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To: The Chair and Members
of the Standards
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

Date: 9 November 2022

Contact: Julia Jones

Email: julia.e.jones@devon.gov.uk

STANDARDS COMMITTEE

Thursday, 17th November, 2022

A meeting of the Standards Committee is to be held on the above date at 2.15 pm at Virtual meeting via Microsoft Teams to consider the following matters.

Jan Spicer
Interim 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 July 2022 previously circulated.

3 Items Requiring Urgent Attention

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

STANDING ITEMS

4 Ethical Governance Framework: Monitoring (To Follow)

Report of the County Solicitor ([CSO/20/17](#)) on co-opted members' attendance at meetings of the Council, Cabinet and Committee meetings, monitoring compliance with the Council's ethical governance framework.

MATTERS FOR INFORMATION

5 **Ministerial response - Local Government Disqualification Act (Pages 1 - 2)**

To receive the response from the Minister of State at Department for Levelling Up, Housing and Communities in response to the Council's letter about the Local Government (Disqualification) Act 2022 (attached).

Members will recall that the Committee considered a report about the updated disqualification criteria for local authority members at its last meeting where the changes were welcomed. However, concerns were raised these did not apply to Police and Crime Commissioners and Members of Parliament and it was agreed to write to Government asking for this to be considered.

The Committee is invited to consider the response.

6 **Standards in Public Life: Update on Councillors safety, work on reducing harassment, abuse and intimidation (Pages 3 - 6)**

Report of the Director of Legal and Democratic Services ([CSO/22/18](#)) on councillors' safety and work to reduce harassment, abuse and intimidation (attached).

The Committee is asked to consider the report and make any further recommendations as felt necessary and to note the ongoing work.

7 **Ethical Governance Survey 2022 - Outcomes and Results (Pages 7 - 12)**

Report of the County Solicitor ([CSO/22/19](#)) outlining the Ethical Governance Survey and Self-Assessment of Councillors and Officers for 2022 and the results generated.

8 **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

NIL

Members are reminded that Part II Reports contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). They need to be disposed of carefully and should be returned to the Democratic Services Officer at the conclusion of the meeting for disposal.

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Induction Loop available



Agenda Item 5



Department for Levelling Up,
Housing & Communities

Ian Hall
Devon County Council
Chief Executive's Directorate County Hall
Topsham Road
Exeter
Devon EX2 4QD

Paul Scully MP

*Minister of State at the Department for Levelling Up,
Housing and Communities and Minister for London*

**Department for Levelling Up, Housing and
Communities**

Fry Building
2 Marsham Street
London
SW1P 4DF

www.gov.uk/dluhc

Our Ref:19815416

3 August 2022

Dear Ian,

Thank you for your letter of 18 July, to Rt Hon Greg Clark MP about the Local Government (Disqualification) Act 2022. I have been asked to reply as this matter falls within my ministerial responsibilities.

I am pleased to hear that Devon County Council's Standards Committee has welcomed the new provisions to disqualify registered sex offenders from local government that we introduced via the Local Government (Disqualification) Act 2022 ('the Act').

We have taken steps to bring disqualification criteria into line with both modern sentencing practice and the values and high standards of behaviours the electorate have a right to expect of the elected members that represent them. The government considers there should be consequences where councillors, mayors and London Assembly members fall short of the behaviour expected in an inclusive and tolerant society.

The provisions of the Act do not extend to other elected members such as Police & Crime Commissioners (PCCs) or Members of Parliament (MPs). Standards and conduct for MPs and PCCs are governed under separate regimes with their own mechanisms to disqualify or sanction against unacceptable behaviour. For example, MPs can be recalled under certain circumstances if at least 10% of the constituency electorate sign a petition. There are no plans to review policy for MPs at this time.

The disqualification rules for PCCs are generally stricter than for councillors and mayors. For example, a person cannot be a PCCs if they have ever been convicted of an imprisonable offence, even if they did not receive a custodial sentence, suspended or otherwise. The government has launched Part Two of its review into the role of PCCs, details are online at: <https://www.gov.uk/government/publications/part-2-of-the-police-and-crime-commissioner-review>.

Thank you for taking the time to share your concerns.

Yours sincerely,

PAUL SCULLY MP
Page 1

Standards in Public Life: Update on Councillors safety, Work on reducing harassment, abuse and intimidation

Report of the Director of Legal and Democratic Services

Recommendation

That the Committee be asked to consider the report and make any further recommendations as felt necessary and to note the ongoing work.

