

## STANDARDS COMMITTEE

22 March 2022

### Present:-

Councillors M Asvachin, A Connett, I Hipkin, A Mayes, R Saltmarsh, L Samuel, C Slade and J Trail BEM (Chair)

### Apologies:-

Councillors J Bailey, R Hodgins and P Maskell

#### \* 12 **Minutes**

It was **MOVED** by Councillor Connett and **SECONDED** by Councillor Slade, and;

**RESOLVED** that the minutes of the meeting held on 4 November 2021 be agreed as a correct record.

#### \* 13 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

#### \* 14 **Streamlining of Councillor Complaints Process**

The Committee considered the Report of the County Solicitor (Interim) (CSO/22/7) which proposed a streamlining of the current Councillor Complaints Guidance.

Members noted that the Council had received the LGA Guidance on Complaints Handling which had been produced in relation to the LGA Model Code of Conduct (available at <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>).

Whilst the Standards Committee had previously agreed this Council would not adopt the LGA Model Code, the Guidance on Complaints Handling had been reviewed to ensure current processes were fit for purpose. The consensus was that the current guidance was fit for purpose, but that the current guidance be streamlined to make it easier to navigate. The Guidance on Complaints Handling was a helpful source of information for practitioners, but the level of detail would be inappropriate for a step by step process guide.

The Committee noted there had been no new elements added or previous aspects removed. The revisions had been proposed to streamline the content,

make it more accessible and ensure it could be easily navigated on the website. The changes included:

- adjusting the chronological sequence of events to make it clear that any criminal allegations or offences under the Localism Act may be passed to the Director of Public Prosecutions at the outset of the process.
- clarificatory changes to the criteria where the complaint would not usually progress beyond the initial assessment stage and clarifying that the preliminary assessment was carried out by the Monitoring Officer or their designated Deputy.
- embedded links had been inserted to an explanation of what was meant by 'public interest' and that this was previously located in a separate document; now, it had been moved to Appendix 1 of the guide.
- the Assessment Criteria, which was an essential component of Part 5 "*What happens to my complaint – how is it processed and dealt with?*" had been moved from Part 12 to a new Appendix 2 with appropriate cross references in Section 5.

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

**RESOLVED** that the revised wording for the Member complaints process be endorsed for publication on the website.

## 15 **New Devon County Council Code of Conduct**

The Committee considered the Report of the County Solicitor (Interim) (CSO/22/3) which outlining a proposed new Code of Conduct for adoption by the Council.

On the 4<sup>th</sup> November 2021, the Standards Committee had discussed the Report of the former County Solicitor which had analysed the content of the Local Government Association Model Code of Conduct and produced a comparison against the Council's current own Code of Conduct.

Member felt that whilst the Council's Code was robust and had been updated over the last two years in line with national best practice and therefore covered most elements (and in some case more) than the Local Government Association Model Code, there had been some suggested additions to the Council's Code.

The proposed new Code of Conduct had therefore been drafted based on discussion, debate and decision at that meeting. The proposed new Code included all those additional elements requested by the Committee and aimed to strengthen the current Code by inclusion and consideration of issues such as introductory statements, clearer definitions, application of the Code, social media, strengthening harassment definitions, gifts and hospitality and compliance with the Code and sanctions as well as declarations of interests.

The new Code was intended to strengthen both Governance arrangements and the application of the Code.

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

**RESOLVED** that the revised Code of Conduct be endorsed, and its adoption recommended to the Council.

\* **16**      **Standards Committee Annual Report for 2021/22**

The Committee considered propose Standards Committee Annual Report for 2021/22 prepared in line with best practice commenting on its work and developments during the year and on any issues for consideration or development in the future.

The Committee had met three times in 2021/22. Co-opted Members attended several other meetings of Committees to observe and monitor compliance with the Council's ethical governance framework. Due to the ongoing impact of the COVID pandemic and the need to maintain social distancing in meeting spaces and the limitations of the room sizes, Co-opted Members attended those meetings remotely.

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 the LGA Guidance on Member Model Code of Conduct Complaints Handling and as a result would consider changes to streamline the current complaints process.

It had also reviewed the Local Government & Social Care Ombudsman Complaints Annual Review Letter for 2020/21.

The Annual Report also referred to the third Ethical Governance Survey which had been conducted between 27 August 2019 and 20th September 2019 and noted the fourth was due to take place in 2022.

The Report also referred to the proposed new LGA Model Code of Conduct Model Code of Conduct, finally received late Summer (including guidance and amendments). The Committee had analysed the content of the Local Government Association Model Code of Conduct and produced a comparison against the Council's current Code of Conduct and suggested some additions to the Council's Code. The Council would be asked to consider and adopt the new Code in May 2022.

Looking ahead, much of the work of the Committee would be demand led. However, it would continue to monitor elected Members' performance at meetings; to monitor reports on compliments, representations and complaints and consider any feedback arising from complaints to the Ombudsman. It

would also 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 largest change anticipated for 2022 would be the Council being asked to consider and adopt a New Code of Conduct, as referred to above.

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 2021/22 be approved, published on the Council's website and promoted via Inside Devon.

\* **17**      **Ethical Governance Framework: Monitoring**

The Committee received the report of the County Solicitor ([CSO/22/8](#)) 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.

The Committee were 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.

The Chair thanked the Co-opted Members for attending meetings in their monitoring capacity and providing feedback to the Council.

\* **18**      **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, eleven complaints concerning an alleged breach of the Members Code of Conduct had been received.

These related to a number of issues, including a persistent complaint (issues raised twice), parking issues, inappropriate comments, alleged data breach and not responding to emails and / or correspondence.

Following an initial assessment of the complaints and consultation with an Independent Person appointed by the Council it had been agreed that the persistent complaint be rejected, the complaint regarding parking had been

assessed as no breach, the alleged data breach was not found to be the case but in the case of the inappropriate comment at a meeting a swift apology had been made.

There had been no breach of the code of relation to alleged tardy responses to emails and correspondence and the last case to be settled related to comments made at a Council meeting by Councillor Channon where a breach of the Code had been established but an apology made to the Chair of the Council and the recipient of the comments made by Councillor Channon.

There were three open cases yet to be considered.

**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 2.42 pm