

Phil Norrey
Chief Executive

To: The Chairman and Members of
the Standards Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 17 March 2017
Please ask for : Rob Hooper 01392 382300

Email: rob.hooper@devon.gov.uk

STANDARDS COMMITTEE

Monday, 27th March, 2017

A meeting of the Standards Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART I - OPEN COMMITTEE

1 Apologies for absence

2 Minutes

Minutes of the meeting of the Committee held on 7 November 2016.

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as a matter of urgency.

STANDING ITEMS

4 Standards Committee Annual Report 2016/17 (Pages 1 - 2)

In line with best practice the Committee has previously produced an Annual Report outlining the range of its activities and related developments during the year and identifying any issues for consideration or that might impact upon future arrangements. The draft Annual Report for 2016/17 submitted for endorsement and publication is attached .

The publication, independently, of an Annual Report by this Committee complements and gives rigour to the Council's Annual Governance Statement which it is required to publish separately on an annual basis.

Recommendation: that the Annual Report for 2016/17 be approved and published.

Electoral Divisions(s): All Divisions

5 Ethical Governance Framework: Monitoring

Report of the County Solicitor (CS/17/9) on co-opted members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework, attached.

MATTERS FOR INFORMATION

6 County Council Elections: Member Induction and Training

The County Council has always prided itself on delivering quality induction programmes and on-going training, for both new and returning members, as demonstrated by its having twice obtained Charter Plus Designation for Member Development. For 2017, an induction programme is being developed based on the previous experiences of Members and Officers and best practice across the County, while reflecting the changes to the organisational structure and operating principles of the Council.

The proposed induction programme is considered key in ensuring that both new and returning Members are provided with the skills and knowledge they need to quickly settle into their roles in an ever changing environment. The programme of events encompasses a range of activities and learning needs at both strategic and practical level, and will provide an overview of the Council's activities and how it fits within the Strategic Plan, give an insight into the various roles of a councillor and guidance and advice on the specific knowledge required to enable them to carry out their duties.

The training will also provide a wide range of advice on ethical governance and standards issues, including the Principles of Public Life, Codes of Conduct, Registers of Interests, Dispensations, Complaints, Procedural and Financial Rules and Equality Matters.

The training will, in the main, be delivered in house with minimal direct costs, with input from officers at all levels although joint training will be provided with or by partners where appropriate. A provisional Induction Programme is already available on the Council's 'Election' webpages to allow potential candidates to see for themselves the range of skills and knowledge required, at <https://new.devon.gov.uk/democracy/elections-and-voting/elections-2017/member-induction-2017/>, a copy of which has been circulated to Committee Members separately. As before co-opted members are free to attend any of the inductions sessions and any comments they may have on the programme would be appreciated.

7 Local Determination of Complaints

County Solicitor to report on complaints or allegations of a breach of the Council's Members' Code of Conduct received since the last meeting, if any.

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED

Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s).

Members are also reminded of the need to dispose of such reports carefully and are therefore urged to return them to the Committee Secretary at the conclusion of the meeting for disposal

Membership**County Councillors**

Councillors A Moulding (Chairman), C Chugg, P Colthorpe, A Connett, G Gribble, R Hill and J Mathews

Co-opted Member

S Day, R Hodgins, A Mayes and R Saltmarsh

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Rob Hooper 01392 382300.

Agenda and minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores..

Webcasting, Recording or Reporting of Meetings and Proceedings

The proceedings of this meeting may be recorded for broadcasting live on the internet via the 'Democracy Centre' on the County Council's website. The whole of the meeting may be broadcast apart from any confidential items which may need to be considered in the absence of the press and public. For more information go to: <http://www.devoncc.public-i.tv/core/>

In addition, anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use Facebook and Twitter or other forms of social media to report on proceedings at this meeting. An open, publicly available Wi-Fi network (i.e. DCC) is normally available for meetings held in the Committee Suite at County Hall. For information on Wi-Fi availability at other locations, please contact the Officer identified above.

