Musgrave								
Cllr Yelland									
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.								
Committee administrator:	Member.Services@swdevon.gov.uk								

- 1. Apologies for absence**
- 2. Declaration of Interest**
- 3. Items Requiring Urgent Attention**
To consider items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any)
- 4. Confirmation of Minutes** **1 - 2**
Meeting held on 17 March 2015
- 5. Terms of Reference** **3 - 4**
- 6. Update on Complaints received this year** **5 - 10**
Report of the Monitoring Officer

Agenda Item 4

At a Meeting of the **STANDARDS COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 17th day of **MARCH 2015** at **10.00 am**.

Present: Cllr A F Leech – Chairman
Cllr J Sheldon – Vice-Chairman
Cllr S C Bailey Cllr R E Baldwin
Cllr M V L Ewings Cllr J R McInnes
Cllr C R Musgrave

Principal Solicitor & Deputy Monitoring Officer
Committee & Ombudsman Link Officer

SC 5 APOLOGY FOR ABSENCE

An apology for absence was received from Cllr J Moody.

***SC6 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 2nd December 2014, were confirmed and signed by the Chairman as a correct record.

***SC 7 REQUEST TO GRANT GENERAL DISPENSATIONS**

The Monitoring Officer presented a report (page 5 to the Agenda) requesting the Committee to grant a General Dispensation to all Members of the Council for the next Council term.

In September 2012, this Committee granted a general dispensation to all Members of the Borough Council to speak and to vote on matters where they would otherwise have a Disclosable Pecuniary Interest. This general dispensation would expire in May 2015. Further, in December 2014, this Committee also granted a general dispensation to all dual-hatted Members of the Borough Council until May 2015, to speak and to vote on matters where they were a member of another local authority and in receipt of a Members' Allowance.

General Dispensations could be granted for up to 4 years and those granted by this Committee referenced above would expire May 2015 i.e. the end of the current Council term.

It was **RESOLVED** that:

- (i) a Dispensation be granted to all dual-hatted Members of West Devon Borough Council to speak and to vote on matters where they are members of another local authority and in receipt of a Members' Allowance, from the Annual Meeting in May 2015 until the Annual Meeting in May 2019; and,
- (ii) a General Dispensation be granted as set out below to all Members of the Borough Council from the Annual Meeting in May 2015 to the Annual Meeting in May 2019:
 - (a) Housing – where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Councillors particular tenancy or lease;

- (b) Statutory sick pay – if a Councillor receives this or is entitled to receive it;
- (c) An Allowance, travelling expense, payment or indemnity for Councillors;
- (d) Any ceremonial honour given to Members; and,
- (e) Setting the Council Tax or a precept.

(The Meeting terminated at 10.25 am.)

Chairman

Standards Committee

Composition

1. Membership of the Standards Committee

- 1.1. The Standards Committee shall comprise nine Members of the Council
- 1.2. The Chairman and Vice Chairman shall be appointed by the Council in accordance with the Council's Procedure rules in Part 4 of the Constitution.
- 1.3. The Standards Committee may co-opt up to two parish / town council representatives from a parish/town council in the Borough

2. Membership of Sub-committees of the Standards Committee

- 2.1. The Standards Committee shall appoint sub-committees of three members to deal with specific standards complaints
- 2.2. Sub-committees will consult (where co-opted) parish / town councillors on decisions relating to town or parish councillors

3. Quorum for the Standards Committee and its sub-committees:

- 3.1. **Three** members for the duration of the meeting.

