

Report to: **Standards Committee**

Date: **29 November 2016**

Title: **ANNUAL REPORT**

Portfolio Area: **Support Services**

Wards Affected: **All**

Relevant Scrutiny Committee: Internal

Urgent Decision: **N** Approval and clearance obtained: **N/A**

Date next steps can be taken: 29 November 2016

Author: **Catherine Bowen** Role: **Monitoring Officer**

Contact: Catherine.Bowen@swdevon.gov.uk

RECOMMENDATION

To consider the Annual Report to the Standards Committee and make any necessary recommendations.

1. Executive summary

- 1.1. At its meeting on 20 October 2015 the Standards Committee recommended to the Council that, with effect from the 2016/17 Municipal Year, there should be one scheduled Standards Committee each year subject to other meetings being called as required (minute SC8).
- 1.2. At the October 2015 meeting, the Standards Committee also recommended that the number of members of the Committee be reduced from nine to five members.
- 1.3. The Standards Committee last met on 15 March 2016, and this is the scheduled meeting of the Standards Committee for the municipal year 2016/17 and presents to members an Annual Report of the Standards Committee.
- 1.4. For members' reference, a copy of the Standards Committee's Terms of Reference is attached at Appendix 1.

2. Annual Report

2.1. The Standards Committee last met in March 2016 and Members are therefore asked to consider the following updates on standards.

2.2. Standards Complaints

2.2.1. The Council currently measures the annual number of standards complaints from 1 January in each year. In order to bring standards complaints in line with other reporting measures of the Council, it is proposed that, from 1 April 2017, complaints are logged on a yearly basis using the financial year from 1 April to 31 March. It is therefore proposed that the 2016 complaints include complaints from 1 January 2016 to 31 March 2017 in order to facilitate this.

2.2.2. From 1 January 2016 to date, the Council has received 3 formal standard complaints. One of the complaints related to a Borough Member and two to parish councillors. Two of this year's complaints have been completed with the outcome of no further action. The first complaint related to allegations of bringing the office of councillor into disrepute and the second comprised allegations that the councillor has failed to treat others with respect and bullying. After due consideration and assessment, and consultation with the Independent Person, the decision on both these matters was no further action. The third matter has only been received this month and is currently unresolved.

2.2.3. By way of comparison, five complaints were received in the previous calendar. The comparative figures for South Hams are since 1 January 2016 we have received 20 standards complaints, with 16 for the previous calendar year.

2.2.4. The Standards sub-committee (three members of the main 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 this year as none of the complaints have been referred for investigation.

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. The Committee reviewed the procedures for dealing with standards complaints in March 2016 and made some amendments to the policy primarily to ensure that the Chairman and Vice Chairmen are notified when standards complaints are received and at the assessment stage.

2.3.2. The Monitoring Officer has no issues with the application of the standards policy and procedures.

2.4. Dispensations

2.4.1. The Committee is responsible for granting dispensations under the Council's Dispensation Policy (please see paragraph 4.5 of the attached Terms of Reference in Appendix 1).

2.4.2. The Dispensation procedure is attached at Appendix 2 and shows the criteria for determining dispensation together with the current dispensations that are extant which are general dispensations relating to all members. These will be reviewed prior to the Annual Meeting in 2019.

2.5. Independent Persons

2.5.1. The Council has appointed three Independent Persons in accordance with relevant regulations and these are Mr George Barnicott, Mr Martin Gleed and Mrs Victoria Sense. The Independent Persons are appointed until the Annual Meeting in May 2019.

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

2.6. Training

2.6.1. Standards and Code of Conduct training for West Devon Members was carried out in May/June 2015 following the elections. The Committee may consider that further training for West Devon members is appropriate. One area that has been raised as an area of concern is the increase in the use of social media and members may wish to consider this further.

2.6.2. There is external specialist training for Independent Persons planned for February 2017 which has been offered to the three Independent Persons. In previous years the feedback from the Independent Persons is that this is extremely valuable and assists the Independent Persons with best practice.

2.6.3. Parish Council training was provided to town and parish councils in October this year but the length of the agenda meant that there was no facility for provide standards training. A further training session for standards will be organised in the New Year.

3. Proposed Way Forward

3.1. The Annual Report provides a summary of the Standards Committee's responsibilities and the outcomes to date from the beginning of the calendar year.

3.2. Members are asked to consider the report and to make any necessary recommendations in order that the Committee can fulfil its responsibilities as set out in the Terms of Reference.

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 councillors and to make any necessary recommendation in relation to those complaints.</p>
Financial	N	There are no direct financial implications to this Annual Report to the Standards Committee
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.
Comprehensive Impact Assessment Implications		
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