

The Standards Committee - Annual Report 2021/2022

.....The Standard Committee 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 last 12 months and how it continues to contribute to and offer direction to shape the governance, culture and ethos of the organisation.

Membership

The 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 in the [terms of reference for the Standards Committee](#).

Purpose

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](#).

Guidance on Member Model Code of Conduct Complaints Handling

The Council received the above guidance to assist monitoring officers, and anyone nominated by a Monitoring Officer to carry out investigations on their behalf and to also assist Councillors in understanding the process.

The guidance acknowledges that Local Authorities may have different practices and arrangements in place, but the principles of fairness, proportionality, transparency and

impartiality will still apply. The Monitoring Officer undertook a review of the guidance and ensured the Council's complaints process was robust and this demonstrated that the Council's procedures were generally in line. The guidance was more akin to being used as a tool for investigators on how you might conduct investigations, interviews and then write reports which on balance was felt to be too detailed to form part of the complaints process.

Meetings and Ethical Governance Monitoring

The Committee met 3 times in 2021/22, all being ordinary meetings.

Co-opted Members also 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 Council felt it important to ask the members to continue their role as a check and balance that meetings were operating effectively and in line with governance frameworks. There were no specific behaviours observed which might have resulted in a breach of the code or that would warrant further action. However, steps were taken to address any practical matters identified. Co-opted Member attendance would be carefully monitored and in person attendance would be resumed as soon as it was safe and practical to do so.

Model Code of Conduct

In March 2020 the Committee considered the current position on the proposed new Model Code of Conduct. As part of the review and consultation, mutual concerns had been expressed about the current codes, inconsistencies in application, a lack of guidance and sanctions.

The New Code was received in December 2020 but because additional guidance was anticipated on the application of the Code, feedback was obtained from the Committee with a view to proposing a new Code for adoption for the new Council post Elections in May. The guidance accompanying the Model Code was not received until July 2021 with further amendments received later in the Summer.

At the November meeting of the Committee, they discussed and considered a Report which 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. 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 were some suggested additions to the Council's Code for consideration, for example a supporting statement, improved definitions of co-opted members, a paragraph to explain the purpose of the code and a wider application to include matters such as social media.

Other suggested changes included a definition of respect, including reference to the public and representatives of partner organisations and volunteers, reference to the Protection from Harassment Act and also sanctions. A number of other additions were suggested such as gifts and hospitality, the role of unpaid directorships and to strengthen the Code on the interests of family and friends.

A revised Code was due to be considered at the March meeting of the Committee with a view to asking the Council to adopt it in May 2022.

Local Government & Social Care Ombudsman Annual Review Letter

The Committee also considered the Local Government & Social Care Ombudsman Complaints Annual Review Letter for 2020/21, which outlined 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. Statistics were included on three key areas, being complaints upheld, compliance with recommendations and satisfactory remedy provided by the authority. 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 an interactive map - [your council's performance](#).

There had been 84 complaints decided on by the Ombudsman in 2020-21, with only 13 (15%) of those being upheld.

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.

Ethical Governance

In the previous year, the Committee had considered the results of a third Ethical Governance Survey which was conducted between 27 August 2019 and 20th September 2019 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 the majority of responses to each question being 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. 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.

Feedback and Monitoring

The Committee monitors the Council's feedback and complaints processes and considers regular reports on compliments, representations and complaints received under the corporate feedback system. Due to the COVID pandemic, the Committee had not received such monitoring information as regularly as it might during 2020. This was in line with LGSCO guidance issued at that time, that the Council should only accept complaints that raised high risk or safeguarding matters.

However, it did consider Customer Feedback for the Financial Year 2020-21 (1st April 2020 to 31st March 2021) in June 2021 which covered volumes and themes for all types of customer feedback (Complaints, Representations and Compliments), letters from Members of Parliament (MP Enquiries) and complaints being dealt with by the Local Government and Social Care Ombudsman (LGSCO). It was noted the numbers of complaints that escalated to the LGSCO had been low across the whole organisation.

The Committee agreed that future reporting would be on an annual basis, although reporting on any exceptions on a six monthly basis.

Complaints Against Councillors

Between 1 April 2021 and 11th March 2022, there had been 21 complaints concerning alleged breaches of the Members Code of Conduct.

These allegations related to Councillors failing to act in the public interest regarding rural and urban parts of a parish, the conduct and chairing of a committee meeting, failure to observe the 'principles of public life' and act in the public interest, revealing confidential information about individuals, 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 ones position to their own advantage, a lack of response to emails or taking action on concerns, intimidating and bullying behaviour, an allegation of harassment and failure to declare relevant interests.

In the majority of cases and following an initial assessment and consultation with an Independent Person it was agreed that no further action should be taken on the basis that either there had been no material breach of the code or that the allegations would not be a breach of the Code of Conduct and, accordingly, could not therefore be investigated. In one case, the Member was not a Councillor at the time of the alleged incident.

In two cases, no breach of the code had been established but, in one case, an apology was given for overlooking an email and in, a second case, the Chief Officer for the service area had been asked to look at the matter further. In another case, a swift and public apology was made on the same day as the incident therefore the matter did not progress any further.

There was one case where a formal investigation was required. The findings were presented to Committee where it was determined (in relation to a sponsorship issue) there had been no breach of the Code. In relation to a retweet, the Committee RESOLVED there had been a breach of the Code of Conduct and subsequently asked the Monitoring Officer to provide guidance relating to the use of social media and retweeting messages which could cause offence.

There are two current 'live' cases, one requiring further investigation which is currently ongoing and the other waiting for feedback from the complainant and affected party.

Dispensations

No individual dispensations were granted to Members of the Council to allow them to speak and vote on any matter before the Council and / or Committee. However, the general dispensation is always under review and was last updated in December 2021.

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 (whether remote or in person) 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 largest change anticipated for 2022 would be the Council being asked to consider and adopt a New Code of Conduct, as referred to above.

There is also a hope that, in light of comments made by Local Authorities over the last two or three years, Government will give consideration to more sanctions being available to local authorities (many Local Authority submissions in 2020/2021 made the point that current sanctions didn't go far enough).

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.