

STANDARDS COMMITTEE

4 November 2021

Present:-

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

Apologies:-

Councillors A Connett and Sir Simon Day

* 6 **Minutes**

It was **MOVED** by Councillor Slade, **SECONDED** by Mrs Mayes, and

RESOLVED that the minutes of the meeting held on 29 June 2021 be agreed as a correct record.

* 7 **Items Requiring Urgent Attention**

There was no item raised as a matter of urgency.

* 8 **Local Government Association Model Code of Conduct**

The Committee discussed the Report of the 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. Copies of the Local Government Association Model Code of Conduct and the Council's own Code had been circulated with the papers.

Members were asked to consider the various discussion points with a view to retaining the current Code or any suggested amendments which would be brought back to the next meeting.

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 for consideration.

Members comments for additions and changes to the Council's current Code of Conduct were as follows:

- Joint statement - a supporting statement for the Council's Code should be produced, including reference to social media;
- Definition of Councillor – the Council's Code should include a definition of 'Co-opted' (voting and non-voting co-opted members);
- Purpose – the Council's Code should include an explanation as to the purpose of the Code;
- Application of Code – the scope of the Council's Code should be widened to include issues such as social media;
- (1) Standards of Councillor conduct – the Council's Code should be expanded to include a definition of respect, to include the reference to the public and representatives of partner organisations and volunteers as well as respect towards Councillors;
- (2) Bullying, harassment and discrimination – include a reference to the Protection from Harassment Act in the Council's Code;
- (8) Complying with the Code of Conduct - the Council's Code should include a reference to the importance of Code of Conduct training and that Members endeavour to attend, particularly induction sessions;
- (8) Complying with the Code of Conduct - the Council's Code should include reference to sanctions;
- (10) Gifts and Hospitality – ensure a cross reference from the Code of Conduct to financial regulations and other advice on gifts and hospitality. This included retaining the current guideline of £25 as the threshold for when gifts have to be declared and also ensuring the guidance places a duty on Members to declare a gift and / or hospitality that had been declined.
- Interests.....
 - ensure that unpaid directorships were included on the register of interests form (not currently explicit); and
 - that given the Council's Code was silent on the issue of the interests of family and / or friends, this should be strengthened;

Members also noted that the guidance which accompanied the Model Code outlined that Members who received an allowance from another Authority and or body (e.g. Fire Authority) should declare it as a Disclosable Pecuniary Interest. Members were asked to consider whether an amendment to both the declaration of Interests form was required as well as considering the general dispensation.

RESOLVED

(a) that a revised Code of Conduct be brought back to the next meeting of the Committee, encompassing the issues raised above; and

(b) that the Declaration of Interests form and general dispensation be amended to deal with the issue of allowances received from another public body in line with the delegated powers of the County Solicitor.

* 9 **Ethical Governance Framework: Monitoring**

The Committee received the Report of the County Solicitor ([CSO/21/17](#)) summarising feedback from a Co-opted Members attendance at a meeting of the Devon Education Forum to monitor compliance by Member's 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. The feedback had been positive with good attendance (virtual), clear information and explanations by the Head of Service and other officers.

In terms of the future Standards rota, it was agreed that Co-Opted Members would only attend meetings that met remotely or where they could join an in person meeting remotely.

* 10 **Local Government & Social Care Ombudsman Annual Review Letter 20/21**

The Committee considered the Report of the LGSCO Link Officer on the Local Government & Social Care Ombudsman Complaints Annual Review Letter for 2020/21. The Letter received from the Local Government & Social Care Ombudsman was also attached to the agenda.

The LGSCO had continued to focus on the outcomes of complaints and what could be learned from them and included statistics on three key areas, being complaints upheld, compliance with recommendations and satisfactory remedy provided by the authority.

Finally, they compared the three key annual statistics for each authority with similar types of authorities to work out an average level of performance. The annual data was uploaded to their interactive map - [your council's performance](#).

The Report highlighted that the Ombudsman had continued to move focus away from volumes of complaints received and instead focus on the outcomes from complaints and what could be learned.

The number of complaints received by the Ombudsman in the last four years is shown below:

- 2020/2021 – 97
- 2019/2020 - 93
- 2018/2019 - 116
- 2017/2018 - 102

There had been 84 complaints decided on by the Ombudsman in 2020-21, with only 13 (15%) of those being upheld. This had been a decrease of 5% on the previous year, where of 104 complaints had been determined and 21 (20%) had been upheld. The Report also included a breakdown of complaints across Services. As Adult Care Services, Education and Children's Services and Highways and Transport were the largest Service areas, it was expected that these would also be the Services where most complaints had been received by the Ombudsman.

Adult Care Services experienced a decrease in the number of complaints received. Complaints about Education and Children's Services remained relatively static and Highways and Transport experienced a significant increase.

Of the 84 complaints the Ombudsman had made decisions on in 2020/21, 24 progressed to a full investigation and 13 had been upheld. Of these 13 complaints, there had been 12 where the Ombudsman felt that the fault identified had caused an injustice, with a remedy recommended. The table at Appendix A of the Report provided details of the 13 upheld decisions and the required actions by the Council.

The Council welcomed the oversight from the Ombudsman, and looked forward to further work to help drive improvements in services. This included greater measures to ensure it took a person-centred approach and evidence that the Council learned from complaints and used these to improve.

RESOLVED that the content of the Ombudsman's Annual Review Letter, the complaints made to the Local Government Ombudsman referred to the authority during 2020/21 and their outcomes be noted.

* 11 **Local Determination of Complaints**

The County Solicitor reported that, since the last meeting, eight complaints concerning an alleged breach of the Members Code of Conduct had been received. Six of those had been resolved and two were outstanding.

These related to Councillors bringing the Council into disrepute, being influenced by previous business transactions, interference with Officers in planning issues, failing to treat others with respect, inappropriate / offensive content on social media, highways issues and using position to own advantage, a lack of response to emails or take action on concerns and an allegation of harassment.

Following an initial assessment of the complaints and consultation with an Independent Person appointed by the Council it had been agreed that no further action should be taken on any of the complaints on the basis that there had been no material breach of the code to warrant further investigation or that the allegations would not be a breach of the Code of Conduct or that the Member was not acting in their capacity as a Councillor and, accordingly, could not therefore be investigated. In some cases, an apology has been made for actions or further engagement with the member of the public had taken place, notwithstanding there had been no breach of the Code.

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 3.23 pm