

<b>NAME OF COMMITTEE</b>	<b>Standards Committee</b>
<b>DATE</b>	<b>11 February 2014</b>
<b>REPORT TITLE</b>	<b>Standards complaints update and the role of the Independent Persons</b>
<b>Report of</b>	<b>Monitoring Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

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**Summary of report:**

To update Members on the number of complaints received since the new Standards regime was adopted in July 2012 and on the work and role of the Council's Independent Persons.

**Financial implications:**

There are no financial implications to this report. The Independent Persons each receive £500 per annum, and there would be financial implications if the investigation of specific cases are outsourced.

**RECOMMENDATIONS:**

It is recommended that Members note this report.

**Officer contact:**

Catherine Bowen, Monitoring Officer  
[cbowen@westdevon.gov.uk](mailto:cbowen@westdevon.gov.uk)

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**1. BACKGROUND**

- 1.1 Following the abolition of the previous standards regime from 1 July 2012, the Council has adopted a new Code of Conduct together with processes to deal with allegations of a breach of the Code.

- 1.2 Whilst all Councils are now responsible for adopting their own Codes, the Borough Council remains responsible for maintaining Registers of Interest, and dealing with allegations of a breach of the Code, on behalf of Parish and Town Councils within its area.
- 1.3 A further provision under the new rules requires the Council to appoint one or more Independent Persons in a consultative and advisory capacity in relation to standards complaints. The rules set out requirements to consult the Independent Person where it is intended to refer a matter for investigation, and the Council's Policy provides that the Independent Person is consulted at all the main stages of the process. This ensures that the process is transparent, accountable and that each case has an input from an independent perspective.
- 1.4 The Council has three Independent Persons (Mrs Victoria Spence, Mr George Barnicott and Mr Martin Glead) who were formally appointed by Council in accordance with the statutory provisions.

## **2. STANDARDS COMPLAINTS AND THE ROLE OF THE INDEPENDENT PERSONS**

- 2.1 As approximately 18 months have elapsed since the new regime was introduced and the new processes adopted by the Standards Committee, it is appropriate to update Members on progress and complaints received so far.
- 2.2 Attached at Appendix A is a table of complaints that West Devon Borough Council has received since the introduction of the new standards regime in July 2012. We have received four complaints during that period.
- 2.3 This compares with three complaints for the first 6 months of 2012 under the previous regime, none of which were referred for investigation. Eight complaints were received for the year 2011, five of which were referred for investigation and three of those proceeded to a Hearing and a breach of the Code found by the Standards Committee.
- 2.4 Under the new process, on receipt of a formal standards complaint, the Monitoring Officer asks the councillor (against whom the complaint is made) for comments on the allegations and these are then sent with the complaint and any other factual information (e.g. minutes of a Parish Council meeting, copy register of interests) to the Independent Person.
- 2.5 The Monitoring Officer then consults the Independent Person for his/her views before making a decision on what happens next. The options available at this stage are:
  - No further action

- Informal resolution
- Referral for investigation
- Referral to the Standards Committee (who have same options as above).

2.6 The time taken from the date of receipt of the complaint to the issue of the Decision notice of No Further Action, is between 5-6 weeks. The timing for making the Decision is primarily dependent on receiving replies from the councillor against whom the complaint has been made. There has been a timely response from the Independent Persons once they have received all of the papers.

2.7 The matter referred for investigation and consequently a Hearing took just under 11 months from receipt of the complaint to the Hearing date.

2.8 Whilst the complaints obviously vary in nature, they may comprise a substantial and often complex amount of background issues. The Monitoring Officer has found the support of the Independent Persons in this advisory and consultative capacity invaluable. The Monitoring Officer consults the Independent Person on receipt of a complaint, before deciding what should happen next. Where a matter is referred for investigation, the Independent Person is consulted on the Investigating Officer report and is available throughout the Hearing for consultation by the Hearing Panel.

2.9 The Independent Person's views may also be sought by the councillor against whom the allegations have been made.

### **3. OTHER STANDARDS QUERIES**

3.1 Aside from inquires and advice on specific complaints the Monitoring Officer receives many queries in relation to the Code, Registers, interests and other matters primarily in relation to Parish Council matters. The request that such queries should be channelled through the Clerk is working well and ensures that consistent advice is directed through the proper officer.

### **4. LEGAL IMPLICATIONS AND STATUTORY POWERS**

4.1 The new powers on standards are set out in the Localism Act 2011 which have been in force since July 2012 and are far less prescribed than under the previous system.

4.2 The Standards Committee is responsible for providing and maintaining high standards of conduct by councillors and for an overview of the Code, and Code of Conduct complaints.

## 5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications to this report. The Independent Persons each receive £500 per annum, and there would be financial implications if the investigations of specific cases are outsourced.

## 6. RISK MANAGEMENT

- 6.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

## 7. OTHER CONSIDERATIONS

<b>Corporate priorities engaged:</b>	All
<b>Considerations of equality and human rights:</b>	Considered on a case by case basis
<b>Biodiversity considerations:</b>	N/a
<b>Sustainability considerations:</b>	N/a
<b>Crime and disorder implications:</b>	N/a
<b>Background papers:</b>	N/a
<b>Appendices attached:</b>	Appendix A: Table of Standards Complaints 1 July 2012 to 31 January 2014

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1.	No overview of standards complaints received	Consistent approach to dealing with standards complaints and lessons learned to continual improve the process	3	2	6	↔	Monitoring the nature and number of complaints received	Monitoring Officer
2.	Failure to consult the Independent Persons	Perceived lack of transparency in the assessment of complaints	3	2	6	↔	Ensuring that the Independent Persons are consulted at key stages of the complaints process	Monitoring Officer

Direction of travel symbols ↓ ↑ ↔