

.....believes that high ethical standards crucial in the work of any public body and the robust application to those in public service is particularly important. This summary report shows how the Committee has undertaken those tasks during the previous 12 months and how it continues to contribute to and offer direction to shape the governance culture and ethos of the organisation.

Standards Committee

Members:

County Councillors:

Councillor Caroline Chugg
(Chair)

Councillor Marina Asvachin

Councillor Ray Bloxham

Councillor Polly Colthorpe

Councillor Alan Connett

Councillor John Mathews

Councillor Phil Twiss

Co-opted Members:

Sir Simon Day

Mr Ian Hipkin

Mr Ray Hodgins

Mrs Anne Mayes

Mrs Ruth Saltmarsh

The Council's Standards Committee has eleven persons, five being co-opted and the other seven Members being Councillors (not Cabinet Members) from the Membership of the Council.

Members of the Committee work together to promote the importance of high standards of behaviour and systems of governance to create a climate where complaints or problems are rare. The Chair of the Committee is held automatically by the Chair of the Council recognising the impartiality of that role. The Council has long recognised the added value brought by an independent voice on its Standards Committee, reinforced by the co-opted Membership also. More information about the Committee and its terms of reference, is in the Council's Constitution and can be seen on the [website](#).

The Committee acts as champion (and guardian) of the Council's ethical standards and is responsible for promoting / maintaining high standards of conduct by both elected and co-opted Members of the Council. Article 3 of the 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, set out in Part 6 of the Constitution.

The Committee met 4 times in 2018/19 with 3 ordinary meetings and 1 convened to consider the outcome of an investigation. Co-opted Members attended a further 23 meetings of the Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework. A number of practical observations were made about speaking, use of microphones, identification, use of nameplates and punctuality, but no specific behaviours were observed which might have resulted in a breach of the code or would warrant further action. Steps were taken to address those practical matters identified.

The Council has in place appropriate arrangements for dealing with complaints against Members and a mechanism to deal with any allegations that Members may have breached the Code of Conduct. The Council has appointed 'Independent Persons' in line with the requirements of the Localism Act 2011. More information about the Council's processes, the Code of Conduct and the complaints process can be found on the Council's website at:

<https://new.devon.gov.uk/democracy/councillors-nav/making-a-complaint-about-a-devon-county-councillor>

The Committee recently approved additional guidance to help the Council deal with complaints about sensitive personal issues, such as alleged harassment (including sexual harassment), bullying or victimisation alongside issues of confidentiality and / or anonymity of the complainant. This included an acceptable conduct and guidance note to be read alongside the Code of Conduct and the Council's Acceptable Behaviour Policy.

12 complaints were received under the Members Code of Conduct alleging breaches of the code (there were 3 complaints in relation to one incident and 2 complaints in relation to a second) relating to undemocratic behaviour, failing to treat others with respect, speaking rudely to Members of the public, failure to deal with a constituent enquiry, intimidatory behaviour, bringing the Council into disrepute, publication of 'erroneous' statements, misuse of email and displays of aggressive behaviours.

Following an initial assessment of each complaint involving the Independent Person appointed by the Council, no further action was taken on 10 of the complaints on the basis that either there had been no material breach of the code that would warrant further investigation, or that the Councillor had been acting in a personal capacity and in one case the Subject Member apologised and the complaint was subsequently withdrawn.

There was 1 case where formal investigation was required, following consultation with the Independent Person, relating to the subject Member failing to apply one or more of the Principles of Public Life, in particular, they had allegedly breached the provisions set out at paragraphs 1.3 (i), 4(a), 5(b), 5(c), 5 (h) of the Code in that they failed to promote and support high standards of conduct when serving in a public post, failed to treat others with courtesy and respect, acted in a way which may have caused the County Council to breach a statutory duty or any of the equality enactments, that their actions could be characterised as bullying or intimidation and/or a potential abuse or misuse of power and that they had conducted themselves in a manner to bring their office and/or the Council into disrepute.

The outcome was heard by the Committee in July 2018, who determined there had been a breach of the Code of Conduct in relation to all the above allegations. The Committee agreed a number of sanctions including a formal censure, recommendations to remove the Subject Member from Committee / Sub Committees and outside bodies, have access to County Council premises restricted and undertake relevant training.

The Committee continues to monitor the operation of the Council's feedback and complaints processes and receives reports on compliments, representations and complaints received under the corporate feedback system. Whilst not being complacent, the highly satisfactory results of that monitoring were again commendable. The last report received by the Committee (Q2 of 2018/2019) showed a decrease in complaints at all stages (1, 2 and 3) and the number of compliments had remained fairly static between quarter 1 and 2. There had been a drop in MP letters received and the number of representations received. The number of Local Government and Social Care Ombudsman complaints had seen a small rise from 17 in Q1 to 20 in Q2.