4. Roles and functions of the Standards Committee

- 4.1. To promote and maintain high standards of conduct by Councillors and co-opted Members;
- 4.2. To assist Councillors and co-opted Members to observe the Members' Code of Conduct;
- 4.3. To advise the Council on the adoption or revision of the Members' Code of Conduct, and on matters relating to the ethical conduct of the Council and its Members;
- 4.4. To advise and train Councillors and co-opted Members on matters relating to the Code of Conduct;
- 4.5. To grant dispensations to Borough Councillors (and where relevant, co-opted Members to the Borough Council) from requirements relating to Disclosable Pecuniary interests in the following circumstances:

- 4.5.1. Where so many members of the decision-making body have a Disclosable Pecuniary Interest that Political Balance would be affected
- 4.5.2. It is in the interests of the inhabitants that a dispensation be granted, or
- 4.5.3. It is appropriate to grant a dispensation

- 4.6. The Monitoring Officer can grant dispensations where so many members have a Disclosable Pecuniary Interest that it would impede the transaction of the business of the Council

- 4.7. The Monitoring Officer (in consultation with the Chairman and Vice-Chairman) or the Standards Sub-committee can grant dispensations in cases 4.5.1 – 4.5.3 where it would not be expedient to wait until the next scheduled Standards Committee meeting

- 4.8. To consult the Independent Person(s) in accordance with the Dealing with Complaints (standards) Policy and Hearing Policy.

- 4.9. To be responsible for the Dealing with Complaints (Standards) Policy and Hearing Policy.

- 4.10. To consider complaints alleging a breach of the Code of Conduct by Borough Councillors (and any co-opted members where relevant) and those members of town and parish councils in the Borough of West Devon.

- 4.11. To receive Investigation reports and to carry out hearings (including sanctions) in respect of allegations of misconduct for Borough members (and co-opted members where relevant) and town/parish council members and to recommend sanctions or other recommendations/actions

5. Roles and functions of the Standards sub-committees

- 5.1. To consider complaints alleging members' breach of the Code of Conduct; as referred by the Monitoring Officer
- 5.2. To receive investigation reports and carry out Hearings (including sanctions) in respect of allegations of misconduct

Budget

To have authority for spending within the allocated budget.

Report Template

Report to: **Standards Committee**
Date: **7 July 2015**
Title: **Standards Complaints Update**
Portfolio Area: **Resources & Performance**
Wards Affected: **All**
Relevant Scrutiny Committee: Internal

Urgent Decision: **Y / N** **N**

Date next steps can be taken: **N/A**
(e.g. referral on of recommendation or implementation of substantive decision)

Author: **Catherine Bowen** Role: **Community of Practice Lead Specialist (Legal) and Monitoring Officer**

Contact: **Catherine.bowen@swdevon.gov.uk**

Recommendation:

That the Committee notes the report

1. Executive summary

1) To update Members on the number and types of standards complaints that have been received by the Borough Council over the previous twelve months (1 June 2014 to 31 May 2015).

2. Background

- 1) Following the abolition of the previous standards regime in July 2012 the Council adopted a local Code of Members' Conduct together with procedures for dealing with allegations that the Code of Conduct has been broken.
- 2) The Standards Committee is responsible for providing and maintaining high standards of conduct by Borough Councillors, and for an overview of the Code and Code of Conduct complaints.

Report Template

- 3) Whilst all councils are now responsible for adopting their own local codes of conduct, the Borough Council remains responsible for maintaining Registers of Interests and considering allegations of a breach of the Code on behalf of Parish and Town Councils.
- 4) This report updates Members on the numbers and types of standards complaints received over the last twelve months for both Borough Members and those received against Parish and Town Councillors.

3. Outcomes/outputs

- 1) Attached as Appendix A is a table of standards complaints received by West Devon Borough Council for the period 1 June 2014 to 31 May 2015.
- 2) For the period 1 June 2014 to 31 May 2015, one complainant alleged that four 4 Borough Councillors had broken the West Devon Code of Conduct, and 7 complaints were received against 8 town or parish councillors.
- 3) A comparison table at Appendix B shows the figures for the previous twelve month period and a comparison with the numbers of complaints received in respect of South Hams District Council and its town and Parish Councils for the same periods.
- 4) As Members will note from the table in Appendix A, the majority of the complaints allege that the councillor has failed to treat others with respect followed by failing to declare an interest and bringing the council or office of councillor into disrepute. It is unsurprising that the majority of complaints allege 'disrespect' as this is a broad category of behaviour. None of the allegations were referred for investigation during the previous twelve month period. In the same period one matter was referred for investigation at South Hams District Council.
- 5) Whilst it is not possible to eliminate complaints made under this process, it is possible to mitigate against complaints being referred for investigation by raising awareness amongst Borough Councillors and through regular training on the provisions of the Code of Conduct.
- 6) Whilst the Localism Act 2011 does not require the Borough Council to train Parish and Town Councils (this responsibility has been devolved to the local councils themselves) the Council is arranging a Parish and Town Council training day within the next couple of months which will include a session on standards.

