

.....believes that high ethical standards are crucial in the work of any public body and that robust application is particularly important. This summary report shows how the Committee has undertaken these 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 John Mathews
(Chair)*

*Councillor Marina
Asvachin*

Councillor Ray Bloxham

Councillor Polly Colthorpe

Councillor Alan Connett

Councillor Colin Slade

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. 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. 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 Council has in place appropriate arrangements for dealing with complaints against Members and a mechanism to deal with 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 Code of Conduct and the complaints process can be found in a prominent place on the [Council's website](#).

In 2018/2019, the Committee approved additional guidance to help the Council deal with complaints about sensitive personal issues, such as alleged harassment

The Committee met 4 times in 2019/20 with 3 ordinary meetings and 1 convened to consider a complaint and whether the matter warranted a full investigation. Co-opted Members attended a further 21 meetings of 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, overuse of forenames, use of nameplates, and punctuality, but no specific behaviours were observed which might have resulted in a breach of the code or that would warrant further action. Steps were taken to address those practical matters identified, including the installation of new microphones and briefing with Committee staff.

(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.

In November 2019 the Code of Conduct was amended again to reflect best practice guidance issues by the Committee on Standards in Public Life. This included the expectation that Members were expected to comply fully with any formal Standards process / investigation that might occur.

Between 1 April 2019 and 31 March 2020, 8 complaints were received under the Members Code of Conduct alleging breaches of the Code. These related to the promotion of an election candidate in the pre-election purdah period and failing to treat others with courtesy and respect, failing to respond to constituent queries, intimidating and disrespectful behaviour, improperly conferred an advantage, failed to observe the 'principles of public life' and act in the public interest, damaged the reputation of the Council, bullying and intimidatory behaviour.

Following an initial assessment of each complaint involving the Independent Person appointed by the Council, no further action was taken on 5 of the complaints on the basis that either there had been no material breach of the code that would warrant further investigation, there was no public interest in progressing the complaint further or that the Councillor was not acting in the capacity of a County Councillor.

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 4(a), 5(c) and 5(h) of the Code in that they failed to treat others with courtesy and respect, that their actions could be characterised as bullying or intimidation 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 2019, who determined there had been a breach of the Code of Conduct in relation to 4(a) and 5(h), but not 5(c). The Committee agreed sanctions that the Subject Member issue a formal and robust apology to the complainants, that training be organised focusing particularly on anger management and the use and knowledge of Council processes and that the Subject Member did not participate in the Council's Spotlight Review until such times that the agreed actions had been undertaken.

The outcome of one of the complaints (2 subject Members) was due to be considered by the Committee on 17 March 2020 and the last required further clarification at the time of writing this Report.

Members also determined that an amendment be made to the Councillor complaints process to ensure that a Subject Member (who had a complaint made against them and the matter proceeded to a full investigation) had the right to see both the draft Report and the final Report and the opportunity to comment and their feedback be presented to the Standards Committee. The previous practice was to only see the draft Report and comment accordingly.

The Committee continues to monitor the Council's feedback and complaints processes and considers regular reports on compliments, representations and complaints received under the corporate feedback system. Whilst not being complacent, the results of that monitoring were again highly satisfactory. The last report received by the Committee (Q2 of 2018/2019) showed the number of stage 1 complaints continuously reduced through most of 2018-19 and had remained low in quarters 1 and 2 of 2019-20. There was also a continual decrease in Stage 2 complaints received quarter on quarter in 2018-19 and the number received in 2019-20 has remained low.

The number of compliments recorded in quarter 1 was higher than in each of the quarters in 2018-19, which was also encouraging.

There had been a drop in MP letters received and the number of representations received. Additionally, the number of Local Government and Social Care Ombudsman complaints had seen a decline in numbers received in 2018-19, which continued into the first half of 2019-20.

The Committee had also asked that the Leadership Group be asked to re-emphasise to their management teams the importance of dealing with complaints in a timely manner.

