

## STANDARDS COMMITTEE

16 March 2023

### Present:-

Councillors M Asvachin, J Bailey, I Hall (Chair), L Samuel and C Slade

R Hodgins, A Mayes, R Saltmarsh

### Apologies:-

Councillors A Connett and P Maskell

Sir Simon Day, I Hipkin

### \* 32 Minutes

It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Asvachin, and **RESOLVED** that the minutes of the meeting held on 17 November 2022 be agreed as a correct record.

### \* 33 Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

### 34 Standards Annual Report 2022/2023

The Committee considered the Standards Annual Report for 2022/23 prepared in line with best practice commenting on work and developments during the year and on any issues for consideration or development in the future.

The Committee had met four times in 2022/23. Co-opted Members attended several other meetings of Committees to observe and monitor compliance with the Council's ethical governance framework.

Following on from the Committee's March 2022 meeting in which a revised Member's Code of Conduct was considered, the new Code was adopted by Council in May 2022.

Other matters considered by the Committee during the past year included Councillor Complaints Guidance, the Local Government (Disqualification) Act 2022, a review of the Government's response to the Committee on Standards in Public Life Review of Local Government Ethical Standards, an update on ongoing work regarding Councillors safety and reducing harassment, tackling abuse and intimidation, and reviewing ethical governance.

The Report also referred to the number of complaints that had been received over the last 12 months, the nature of the allegations and the outcome of each of those.

The Committee in the previous year had considered 7 complaints concerning alleged breaches of the Member's Code of Conduct, of which four were determined as no breach of the Code.

Looking ahead, much of the work of the Committee would be demand led. One of the main focuses would be the Governance Review which was expected to commence shortly and would cover several issues such as learning and development, decision making, and governance engagement.

The Committee acknowledged that the publication, independently, of an Annual Report by the Committee complemented and gave rigour to the Council's Annual Governance Statement which it was required to publish on an annual basis.

The Committee placed on record their thanks for the work of all Members and their input into many of the improvements in the Standards Processes.

**RESOLVED** that the Annual Report for 2022/23 be approved, published on the Council's website and promoted via Inside Devon.

\* **35**      **Ethical Governance Framework: Monitoring**

The Committee received the report of the Director of Legal and Democratic Services (LDS/23/5) summarising feedback from Co-opted Members of this Committee on their attendance at meetings of the Council, Cabinet and Committees since the previous meeting, monitoring compliance by Members and Officers with the Council's ethical governance framework.

A total of six meetings had been observed and most of the feedback was positive, although there were comments about audio problems; it was acknowledged that this had been raised and included the lack of hearing loops. Reassurance had been given there was ongoing work in this area to make improvements.

The Committee was pleased to note that there had been no areas of significant concern or any indication of actions or behaviours that might be felt to have resulted in a potential breach of the Code, acknowledging also that steps would continue to be taken to address practical and procedural matters in light of Member's comments arising from both this and the previous monitoring reports in future training sessions.

\* **36**      **Local Determination of Complaints**

The Director of Legal and Democratic Services reported that, since the last meeting, there had been no complaints concerning an alleged breach of the Members Code of Conduct.

\* **37**      **Committee on Standards in Public Life - Leading in Practice Review**

The Committee noted that the Committee on Standards in Public Life had undertaken a review of leadership across the public sector, as well as the private and third sectors.

The review focused on case studies regarding how ethical standards were upheld within organisations and examples of best practice.

The Committee on Standards in Public Life had published its Report in late January 2023 <https://www.gov.uk/government/news/the-committee-on-standards-in-public-life-publishes-new-report-leading-in-practice> and identified 20 questions for Leaders to help them reflect on whether there was more they could do to support their people to think about the Principles of Public Life and integrate them into all aspects of how their organisation operated.

