

Annual Report of the Standards Committee July 2012 to 31 March 2013

Purpose

The purpose of the Annual Report is to advise Members about what has happened in the previous financial year in relation to the Standards Committee and its works.

Background

From 1 July 2012 the Localism Act 2011 abolished the previous Standards Committee, the national Code of Members' Conduct, the Standards Board and all of the supporting legislation, and introduced new rules on standards and local Codes of Conduct. The Council adopted a new Code of Conduct on 26 June 2012 and appointed a new Standards Committee on 30 July 2012. Parish and Town Councils are now responsible for adopting their own Codes of Conduct.

Membership of the Standards Committee

The Standards Committee members for 2012 to 2013 were:

- Cllr J McInnes **Chairman**
- Cllr MVL Ewings **Vice Chairman**
- Cllr RE Baldwin
- Cllr A Clish-Green
- Cllr DM Horn
- Cllr AF Leech
- Cllr JM Moody
- Cllr DE Moyse
- Cllr LB Rose

Independent Persons

The Localism Act requires the Council to appoint one or more Independent Persons in a consultative and advisory capacity. The Independent Persons must be consulted by the Monitoring Officer and Standards Committee in connection with complaints that a Councillor has broken the Code of Conduct. The Independent Persons are not members of the Standards Committee and do not make formal decisions.

The Council has the following Independent Persons:

- Mrs Victoria Spense
- Mr George Barnicott
- Mr Martin Glead

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 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 members from requirements relating to interests set out in the Members' Code of Conduct.
- Consulting the Independent Persons in relation to the Code in accordance with the Policy
- Considering complaints alleging breach of the Code of Conduct (in relation to the Borough Council and West Devon Towns and Parishes)
- Receiving investigation reports and carrying out Hearings (including sanctions) in respect of allegations of misconduct.

Other functions previously within the remit of the old Standards Committee were reassigned to the Audit Committee (e.g. the Constitution) and the Overview & Scrutiny Committee (e.g. overview of complaints handling and Ombudsman investigations).

Sub-committees – Hearing Panels

The Standards Committee appoints Hearing Panels of three members to consider complaints that have been referred for a formal Hearing (this is following a finding of a breach of the Code by the Investigating Officer).

During this financial year, two Hearings were carried out to finalise two complaints that had been lodged under the previous regime. The Hearing Panel upheld the Investigating Officer's findings of a breach of the Code.

Standards Committee Meetings

The new Standards Committee was formally appointed by the Council on 30 July 2012. The Standards Committee met on the following dates and dealt with the following matters:

4 September 2012

- The new Standards Regime
- General Dispensations to Borough Councillors

- Delegation to Standards Committee and Monitoring Officer to grant Dispensations
- Adoption of new Procedures for dealing with Standards Complaints

January 2013 – cancelled

19 March 2013

- Update on Complaints procedures
- Summary of Complaints
- Appointment of Independent Persons

Complaints received

All complaints that a Councillor has broken the Code of Conduct must be made in writing to be considered by the Monitoring Officer and/or the Standards Committee (in consultation with the Independent Person).

Table of Complaints 2012/13

Date	Authority	Initial Assessment and outcome	Final Decision
04.09.12	Parish		NFA – no breach disclosed
05.09.12	Parish		NFA – no breach disclosed
21.11.12	Parish	Referred for investigation	

- Since the introduction of the new rules and Codes in July 2012, the Council has received three complaints, all of which relate to Parish Councils.
- This compares with nine complaints for the previous year under the old regime
- Following consultation with the Independent Person, the Monitoring Officer found that two of the complaints did not disclose a breach of the Code
- The third matter was considered to disclose a potential breach of the Code and was referred to an Investigating Officer for investigation.

Investigations

- The matter referred for investigation is still ongoing.

Applications for dispensations

The Standards Committee or Monitoring Officer may grant dispensations to Borough Councillors in specific 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 an interest. The Standards Committee / Monitoring Officer has the power to grant or refuse a dispensation having regard to the particular facts in the matter.

Aside from the General Dispensation granted to all Members in September 2012, no applications were received during this period.

Parish and Town Councils are now responsible for their own dispensations.

Advice from the Monitoring Officer

Advice is given by the Monitoring Officer to both Borough Councillors and Parish Clerks/Councillors when required on a regular basis throughout the year on issues relating to the Code of Conduct.

Budget

The Standards Committee had an allocated budget of £8,000 for the financial year 2012/13. This covers operational costs and the costs of any investigations and training.