The Committee acknowledged that no procedural issues had been raised by the Local Government and Social Care Ombudsman following complaints made to them during 2018/2019 (following the Ombudsman's Annual Review Letter). There had been a slight increase in the number of complaints to the Ombudsman in 2018/19 to 116, following decreases in the preceding three years (102 in 2017/2018, 118 in 2016/2017 and 148 in 2015/2016).

Of the 110 Devon County Council complaints the Ombudsman made decisions on in 2018/19, 34 were progressed to a full investigation with only 22 (20%) of those upheld, which is a slight but not significant increase than the previous year, where 17% were upheld. Of the 22 complaints investigated and upheld there were 19 where the Ombudsman felt that the fault caused an injustice and recommended a remedy.

The Committee considered the Report 'Local Government Ethical Standards - A Review by the Committee in Public Life' and had previously submitted a response to the Consultation. A number of the recommendations (26 in total) involved legislative change which would be a matter for Government to implement.

The Committee discussed the identified 'best practice'. Much of this was already in train, for example: prohibitions on bullying and harassment in codes of conduct; regular meetings with leadership officers and compliance with the best practice suggestions regarding Independent Persons; consultation mechanisms; publication timescales of decision notices; and accessible guidance on the website. However a number of additional suggestions were made that the Council adopted such as amending the code of conduct to require Councillors to comply with any formal standards investigation, agreeing to review the code of conduct annually, publish the gifts and hospitality register which was now available on Members profile pages and the writing of a public interest test which was also available on the website.

The Committee considered the results of a fourth Ethical Governance Survey which was conducted between 27 August 2019 and 20th September 2019 via an online multiple-choice survey from Members, Leadership Group, Heads of Service and their direct reports to demonstrate how the Council was supporting ethical governance in its policies, procedures, culture and values. This was following similar surveys carried out in 2009 and 2013.

The overall response rate was 60-65%, with 47% (or 28 out of the 60 Councillors) responding. 63 officers also responded (which would be in the region of 75%). The majority of responses to each question were positive, particularly in relation to engagement with democracy and the local community. Both Councillors and Officers felt that the Council considered ethical conduct and high standards as an important component of its vision for the future.

One point of note related to training on the code of conduct where some 34% of respondents said they had not received such training. However further analysis showed that this was in fact only 1 Councillor who said they had not received any training. Three further Members said they had received training 'to some extent', so it was felt there might be more work to do in this regard.

The Committee also welcomed the qualitative responses received which again appeared to give reassurance in terms of good standards of Governance.

Members also asked that future Standards Annual Reports be published on the Council's 'Inside Devon' publication.

During 2018/19 the Council agreed a policy that Members of the Council would undergo a Basic DBS, notwithstanding that 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. Both the policy guidance and risk assessment formed part of the Constitution.

All Devon County Councillors have now undergone the DBS check process and a list is published on the website.

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.

In line with one of the best practice recommendations from the 'Local Government Ethical Standards - A Review by the Committee in Public Life' the Committee reviewed its Code of Conduct, noting it had been amended to reflect that best practice guidance to include the matter of Members complying with any formal Standards process / investigation that might occur.

Whilst no changes to the Code were suggested, Members commented that a unified code for all Authorities would be beneficial for those in twin or triple hatted positions.

During 2019/20, 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

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 2019/20 will be the continuation of training and development activities and watching for the new regulations and a Model Code of Conduct anticipated in the summer of 2020, which may mean an overhaul of current regimes. Early indications were that the guidance could include a stronger role for Monitoring Officers, more sanctions available to local authorities (many Local Authority 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 (fourth) ethical governance audit and self-assessment survey of Councillors and Officers is planned for 2022 to gauge both the understanding of newly elected Members and the effectiveness of Induction Training and Member Development provided following the 2021 quadrennial elections.

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

[Previous Annual Reports](#) are also published on the website.

Prepared by Devon County Council's Monitoring Officer. Copies may be obtained from the Democratic Services & Scrutiny Secretariat, County Hall, Topsham Road, Exeter, EX2 4QD. Or email committee@devon.gov.uk.