

Report to: **Standards Committee**

Date: **9 March 2021**

Title: **Annual Report 2020-21**

Portfolio Area: **CLr Chris Edmonds (Resources and Performance)**

Wards Affected: **All**

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

Date next steps can be taken:
(e.g. referral on of recommendation or implementation of substantive decision)

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Recommendations:

It is recommended that the Committee notes the contents of the Report.

1. Executive summary

- 1.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- 1.2 Although there is no legislative requirement for Standards Committees to produce an Annual Report, doing so is recognised as good practice. Not only does the report publicise the work of the Committee to the general public, it is also a means for the Council itself to monitor the Committee's work.
- 1.3 The Annual Report is for noting and provides information on the number and outcome complaints made during the current year together with any trends that have been identified. The report notes the progress on the Committee for Standards in Public Life's recommendation that there should be a model code of conduct for councillors, which is considered elsewhere on the agenda.

2. Annual Report

2.1 **The Standards Committee.** The Standards Committee is made up of 5 members. The current membership is as follows:

- Cllr T Bolton
- Cllr A F Leech (Chair)
- Cllr C R Musgrave
- Cllr B Ratcliffe
- Cllr J Yelland

2.2 **Independent Persons.** Under the Localism Act 2011, the Council is required to appoint one or more Independent Persons to assist in the standards process. The functions of the Independent Persons are:

- (a) To be consulted by the Council before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member; and
- (b) to be consulted by the Council in respect of a standards complaint at any other stage and they may be consulted by a Member or a co-opted member.

2.3 The Council shares its Independent Persons with South Hams District Council.

2.4 **Code of Conduct complaints.** The Monitoring Officer has been delegated by the Council to receive complaints that members of the Council or any town or parish council in the Council's area have failed to comply with their council's Code of Conduct. The Monitoring Officer has delegated power, after consultation with the Independent Person, if appropriate, to determine whether a complaint merits formal investigation. Wherever practicable, the Monitoring Officer seeks resolution of complaints without formal investigation. The Monitoring Officer has a discretion to refer the outcome of a formal investigation for a hearing where the complaint is serious or complex and it is considered to be in the public interest.

2.5 There have been 16 complaints in 2020/21. This compares with just 8 complaints in 2019/20. The bulk of those complaints were about Sampford Courtenay Parish Council (6) and Lamerton Parish Council (6). Of these 12 only in one was a breach found and an apology was given. The remainder were either rejected at informal assessment or warranted no further action following a formal assessment. In many instances this was because that it was evident that the complaint is about a decision of the Council with which the complainant disagreed. Using the standards regime to question an unpopular decision is, unfortunately, an emerging trend.

- 2.6 Not only have there been more complaints this year, but it has taken longer to resolve them due to competing priorities and vacancies. This resulted in Lamerton and Sampford Courtenay complaints being outsourced to Cornwall Council.
- 2.7 **Policy and Procedure.** The Council has an adopted policy and procedure for dealing with code of conduct complaints. The policy and procedure was last reviewed in 2019. The aim of the policy and procedure is to manage expectations as to what can and cannot be considered, while providing transparency as to how any complaint will be handled. Unfortunately, for the reasons explained in the previous paragraph, timescales for acknowledging and dealing with complaints have not always been met.
- 2.8 **Committee for Standards in Public Life (CSPL).** In its 2019 report [Local Government Ethical Standards](#) the CSPL reviewed the standards framework to see if it was conducive to promoting and maintaining the standards expected by the public. Having expressed concerns about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making, the CSPL made a number of recommendations. Most of the recommendations were made the responsibility of Government as they required legislative changes. The Local Government Association was recommended to create an updated model code of conduct and this has now been consulted upon and the final version published.
- 2.9 The CSPL made a number of best practice recommendations directed to local authorities in the expectation that they would implement them. The Council responded to a follow-up questionnaire from the CSPL in November 2020. This is appended to this report as Appendix A
- 2.9 **Training and development.** Training is an important part of promoting high standards of behaviour. However, due to the events of the past year no training has been carried out. Training was last delivered to all members of the Council in June 2019. Training would therefore be expected to take place in 2021/2022 and if a new code of conduct is adopted with effect from the Annual Meeting, this will be essential.

4. Proposed Way Forward

- 4.1 The Annual Report summarises the Committee's role and the events of 2020/21 relating to the standards of behaviour in local government and code of conduct complaints.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	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.
Financial implications to include reference to value for money	N	There are no financial implications arising from the report.
Risk	Y	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
Supporting Corporate Strategy	Y	Maintaining high standards of behaviour supports the proper delivery of all of the Council's functions and therefore the Corporate Strategy.
Climate Change - Carbon / Biodiversity Impact	N	There are no direct climate change, carbon or biodiversity impacts arising from this report.
Comprehensive Impact Assessment Implications		
Equality and Diversity	N	There are no direct equality and diversity implications arising from this report.
Safeguarding	N	There are no direct safeguarding implications arising from this report.
Community Safety, Crime and Disorder	N	There are no direct community safety, crime and disorder implications arising from this report.
Health, Safety and Wellbeing	N	There are no health, safety and wellbeing implications arising from this noting report.
Other implications		

Supporting Information

Appendices:

Appendix A – Progress in implementing best practice recommendations (Nov 2020).

Background Papers:

None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes/No
SLT Rep briefed/sign off	Yes/No
Relevant Heads of Practice sign off (draft)	Yes/No
Data protection issues considered	Yes
Accessibility checked	Yes