Public Participation

Any member of the public resident in the administrative area of the County of Devon may ask the Chairman a question upon a matter which, in every case, relates to the functions of the Council. Questions must be sent to the Democratic Services and Scrutiny Secretariat (committee@devon.gov.uk) by 12 noon on the fourth working day before the date of the meeting. For further information please contact Rob Hooper 01392 382300.

Emergencies

In the event of the fire alarm sounding leave the building immediately by the nearest available exit, following the fire exit signs. If doors fail to unlock press the Green break glass next to the door. Do not stop to collect personal belongings, do not use the lifts, do not re-enter the building until told to do so.

Mobile Phones

Please switch off all mobile phones before entering the Committee Room or Council Chamber

If you need a copy of this Agenda and/or a Report in another format (e.g. large print, audio tape, Braille or other languages), please contact the Information Centre on 01392 380101 or email to: centre@devon.gov.uk or write to the Democratic and Scrutiny Secretariat at County Hall, Exeter, EX2 4QD.



Induction loop system available



The Standards Committee

2016/17

believes that attainment of high ethical standards is an essential element of the

work of any public body and the transparent robust application of those in public service is particularly important. This summary report shows not only how the Committee has undertaken those tasks during the previous 12 months but how it continues to contribute to and offer the necessary direction to shape the governance culture and ethos of the organisation.

The County Council's Standards Committee comprises eleven persons, four of whom are co-opted, with the other seven members being Councillors (but not who represent the membership of the County Council Members of this Committee work together to promote high standards of behaviour and systems of create a climate where complaints or problems rarely Chairmanship of this Committee is held automatically the County Council recognising the traditional role. The County Council has long recognised the by an independent voice on its Standards Committee. about the Committee and its terms of reference, also Council's Constitution, can be seen on the Council's

Standards Committee Members:

County Councillors:

Andrew Moulding (Chairman)

Caroline Chugg

Polly Colthorpe

Alan Connett

George Gribble

Roy Hill

John Mathews

Co-opted Members:

Anne Mayes

Ruth Saltmarsh

Ray Hodgins

Sir Simon Day

Cabinet Members) as a whole. the importance of governance and to arise. The by the Chairman of impartiality of that added value brought More information set out in the website at:

<https://new.devon.gov.uk/democracy/councillor/committee/standards/>

The Committee met 3 times in 2016/17 and, in addition, co-opted Members attended a further 18 meetings of the Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework. While a number of practical observations were made about speaking, use of microphones, identification, use of nameplates and punctuality, no specific actions or behaviours were observed which might have resulted in a breach of the code or might warrant further action but steps were taken to address any practical or procedural matters identified.

The Standards Committee acts as champion and guardian of the County Council's ethical standards and is responsible for promoting and maintaining high standards of conduct by elected members and co-opted members of the Council. Article 3 of the Council's Constitution makes it clear that any member of the public may complain to the Monitoring Officer about an alleged breach of the Members' Code of Conduct which is

set out in Part 6 of the County Council's Constitution available on the Council's website at: http://www.devon.gov.uk/index/your_council/decision_making/constitution.htm.

The Council has put in place arrangements for dealing with complaints against Members and deal with any allegations that Members may have breached the Code. The Council has also appointed 'Independent Persons' one of whom has to be consulted upon and their views taken into account before reaching a decision about any allegation. More information about the Council's processes, the Code of Conduct and the complaints process can be found on the County Council's website at:

http://www.devon.gov.uk/index/councildemocracy/county_councillors/councillorcomplaints.htm

A total of 5 complaints were received under the Members Code of Conduct alleging breaches of the code relating variously to councillors not acting in the public interest, declaring relevant interests, failing to treat others with respect, exercising undue influence, bullying or intimidation, misuse of power or authority and bringing their office or the Council into disrepute.