**38**      **Exclusion of Press and Public**

It was **MOVED** by Councillor Hall, **SECONDED** by Councillor Slade and

**RESOLVED** that the press and public be excluded from the meeting for the following items of business under Section 100(A)(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 and 2 of Schedule 12A of the Act namely, information relating to an individual and information likely to reveal the identity of an individual and in accordance with Section 36 of the Freedom of Information Act 2000, by virtue of the fact that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**39**      **Allegation of Breach of Members Code of Conduct**

The Committee considered the Report into a complaint received relating to alleged breaches of the Members' Code of Conduct by Councillor Atkinson (the Subject Member).

The covering Report of the Assistant Director of Legal Services included the background on actions to date including receipt of the complaint, consultation with the Independent Person, the views of the Assessment Sub Committee and the decision of the Assessment Sub Committee to undertake a formal investigation.

The Director of Legal and Democratic Services and Monitoring Officer stressed the importance of the Committee in thoroughly considering the issues before reaching its own conclusion as to whether there had been a breach of the Members' Code of Conduct. The Report also encompassed the views of the Independent Person following his consideration of the Investigator's Report.

The Monitoring Officer further reminded the Committee of its role and remit which was to determine, in light of the Investigator's Report, whether the Code of Conduct had been breached. If the Committee found there was no breach, then there would be no further action, but if the Committee agreed there had been a breach, then it needed to determine what sanctions, if any, should be applied to the Subject Member.

She further outlined the requirements of the law in terms of the Localism Act and declaration of interests.

The Assistant Director of Legal Services summarised the key and salient points of the complaint (covering nine allegations) and the investigation process including the involvement of the Police and CPS, due to the requirements of the Localism Act.

It was highlighted that the Subject Member had been advised on the requirements of Member's Register of Interests.

There was discussion and questions from Members which included the length of time involved in finalising the investigation, concerns about the understanding of parties involved, querying the public interest test in the process, potential confusion from Members regarding the Register of Interests form, , acknowledgement of the advice given to the Subject Member and length of time given to redress the matter, further training and that help and support for all Councillors covering the Members' Code of Conduct requirements would be provided shortly.

In considering allegation one, the Committee **RESOLVED** there had been a breach of the Members' Code of Conduct under paragraph 1.3 (f) (declaring private interests, whether disclosable or personal that relate to public duties) and paragraphs 6 and 6.1 in Part 2 of the Code (provide written notification to the Monitoring Officer of any disclosable pecuniary interest as defined by the Regulations).

*(in accordance with Standing Order 32(4) Councillor Bailey requested that her vote against the motion be recorded)*

*(in line with the Procedure agreed under Standards Minute \*18, Mrs Mayes, Mr Saltmarsh and Mr Hipkin showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes)*

The Committee then considered allegations 2-9 and **RESOLVED** unanimously there were no further breaches of the Members Code of Conduct.

*(in line with the Procedure agreed under Standards Minute \*18, Mrs Mayes, Mr Saltmarsh and Mr Hipkin showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes)*

The Committee then determined what sanctions, if any, should be applied to the Subject Member.

The sanctions available were to require the Subject Member to issue a formal, public apology, recommend that the Committee issue some form of public censure of the Subject Member, recommend to the appropriate Group Leader that the Subject Member be removed from any or all Committee / Sub Committees and outside bodies, exclude or restrict the Subject Member's access to some or all County Council premises, instruct the Monitoring Officer to arrange training, remove the Subject Member from all outside bodies appointed to or nominated to by the Council; and / or withdraw facilities (e.g. computer access). The Committee could also direct the Subject Member to update her Register of Interests.

The Committee considered each of the sanctions available to them, in turn, and agreed the following.

**RESOLVED:**

- that the Subject Member be required to issue a formal apology to the Council;
- that the Monitoring Officer be asked to arrange and / or provide relevant training to the Subject Member; and
- that the Subject Member be requested to update her Register of Interests with immediate effect.

*(in accordance with Standing Order 32(4) Councillor Bailey requested that her vote against the motion be recorded)*

*(in line with the Procedure agreed under Standards Minute \*18, Mrs Mayes, Mr Saltmarsh and Mr Hipkin showed their support for the approved resolution. In line with that procedure, their views are recorded in the minutes)*

**NOTES:**

1. Minutes should always be read in association with any Reports for a complete record.
2. If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting

**\* DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.23 pm