

Report to: **Standards Committee**  
Date: **5 March 2019**  
Title: **ANNUAL REPORT (2018-2019)**  
Portfolio Area: **Support Services**  
Wards Affected: **All**  
Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken: **Council 26 March 2019**

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**RECOMMENDATIONS:**

- 1. To consider the Annual Report to the Standards Committee and make any necessary recommendations to the Council.**
- 2. To grant the General Dispensations as set out in Paragraphs 2.4 below from the Annual Meeting in 2019 to the Annual Meeting in 2023 so that:**
  - a. A General Dispensation is granted to all dual-hatted Members of West Devon Borough Council to speak and vote on matters where they are members of another local authority and in receipt of a Members' Allowance, and**
  - b. A General Dispensation is granted as set out in paragraphs 2.4.5.1 – 2.4.5.5 of this report**
- 3. To recommend to Council that Mr Trevor Kirkin and Mr Peter Boreham (South Hams District Council Independent Persons) are also appointed to West Devon Borough Council from the Annual Meeting in May 2019 until May 2019.**

**1. Executive summary**

- 1.1.** The Standards Committee last met on 21 November 2017 and agreed to hold the scheduled annual meeting of the Standards Committee in March each year in order that the Committee can consider an annual report that coincides with the financial year.

- 1.2. This is the scheduled meeting of the Standards Committee for the municipal year 2018/19 and presents to members an Annual Report for the period December 2017 to March 2019. The report also requests Members to consider granting dispensations for the next Council (see paragraph 2.4 below) and appointing additional Independent Persons (see paragraph 2.5 below).
- 1.3. Dialogues are held regularly with the Chairman throughout the year on relevant standards matters.

## **2. Annual Report**

- 2.1. The Standards Committee last met in November 2017 and Members are therefore asked to consider the following updates on standards issues.

### **2.2. Standards Complaints**

2.2.1. Under the Localism Act 2011 the Monitoring Officer is responsible for standards matters and the Council must have a policy for considering complaints about Borough Members and Parish and Town Councillors within the Borough of West Devon. This report covers complaints received since the date of the last Standards Committee meeting in November 2017 to the end of February 2019.

2.2.2. During this period, the Council has received eleven formal standards complaints. One complaint referred to a Borough Councillor, three referred to Town Councillors and seven referred to Parish Councillors (4 of which were related complaints about the same Parish Council). The complaints alleged a range of breaches including treating others with disrespect, bullying, misuse of position, failure to declare an interest and bias.

2.2.3. In previous years, the Council received one standards complaint for the period April to November 2017, and three complaints were received in the previous calendar year.

2.2.4. The Standards sub-committee (three members of the Standards 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 since November 2017 as no complaints have been referred for investigation. The multiple complaints against several parish councillors in the same Parish Council were dealt with by way of informal resolution

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. A review of the 'Dealing with Standards Complaints' policy is a separate report on this Agenda.

2.3.2. The Deputy Monitoring Officers have not reported any issues with the application of the standards policy and procedures during the period November 2017 to date.

### **2.4. Dispensations**

- 2.4.1. The Standards Committee is responsible for granting dispensations under the Council's Dispensation Policy.
- 2.4.2. The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and new rules on dispensations as part of the new standards arrangements. It is a criminal offence for Members to fail to register a Disclosable Pecuniary Interest or to speak and/or vote where they have a Disclosable Pecuniary Interest unless they have obtained a dispensation.
- 2.4.3. The Dispensation Policy is attached at Appendix 1 and shows the criteria for determining dispensations together with the current dispensations that are extant; these are general dispensations relating to all West Devon Members.
- 2.4.4. As Members will note, the current dispensations were granted by the Standards Committee for the current Council term until the Council's Annual Meeting in May 2019, and the dispensations therefore need to be reconsidered prior to the May 2019 Annual Meeting.
- 2.4.5. In March 2015 this Committee granted a general dispensation to all members of West Devon Borough Council (until May 2019) to speak and vote where they would otherwise have a Disclosable Pecuniary Interest in the following matters:
- 2.4.5.1. Housing: where a Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the Member's particular tenancy or lease
  - 2.4.5.2. Statutory sick pay: if a Member receives this or is entitled to receive it
  - 2.4.5.3. An Allowance, travelling expense, payment or indemnity for Members
  - 2.4.5.4. Any ceremonial honour given to Members
  - 2.4.5.5. Setting the Council Tax or a Precept
- 2.4.6. In March 2015 this Committee also granted a General Dispensation to all dual-hatted Members of West Devon Borough Council until May 2019, to speak and vote on matters where they are a member of another local authority and in receipt of a Members' Allowance.
- 2.4.7. General Dispensations may be granted for a maximum of four years and the current dispensations expire at the Council's Annual Meeting in May 2019. The Standards Committee needs to reconsider the General Dispensations listed in paragraphs 2.4.5 and 2.4.6 above with a view to granting new Dispensations in the same terms, for the four-year term of the next Council i.e. from the Annual Meeting in May 2019 until the Annual Meeting in May 2023 in accordance with the criteria set out in Appendix 2.

## **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 Gleed and Mrs Victoria Spense. The Independent Persons are appointed for the term of the Council and will need to be reappointed at the Annual Meeting in May 2019.
- 2.5.2. The Committee is asked to discuss appointing two of the current South Hams Independent Persons in addition to the West Devon Independent Persons to cover instances where there are conflicts of interest or unavailability of the West Devon Independent Persons. Currently, both Councils have appointed three

Independent Persons but George Barnicott acts for both Councils already which means there would be 5 Independent Persons potentially available. There would be a financial implication of £1,000 for 2 additional Independent Persons per annum.

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

## 2.6. Training

2.6.1. Standards training for West Devon Parish & Town Councils was carried out in April 2018 which was well attended. The Training covered standards and code of conduct (including an interactive quiz and debate) together with an update on elections and co-option and a session on Registers of Interest.

2.6.2. There are mandatory standards training sessions scheduled in the West Devon Member Induction Programme for May and June 2019 following the election.

2.6.3. Further Parish Council training has been requested. 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.

## 3. Proposed Way Forward

3.1. The Annual Report provides a summary of the Standards Committee's responsibilities and the outcomes to date since the last scheduled Standards Committee in November 2017.

3.2. Members are asked:

3.2.1. To consider this Report and to make any necessary recommendations in order that the Committee can fulfil its responsibilities as set out in the Terms of Reference.

3.2.2. Consider appointing the South Hams Independent Persons as additional Independent Persons at West Devon Borough Council

3.2.3. To grant the General Dispensations set out in 2.4 of this report.

## 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</p>

		<p>councillors and to make any necessary recommendation in relation to those complaints.</p> <p>The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 introduced Disclosable Pecuniary Interests and rules on dispensations as part of the new standards arrangements and the Constitution delegates powers to the Standards Committee to grant dispensations.</p>
Financial	N	If the South Hams Independent Persons are also appointed to West Devon in order that there are up to 5 Independent Persons available for consultation, then there this will cost the Council an extra £1,000 per year.
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.
<b>Comprehensive Impact Assessment Implications</b>		
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