Following an initial assessment of each complaint involving an Independent Person appointed by the Council, as appropriate, no further action was taken on any of the complaints on the basis that either there had been no material breach of the code that would warrant further investigation or the allegations would not constitute a breach of the Code of Conduct and could not therefore be investigated.*

*[*One complaint was felt to have warranted further investigation but it was subsequently withdrawn and while the Monitoring Officer may continue with an investigation if it was felt to be in the public interest to do so- that was not deemed necessary in this instance although the subject member was spoken to about the allegations by way of a form of local settlement.]*

There were, therefore, no cases where a formal investigation or formal hearing of the Committee was required.

Agenda Item 4

No dispensations were granted to any individual Member of the Council to allow him/her to speak and vote on any matter before the Council or a Committee but a general dispensation was issued for all Members in receipt of a state pension to permit them to discuss matters of a general nature relating thereto

The Committee also monitors the operation of the Council's feedback and complaints processes and continues to receive reports on compliments, representations and complaints received under the revised corporate feedback system. While acknowledging there was always room for improvement, the highly satisfactory results of that monitoring were again commendable. While the general trend for the number of complaints appeared to be inexorably upwards, this was felt to be as much a reflection of general societal attitude and expectations and the positive work

being undertaken by the Council to encourage feedback from members of the public rather than an increase in wrongdoing or failure of performance. It was pleasing to note that, conversely, the number of compliments received across service areas also increase over the previous year.

The Committee acknowledged that no procedural issues had been raised by the Local Government Ombudsman following complaints made to her or of any question of probity by elected members or officers. While the number of complaints to the Ombudsman had increased – partly due to a revised reporting methodology and national awareness campaigns – the percentage of such complaints which had been upheld or which injustice or fault was identified (12%) compared favourably to the previous year (17%)

It was hoped that 2017/18 would see progress within the publication of legislation for the creation of a single Ombudsman for Public Services and greater clarity around how that would work and impact upon Council's in particular.

Looking Ahead: While the work of the Committee is demand led, it will continue to monitor elected members performance at meetings of the Council, Cabinet and Committees and adherence to the Council's ethical governance framework; to monitor and receive reports on compliments, representations and complaints received under the corporate feedback system; to monitor and consider any feedback arising from complaints to the Ombudsman and any issues raised by her about complaints handling and to identify and support provision of regular training and refresher events for elected members of the Council (particularly on the importance of the Code of Conduct and high standards of ethics and probity). The main issue for 2017/18 will be in ensuring that the new Council is conversant with the Council's governance framework, it's interpretation and application of the Code of Conduct and the Council's own working practices to ensure compliance therewith. A [third] ethical governance audit and self-assessment survey of County Councillors and Officers is planned for the end of the first year of office of the new Council – to gauge both the understanding of any newly elected Members and the effectiveness of Induction Training and Member Development provided after the 2017 elections.

During 2016/17 the Monitoring Officer held a number of 'open house' sessions for Members prior to each County Council meeting to allow Members to raise and discuss issues around ethical governance including:

- speaking at meetings*
- Members' Interests & Conduct*
- availability of Information to Members*
- representing the Council on other bodies*

Finally, the Committee would wish to record its appreciation to Mr Vincent Sullivan for his contribution to the work of the Committee; Mr Sullivan having stood down in November for personal reasons.

The Agenda and minutes of this Committee together with any Officers' Reports considered at the meeting are published online on the Council's Website at <http://www.devon.gov.uk/cma.htm>

Prepared by Devon County Council's Monitoring Officer

Copies of this Report may be obtained from the Democratic Services & Scrutiny Secretariat at County Hall, Topsham Road, Exeter, Devon, EX2 4QD or by ringing 0845 155 1015 and is also available on the County Council's website at: <https://new.devon.gov.uk/democracy/councillor/committee/standards/>

Agenda Item 5

CS/17/9
Standards Committee
27 March 2017

ETHICAL GOVERNANCE FRAMEWORK MONITORING

Report of the County Solicitor

Recommendation: that the report be noted.

1. The Standards Committee agreed previously that the independent, co-opted, members of the Committee should attend meetings of the Council, the Cabinet and Committees on an ad-hoc basis to observe and monitor compliance with the Council's ethical governance framework, in line with the agreed protocol.
2. Members have, since the report to the previous meeting, attended the following meetings and their views/feedback are summarised below.