Summary

1. Following a discussion at the last Standards Committee meeting regarding the response by the Government to proposals by the Committee on Standards in Public Life, in which concerns were raised about an increase in abuse and intimidation experienced by Councillors, it was agreed to bring back a report to the meeting to discuss the matter further.

Introduction and Background

2. Members may recall a Report by the Committee on Standards in Public Life about Local Government Ethical Standards, published in 2019. This had resulted in several recommendations which the Council had reacted to and actioned, including revised guidance around bullying and harassment and inclusion in the Code.
3. A number of those recommendations were for Government action and required primary legislative changes. One of these related to the public disclosure of home addresses. The response of Government was that this issue had been raised during work on intimidation in public life, and that Government had already taken forward several steps and is open to further steps to help prevent intimidation. It further stated: 'Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest.'
4. This issue and other relating factors relating to reported increases in abuse and intimidation experienced by Councillors was discussed at the last Standards Committee meeting. It had been agreed to bring back a report for discussion by the Committee.

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Changes made and current work

5. Following the review by the Committee on Standards in Public Life, the Council amended the Members Code of Conduct to further help members being able to undertake their role without intimidation, abuse, bullying or threatening behaviour from anyone, including the general public. This guidance aims to encourage good conduct and assist members in modelling the behaviour that is expected, to provide check and balance. [Constitution - Part 6a Code of Personal Conduct Members Code of Conduct.pdf \(devon.gov.uk\)](#). It has been good practice for a number of years that an annual review of the Code will be undertaken by the Standards Committee.
6. Guidance from the Local Government Association about handling intimidation with practical steps that Members and the Council can take has also been published on the Members Sharepoint Site [Members' Area - Handling intimidation \(Local Government Association\).pdf - All Documents \(sharepoint.com\)](#)
7. A discussion took place at the last Committee meeting around the public disclosure of member addresses and within this, concerns about abuse and intimidation experiences by Members. Following this, a Report about the publication of Councillors' homes addresses was brought for consideration to the Procedures Committee in September.
8. The Procedures Committee resolved that publication of home addresses on individual profile pages was a choice for individual Members, notwithstanding the current legislative position that the register of interests must include a home address unless the Member concerned and Monitoring Officer deem this to be a 'sensitive interest'.
9. All Members have now been contacted to ask if they would like to change the address on their profile pages and to remind them, they can do this in future. A few Councillors have already asked for this change and it has been implemented.
10. The Member Development Steering Group considered the issue of Personal Safety of Councillors at their last meeting on 29 September and suggested that the next Member Wellbeing Survey include a question to members for views about their safety concerns. The Wellbeing Survey will be circulated to members at the end of November.
11. Further steps being taken include notifications and communications regarding any briefing or training events around safety, harassment and related issues taking place which members can attend. These are added on the Members Sharepoint site and advertised through the Members Bulletins such as with a forthcoming LGA event on Personal Safety for Councillors taking place on 7 December. [Training and Development \(sharepoint.com\)](#).

Summary and Conclusion

12. The Council has taken a number of practical steps to address the issue of abuse and intimidation of Councillors, notwithstanding the legislative limitations in some areas. However, Members are asked to consider if there are other areas of support that the Council could assist with.

MARIA PRICE

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: Julia Jones (email: Julia.e.jones@devon.gov.uk)

Tel No: 01392 380547 Room: G31

<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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As listed in the report

ETHICAL GOVERNANCE SURVEY RESULTS

Report of the Director of Legal and Democratic Services

Recommendations

(a) that the Standards Committee consider the responses to the Ethical Governance Survey and its implications for the improvement of the Council's ethical or corporate governance frameworks, if any;

(b) that the Standards Committee consider the issues and suggestions referred to in paragraphs 4 to 14 and that those issues and suggestions should be explored at future refresher briefings;

(c) that the Monitoring Officer be asked to continue to provide regular refresher briefings on the Council's Ethical Governance Framework as appropriate; and

(d) that a further self-assessment survey be undertaken by Members, the Leadership Group, Heads of Service and their direct Reports at a time when the Committee thinks appropriate (before election?)

Introduction

1. Ethical governance refers to the processes, procedures, cultures and values which ensure high standards of behaviour. Those relate to the principles which underpin the way Members and Officers interact with each other and others, how they conduct themselves and how they act out those values as part of their day-to-day functions in public life. How this is perceived by colleagues, the public and the media all impact on Members' and Officers' ability to represent Local Government and the communities they serve.
2. The Council last tested its approach to ethical governance, the code of conduct and compliance with ethical standards in 2019.
3. Between 25th August 2022 and 5th October 2022, responses were collected via an online multiple-choice survey from Members, the Leadership Group, and Heads of Service.