4. Proposed Way Forward

- 1) To continue to monitor standards complaints and report to the Standards Committee on the numbers and types of complaints received, and to provide regular training for Borough Councillors.
- 2) The Borough Council will endeavour to provide a Parish and Town Council training day each year to raise awareness of standards and governance.

5. Implications

Implications	Relevant	Details and proposed measures to address
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Report Template

	to proposals Y/N	
Legal/Governance		<ul style="list-style-type: none"> The Localism Act 2011 requires all councils to adopt a local Code of Members' Conduct and to adopt procedures for dealing with allegations that the Code has been broken. The Council adopted a local Code of Conduct in July 2012 (amended in 2104) and has an adopted procedure for dealing with standards complaints. The Constitution delegates responsibility to the Standards Committee for providing and maintaining high standards of conduct by councillors and for an overview of the Code and Code of Conduct complaints
Financial		There are no direct financial implications to this report. The three Independent Persons each receive £500 per annum, and there will be financial implications if the matter is referred for investigation and an external Investigating Officer is appointed.
Risk		There are no significant risks associated with this report; it seeks to update members on complaints received.
Comprehensive Impact Assessment Implications		
Equality and Diversity		These were considered in the original adoption of the Dealing with Complaints Policy.
Safeguarding		Not applicable
Community Safety, Crime and Disorder		Not applicable
Health, Safety and Wellbeing		Not applicable

Supporting Information

Appendices:

Appendix A: Table of standards complaints 1 June 2014 to 31 May 2015

Appendix B: Comparison table of complaints June 2013 to 2015

Background Papers:

None

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Appendix A

Standards Complaints received 1 June 2014 to 31 May 2015

Date	Complaint no.	Complainant	Borough / Parish or Town Councillor	Alleged Breach	Final Decision
2014					
18.07.14	WD05 180714	Member of the public	Parish Councillor	<ul style="list-style-type: none"> Declaration of interests 	NFA 11.08.14
09.09.14	WD06 090914	Member of the public	Parish Councillor	<ul style="list-style-type: none"> Disrespect 	NFA 24.02.15
14.09.14	WD07 140914	Member of the public	Parish Councillor	<ul style="list-style-type: none"> Disrespect Disrepute 	NFA 24.02.15
15.09.14	WD08 150914	Member of the public	Parish Councillor	<ul style="list-style-type: none"> Disrespect Disrepute Failure to declare interests 	NFA 24.02.15
16.09.14	WD09 160914	Member of the public	Parish Councillor	<ul style="list-style-type: none"> Disrespect 	NFA 24.02.15
12.12.14	WD10 121214	Member of the public	Parish Councillor	<ul style="list-style-type: none"> Disrespect 	NFA 25.03.15
2015					
03.02.15	WD 030215	Town Councillor	Town Councillors	<ul style="list-style-type: none"> Failing to declare an interest Treating others with disrespect 	NFA 07.04.15
01.05.15	WD02 010515	Member of the public	Borough Councillors	<ul style="list-style-type: none"> Treating with disrespect 	Ongoing

Appendix B

Comparison table

Period	WD Borough Councillors	WD Paris or Town Councillors	SH Borough Councillors	SH Parish or Town Councillors	Total
1 June 2014 - 31 May 2015	1	8	3	12	24
1 June 2013 – 31 May 2014	4	1	7	12	24
Total	5	9	10	24	48