Following the outcome of the above complaint and the resolution of the Standards Committee, the Council arranged Sexual Harassment Training for all Members of the Council. The 4-hour workshop aimed to increase knowledge and confidence in recognising, reporting, responding to and preventing sexual harassment and was delivered by external providers. It was an interactive session exploring Members' roles as a Community Leaders, increasing knowledge of the law, prevalence of the issue, increasing understanding of the impacts and building confidence to recognise, challenge and prevent such incidents taking place.

Members were also encouraged to watch a recent documentary / social experiment which explored what sexual harassment was and how different people interpret behaviours at work, as well as providing some clear guidance in respect of the law and definition of sexual harassment.

The Committee acknowledged that no procedural issues had been raised by the Local Government and Social Care Ombudsman following complaints made to them during 2017/2018 (following the Ombudsman's Annual Review Letter). There had been a decrease in the number of complaints to the Ombudsman in 2017/18 to 102 (118 in 2016/2017 and 148 in 2015/2016) which was a positive shift.

Of the 98 Devon County Council complaints the Ombudsman made decisions on in 2017/18, 32 were progressed to a full investigation and of these 17 were upheld; this represented a 53% uphold rate for complaints that progressed to full investigation.

During 2018 /19 the Council agreed a policy that Members of the Council would undergo a Basic DBS, notwithstanding a Councillor may undertake certain roles which, in line with the legislation, required them to undergo an enhanced DBS check, contributing to good governance, transparency to the public and heightening confidence in Elected Members. The Council also approved a Risk Assessment which would be followed in the event of a positive disclosure. The Risk Assessment has regard to the Council's responsibilities for safeguarding and corporate parenting but also the need for Councillors to maintain the highest standards of conduct in both their personal and professional lives.

Both the policy guidance and risk assessment forms part of the Constitution. The process to DBS check all Members commenced in January 2019.

In last year's Report, it was noted that the Committee had responded to the Government consultation on proposals to update the disqualification criteria for both Councillors and Elected Mayors to bring it into line with both modern sentencing practice and the high standards of behaviours the electorate have a right to expect. The Government have now responded and where behaviour has led to a conviction or enforcement action resulting in an individual being subject to one or more of the following: the notification requirements in the Sexual Offences Act 2003; a Sexual Risk Order; a Civil Injunction; a Criminal Behaviour Order, the Government is looking to shortly legislate to ensure that they are disqualified from standing for office as local authority Members or Mayors.

The proposals would not apply retrospectively.

Ethics and Ethical Governance a review was carried out by the Devon Audit Partnership in early 2018 and confirmed that the Council has a robust ethical framework in place, set out in the Code of Corporate Governance (Constitution), which takes account of statutory obligations, Government guidance as well as local Codes of Ethics. The framework is based on the principles & sub-principles of corporate governance contained within the CIPFA/SOLACE Framework (2016). The review found there to be clear dissemination, delivery, monitoring and maintenance of ethical standards. Particular areas of strength identified was the monitoring being carried out by the Standards Committee and Member induction training.

Whilst a few recommendations were made in that Report, they sought to further enhance what is already robust ethical frameworks, e.g. formalising a sub-delegation within the scheme of delegation.

A high standard was reported which means the system and controls in place adequately mitigate exposure to the risks identified. The system is being adhered to and substantial reliance can be placed upon the procedures in place.

No individual dispensations were granted to Members of the Council to allow them to speak and vote on any matter before the Council / Committee. However, the general dispensation is always under review.

During 2018/19 the Monitoring Officer continued to hold 'open house' sessions for Members prior to Council meetings to discuss ethical governance issues:

- meetings procedures / rules of debate and speaking*
- declarations of Members' Interests & Conduct Issues*
- representing the Council on other organisations*

Looking Ahead, much of the work of the Committee is demand led. However, 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 reports on compliments, representations and complaints received under the corporate feedback system and consider any feedback arising from complaints to the Ombudsman. It will 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 main issue for 2018/19 will be the continuation of training and development activities, finalising the DBS checks process and keeping a watching brief for new regulations anticipated in early 2019, which may mean an overhaul of current regimes. Early indications were that new features of the guidance could be stronger roles for monitoring officers, more sanctions available to local authorities (many LA submissions made the point that current sanctions didn't go far enough), potential for a national code of conduct, guidance on interests (e.g. current code not recognising family members), strengthening the role of the Independent Person, guidance on bullying and harassment and clarity on acting in what capacity (private verses acting in public office as a councillor). The Committee awaits this with interest and will review in full on its receipt including any revision to current processes required.

A [third] ethical governance audit and self-assessment survey of Councillors and Officers is planned over the next few months – to gauge both the understanding of newly elected Members and the effectiveness of Induction Training and Member Development provided following the 2017 elections.

The Agenda and Minutes of the Committee, together with all Reports considered at meetings are published [online](#).