Commentary on the Responses

4. There was a total of 46 responses to the survey, of which 32 were Councillors and 14 Officers, and overall, the response rate was about 60-65% which is a similar figure to the response at the last survey in 2014. More than half of the total number of members responded (about 53%) which is slight improvement on figures from last time. The survey was also emailed to the Leadership Group and their Heads of Service to respond. It doesn't appear that any other officers, outside of Directors or Service Heads, filled in the survey. This might be something the Committee wish to address for the next survey.
5. A detailed summary of responses is contained within the Appendix.

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6. Asked about engagement with democracy and the local community (question 3 in the survey), nearly 74% of respondents felt the Council made information easily available about matters considered by the Cabinet and other committees. This is positive but it is a reduced figure compared to the 92% generated from 2019.
7. However, when asked whether members and officers were trusted by the local community, somewhat worryingly, the responses about members were only 43.5% for yes and 32.6% for officers. With only a multiple-choice response to this, it might be felt a good idea to explore this further to understand people's views and whether actions can be taken to improve this.
8. It appears from the response regarding communication of the Council's value to local residents, that more progress is needed in this area as only 37.8% believed this was adequately achieved.
9. On a more pleasing note, on question 4 about ethical standards and expectations, more than 76% felt the Council has a culture which allows Members to challenge Council decisions without fear or reprisal. However, when asked the same question in relation to officers, the figure dropped to a more disappointing 47.8%. It might be decided that this warrants further examination.
10. More positive feedback was obtained regarding clear lines of accountability and responsibility for both officers and members, with a yes response of about 70%. Confidence around the content of the Code of Conduct and how it applies to people came out at 54% which suggests that more work is needed and possibly refresher training.
11. With regard to procedures, relating to ethical standards, the results were somewhat pleasing with more than 71% agreeing the Council has a clear and relevant constitution, and nearly 78% feeling there were, clear and easy to follow rules in relation to declaring interests, claiming expenses and being offered hospitality and gifts. Asked about familiarity with Annual Reports of the Standards Committee, the Audit Committee and the Annual Governance Statement and this figure dropped to 47.8% suggesting that better promotion of these items is required, and consideration might want to be given on how to achieve this.
12. For question 6, when asked about training received relating to the Code of Conduct, whilst around 46% respondents answered yes, nearly 29% answered a slightly more confusing 'to some extent'. However, this backs up the response regarding confidence in this subject area and commentary in paragraph 10.
13. Particularly positive is the almost 85% yes response that considered ethical conduct and high standards as an important component of the Council's vision for the future. Asked about receiving regular examples of good practice concerning ethical governance and over 65% said they would like these. Thought might need to be given on how to do this if this has not already been considered.
14. Members of the Standards Committee are also invited to review the qualitative responses given under question 9. This appeared to give some reassurance in terms of good standards of Governance with only 11 comments received. The question posed was whether there was anything else the Standards Committee and/or the Monitoring Officer could do to maintain or improve standards of conduct within the Council?

In terms of responses / comments from Councillors;

14.1 There were 5 responses that said 'No' or 'not really'.

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- 14.2 It was suggested that more could be done to look at accessibility for people with a range of disabilities.
 - 14.3 A further comment said improvements in language should be made, and consideration given to the impact and reducing the negative effect of this on members and officers, with challenges to inappropriate behaviour and language.
 - 14.4 There were a few comments on member training and development, ranging from providing more opportunities for both members and officers, refresher training for members, and providing more specific and compulsory training or re-training.
 - 14.5 Finally, there were a couple of comments around Code of Conduct and Standards Complaints, asking about publishing findings both against and in favour of members and feeling further improvements on the standards process was needed, citing more training in this area was required for officers and standards panels. Concerns were raised about lack of transparency and accountability.
15. There were no comments on this question from officers.
16. The issues and suggestions contained within paragraphs 4 - 14 above could be explored at future refresher briefings.

Conclusion

- 17. The Ethical Governance Survey provides a valuable snapshot of respondents' understanding of the ethical or corporate governance frameworks of the County Council and raises a couple of questions which might help improve the frameworks as determined by the Standards Committee.
- 18. It is important, too, to understand the Ethical Governance Survey as a means to continue to raise awareness among Members – and the public – to the importance the Council attributes to this area of its business.