Meeting		Co-opted Member/Observer
South Hams HATOC	11 November 2016	Mrs Mayes
Exeter HATOC	14 November 2016	Mr Hodgins
East Devon HATOC	30 November 2016	Mrs Saltmarsh
Devon Education Forum	16 January 2017	Mrs Saltmarsh
Exeter HATOC	17 January 2017	Mrs Mayes
SACRE	8 February 2017	Mrs Saltmarsh
Cabinet	8 March 2017	Mrs Mayes

3. The following table summarises feedback received from Members on a number of general issues common to all meetings

Observations:	1 = Very Poor and 5 = Very Good				
	1	2	3	4	5
Punctuality and Attendance of Members				✓✓✓✓	✓✓✓
Appearance and presentation				✓✓	✓✓✓✓✓
Speeches: clear, relevant, understandable, audio levels, use of microphones etc.,			✓✓✓	✓✓✓	✓
Use of appropriate language				✓✓✓	✓✓✓✓
Members' Conduct & Behaviour		✓		✓✓✓✓✓✓	
Clear identification and declaration of interests (<i>where so declared</i>)				✓	✓✓✓✓
Effective Chairmanship/conduct of meeting			✓✓	✓	✓✓✓✓
Adherence to Agenda				✓✓✓	✓✓✓✓

Agenda Item 5

Listening and responding to advice (from Officers)				✓	✓✓✓✓✓
--	--	--	--	---	-------

4. While there were a number of other issues raised by co-opted members in their observations, as set out below, there were no reports of any specific actions or behaviors that might be felt to have resulted in a potential breach of the Code or warranted further action

5. Specific observations by the independent co- opted members were:
 - continuing instances of members having 'separate conversations' or making 'asides' during debates which are not only discourteous to speakers but reflect poorly on the conduct of the meeting, particularly when meetings are webcast – the chair should be more pro-active in advising members to cease and desist!;
 - the same need for courtesy to be shown by any Councillors attending meetings 'under standing orders' and sitting at the back of the room .. to similarly desist from holding private conversations and/or noisily using their smartphones or tablets devices ... thereby distracting or preventing any public attending from hearing what was being said in the meeting proper; moreover any persons viewing a webcast may not differentiate between members of the Committee itself and such other members;
 - while generally meetings were conducted in a very professional, focused manner there was one instance of a 'Chairman' not being firm enough ... either in relation to the contributions of members of the Committee and in 'managing' the debates and dealing with interjections from the public attending ... which led to a very confused and confusing meeting; this example will be used in future training/induction for members;
 - a number of other contentious meetings were observed - which were well chaired - and while adequate opportunity was provided for those present to speak and contribute - irrespective of the outcomes – the obvious frustrations felt by a number of interested parties might possibly have been overcome by with earlier communication and explanation of the proposal considered at the meeting(s);
 - Officers' written reports and presentations were clear and concise;
 - in some cases (due to the venue used) microphones were not available and, again, in some cases nameplates were not available/used either - which does not aid the understanding of those public present: Democratic Services Officers will be reminded strongly of the need for the latter to be provided and used at all public meetings;
 - Members and Officers should avoid the use of first or given names (of other Members and/or Officers) when speaking at or addressing or referring to each other at meetings: this is not good practice and may create – for members of the public at the meeting - an impression of over-familiarity;
 - Members must also refrain from using any inappropriate or uncivil language - no matter how mild or inoffensive it may be regarded by today's standards and/or common usage;
 - finally, and perhaps inevitably, as the County Council elections approach a degree of 'demob' fever seems to have infected some members .. albeit not necessarily a bad thing as it has also meant meetings have been conducted in a less febrile atmosphere!

6. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements relating to the conduct of meetings, to safeguard the Council's position.

JAN SHADBOLT

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: R Hooper

Tel No: 01392 382300 Room: G31

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
-------------------------	-------------	-----------------------

Nil