

Report to: **Standards Committee**  
Date: **20 October 2015**  
Title: **Options for the future of the Standards Committee**  
Portfolio Area: **Cllr W Cann**

Wards Affected: **all**

Urgent Decision: **N**

Date next steps can be taken:

**December Council 2015**

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## **RECOMMENDATION**

**That the Standards Committee recommends to Council a way forward for its standards governance arrangements.**

### **1. Executive summary**

- 1) Following a discussion at the July 2015 Standards Committee on the future direction of the Standards Committee, this report suggests alternative options for the future of the Council's ethical governance and also summarises how other Councils are currently addressing similar issues.
- 2) Given the nature of the Standards Committee's work, it is not always necessary to hold the scheduled meetings, and the key issue is whether the Standards Committee should continue in its current form or whether the roles and functions of the Standards Committee should be absorbed by another Council body.
- 3) The Council has a statutory duty to adopt a local Code of Conduct, promote high standards of conduct by Councillors, and to have a policy for dealing with standards complaints. However, there is no requirement that this role must be carried out by a designated Standards Committee.

## **2. Background**

- 1) Following the abolition of the previous standards regime in 2012 (which required a statutory Standards Committee, comprising Borough Councillors, Independent Members and Parish/Town Council representatives) the Localism Act, whilst requiring Councils to adopt a local Code of Conduct, did not prescribe how Councils should carry out their governance requirements. Following the changes, in June 2012 West Devon Borough Council appointed a separate Standards Committee of nine Members to deal with the statutory requirements for standards and governance.
- 2) However, the current Standards Committee's scope is vastly reduced from the previous Committee's remit; for example, responsibility for the Constitution and policies such as the Whistle-blowing policy has been transferred to the Audit Committee, and an overview of corporate and Ombudsman complaints is now carried out by the Overview & Scrutiny Committee (Internal).
- 3) The current remit of the Standards Committee is set out in Appendix 1 for Members' ease of reference and includes:
  - o To promote and maintain high standards of conduct and to provide appropriate training to members
  - o To recommend to Council the adoption of a local Code of Conduct
  - o To grant dispensations
  - o Adoption and review of the Standards Complaints policy and to deal with any associated hearings into breaches of the Code of Conduct (both Borough Council and Town/Parish Councils within the West Devon area).
  - o Standards Sub-committees (3 members) are called to deal with specific complaints where a breach has been found by an Investigating Officer
- 4) In 2012/13 the Standards Committee was scheduled to meet four times in the Council year and this has now been reduced to three scheduled meetings; however, it has sometimes been necessary to cancel the meetings because there has not been any relevant business; in the Council year 2014/15 there were two Standards Committee meetings each of which had one agenda item relating to dispensations.
- 5) Appendix 2 shows a summary of the range of approaches taken by Devon and Cornwall authorities together with some of those Councils who have adopted alternative arrangements.

## **3. Outcomes, and Options available**

- 1) The outcome sought is to deliver efficiencies in Member and Officer time whilst still retaining the integrity of the Council's ethical governance arrangements.
- 2) All options will retain a sub-committee (3 members) to deal with specific complaints of a breach of the Code of Conduct.
- 3) Some authorities (for example, Plymouth) do not have a standards committee at all and delegate all aspects of standards complaints to the Monitoring Officer and refer matters of policy to the Council, but it is not proposed that West Devon follows this example.

- 4) One option is to retain the current Standards Committee as it is and perhaps scheduling only one or two formal meetings a year (other meetings can be called as necessary).
- 5) Alternatively it is possible not to schedule any formal meetings and only call the Standards Committee when required (see Mid and North Devon's arrangements in Appendix 2).
- 6) The options at paragraph 4 and 5 above will deliver efficiencies in that meetings will be called only when necessary but will still require the appointment of the Committee at the Annual Meeting and publication of separate agendas, and meetings will attract attendance allowances.
- 7) An alternative option will be to amalgamate the Standards Committee's functions within another existing Committee such as the Audit Committee or Overview & Scrutiny Committee (Internal). Other Council's have adopted this approach (please see the final column in Appendix 2) and this will achieve savings in member and office time including members attendance allowance for a separate standards committee.
- 8) The Monitoring Officer has experience of such alternative governance arrangements at South Hams which, following the changes in 2012, opted to assign the standards functions to the Overview & Scrutiny Committee and this arrangement has worked very well in practice for the past three years. The Scrutiny Panel is scheduled to meet a set number of times a year and covers a wide remit; standards issues are included on the Agenda as and when necessary. Where specific complaints are required to be considered, a sub-committee of three is called from the wider Committee who receive specific training on standards and how to conduct hearings.

#### **4. Proposed Way Forward**

- 1) Members are asked to consider the alternative options in order to ascertain which would be the most efficient and cost effective way of delivering the Council's standards functions whilst maintaining the integrity of its governance arrangements.
- 2) Members will need to make any changes by way of recommendation to the Council as only the full Council has the powers to make changes to the Council's structure and its committees.

#### **5. Implications**

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	<p>The Council has a duty under the Localism Act 2011 to adopt a local Code of Conduct, and to promote good conduct by Members. It is also responsible for making local arrangements for dealing with complaints that the Code of Conduct has been broken (by Borough Members or parish and town councillors within the West Devon area).</p> <p>The Localism does not prescribe how Councils</p>

		<p>should do this and it is a matter for each individual council to determine.</p> <p>Only the Council can make changes to the number and remit (and appointments to) its committees.</p>
Financial	N	<p>There will be no financial implications to a 'no change' position retaining the Standards Committee as it is at present, nor to a position where there are no formal meetings scheduled (and it is called as when required); savings will be achieved in Member and Officer time where meetings are cancelled or reduced in number.</p> <p>If the Standards Committee's functions are absorbed by another existing Committee then there will be savings in officer and Member time and in attendance allowances currently allocated to the Standards Committee</p>
Risk	Y	These are set out in paragraph 3
Comprehensive Impact Assessment Implications		
Equality and Diversity		N/a
Safeguarding		N/a
Community Safety, Crime and Disorder		N/a
Health, Safety and Wellbeing		N/a

### **Supporting Information**

#### **Appendices:**

Appendix 1: Current remit of the Standards Committee

Appendix 2: Table of governance arrangements in other Councils

#### **Background Papers:**

None