[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

Contact for Enquiries: J Jones
Tel No: 01392 382264 Room: G31

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

ETHICAL GOVERNANCE SURVEY QUESTIONS AND RESPONSES

Q3. Engagement with democracy and the local community I believe that Devon County Council...	Yes	To Some Extent	No	Don't know
<ul style="list-style-type: none"> • makes information easily available about matters to be considered by the Cabinet and other Committees (e.g. the Forward Plan of key decisions, Scrutiny work programmes). 	73.9%	21.7%	2.2%	2.2%
<ul style="list-style-type: none"> • promotes involvement in the decision-making process (through scrutiny, webcasts, budget exercises and other consultations) 	73.9%	23.9%	-	2.2%
<ul style="list-style-type: none"> • Members are trusted by the local community. 	43.5%	50%	-	6.5%
<ul style="list-style-type: none"> • Officers are trusted by the local community. 	32.6%	60.9%	-	6.5%
<ul style="list-style-type: none"> • Communicates the Council's Value to local residents 	37.8%	48.9%	8.9%	4.4%

Q4. Ethical Standards and Expectations. I believe that Devon County Council....	Yes	To Some Extent	No	Don't know
<ul style="list-style-type: none"> • communicates the Council's values to Members 	67.4%	23.9%	2.2%	6.5%
<ul style="list-style-type: none"> • communicates the Council's values to Officers 	60.9%	17.4%	-	21.7%
<ul style="list-style-type: none"> • communicates the Council's values to partners 	43.5%	32.6%	-	23.9%
<ul style="list-style-type: none"> • has clear lines of accountability and responsibility for Members. 	67.4%	23.9%	4.3%	4.3%
<ul style="list-style-type: none"> • has clear lines of accountability and responsibility for Officers. 	73.3%	8.9%	4.4%	13.3%
<ul style="list-style-type: none"> • has a culture which allows Members to challenge Council decisions without fear of reprisal. 	76.1%	6.5%	4.3%	13%
<ul style="list-style-type: none"> • has a culture which allows Officers to challenge Council decisions without fear of reprisal. 	47.8%	21.7%	4.3%	26.1%
<ul style="list-style-type: none"> • Officers treat each other and people who use the Council's services fairly. 	65.2%	23.9%	2.2%	8.7%
<ul style="list-style-type: none"> • Members treat each other and people who use the Council's services fairly. 	63%	28.3%	2.2%	6.5%
<ul style="list-style-type: none"> • People are confident about how the content of the code of conduct applies to them 	54.3%	32.6%	6.5%	6.5%

Q5. Awareness of procedures relating to Ethical Standards. I believe that Devon County Council....	Yes	To Some Extent	No	Don't know
<ul style="list-style-type: none"> • has a clear, relevant constitution 	71.7%	21.7%	2.2%	4.3%
<ul style="list-style-type: none"> • makes full, accurate and clear policies, guidance and advice on ethical issues and procedures available to everyone 	63%	26.1%	6.5%	4.3%
<ul style="list-style-type: none"> • operates clear, easy-to-follow rules in relation to declaring interests, claiming expenses and being offered hospitality or gifts. 	77.8%	17.8%	2.2%	2.2%
<ul style="list-style-type: none"> • operates clear, easy-to-follow procedures to deal with inappropriate behaviour 	73.9%	17.4%	4.3%	4.3%
<ul style="list-style-type: none"> • Makes everyone familiar with the Annual Report of the Standards Committee, the Annual Report of the Audit Committee and the Annual Governance Statement? 	47.8%	30.4%	15.2%	6.5%

Q6. Ethical Conduct	Yes	To Some Extent	No	Don't know
• I have received training relating to the code of conduct.	46.7%	28.9%	17.8%	6.7%
• I know where to go to go for advice and support on conduct and ethical issues	78.3%	15.2%	4.3%	2.2%

Q7. Ethical Conduct	Yes	To Some Extent	No	Don't know
• Members perform their duties with honesty, integrity, impartiality and objectivity.	64.4%	26.7%	2.2%	6.7%
• Officers perform their duties with honesty, integrity, impartiality and objectivity.	78.3%	17.4%	2.2%	2.2%
• encourages, develops and maintains high standards of conduct by training and supporting Members.	71.7%	21.7%	2.2%	4.3%
• encourages, develops and maintains high standards of conduct by training and supporting Officers.	65.2%	15.2%	2.2%	17.4%
• has a positive attitude towards and is willing to act on criticism	69.6%	21.7%	6.5%	2.2%
• considers ethical conduct and high standards as an important component of the Council's vision for the future	84.4%	6.7%	4.4%	4.4%

Q8. Would you welcome receiving regular examples of good practice concerning ethical governance?

Yes	No
30 (65%)	16 (35%)

