

The Standards Committee - Annual Report 2023/2024

The Standard Committee believes that high ethical standards are crucial in the work of any public body and that robust application is 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 twelve persons, four being co-opted and the other eight 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](#).

Meetings and Ethical Governance Monitoring

The Committee met only once time in 2023/24, which was an ordinary meeting and there were no convened Assessment Sub Committee to assess complaints. Two meetings were cancelled due to lack of business and no matters requiring the Committees attention.

Co-opted Members also attended several other meetings of Committees to observe and monitor compliance with the Council's ethical governance framework. Co-opted Members attended meetings both remotely and in person. 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.

Comments made included: that it was helpful to have everybody introduce themselves in the meeting those attending remotely should be encouraged to turn their cameras off when not speaking (as it takes up a lot of the screen in committee meetings), whether enough time was being allocated to give the appropriate level of consideration for items, it had been a difficult meeting for the Chair due to several issues (concerns were raised and remedial actions were put in place), paperwork for the meeting was detailed and informative, members listened to advice from officers and the meeting was well chaired and efficiently and effectively run.

Governance Review

A Governance Working Group (GWG) was established last summer to undertake a Governance Review with the aims of implementing effective scrutiny arrangements and functions for Council decisions, understanding roles in Council business, establishing a culture where staff were enabled and empowered to constructively challenge and improve ways of working, developing / deepening relationships with external partners, achieving best value, focus on residents and customers and being responsive to needs, ensuring decisions made are via well understood and transparent channels and supported by evidence, maintaining political stability and focusing on continuously improving in all areas.

The GWG has met frequently since July, mostly on a fortnightly basis and has explored several areas in depth including Member Engagement, Decision Making for Key Decisions, Delegated Member Decisions, Public Participation, Council Policy Framework, Local Member Protocol, Scrutiny, Council Procedural Rules, Committee Structure, Financial Regulations, Consultations, Member Learning and Development.

Much of this work has resulted in new policies, guidance or constitutional amendments which have gone through the democratic process and been agreed and implemented. There are a few areas which are still underway with further research, consultation and discussion needing to take place. Details of the plan and detailed actions and progress can be viewed on the GWG action tracker. All documents from the Governance Review including agendas, reports and notes from meetings are available to Members to view on the Member SharePoint area.

Work on the Governance Review continues at pace and will feedback through the relevant committees for decision when proposals are fully formed and agreed.

Annual Review of the Code of Conduct and review of Complaints Processes

In line with previously agreed practice, there is an Annual Review of the Members' Code of Conduct for the Standards Committee to consider whether it is assured that the current Code of Conduct is fit for purpose or whether amendments are needed.

Via a Member's Day event held in November 2023 and through a presentation sent out to members, views have been sought about the current Code of Conduct and its arrangements. The Governance Working Group also considered this matter at its meeting on 22 January 2024.

The consensus from all these discussions were that the Code was fit for purpose, but the arrangements would be reviewed further. The review of the arrangements for dealing with complaints is being undertaken by the Governance Working Group and any proposed changes will be brought before the Standards Committee for its consideration and endorsement.

Complaints Against Councillors

Between 1 April 2023 and 8th March 2024, there were 15 complaints concerning alleged breaches of the Members Code of Conduct.

The complaints raised included treatment in an unreasonable manner, misrepresentation of views and pre-determination, unacceptable behaviour – aggressive and rude, acting disrespectfully and bringing the Council into disrepute, bullying, inappropriate behaviour and language, failure to declare personal and pecuniary interests, being unhelpful, and a lack of communication and respect.

Following an initial assessment of each of the complaints and consultation with an Independent Person appointed by the Council, it had been agreed that in 11 of the 15 complaints there had been no breach of the Code. There were 3 breaches with one concerning a district councillor regarding failure to declare a pecuniary interest, who was a member of a Highways and Traffic Order Committee. Two assessments were still underway.

The complaint of unacceptable and aggressive and rude behaviour was found to be a breach of the Code and the Member accepted this and gave an apology. Also, the complaints of inappropriate behaviour and language of one Member were found to breach the Code which was accepted by the Member and apologies were issued by the councillor.

A table of member complaints will be introduced and included in forthcoming standards meetings as a standing item.

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.

Customer Complaints

The Committee considered a report in March 2024 which provided an overview of customer complaints received during this reporting year to date. The Ombudsman had introduced a new complaint handling code which will apply to complaints about all corporate services. The number of complaints upheld remained low across the whole Council however Adult Social Care, Children's Social Care and Education and Learning tend to see a higher percentage of upheld complaints.

There was a very gradual improvement in response times across the whole Council this reporting year, although performance is variable within the Directorates.

There were a significant number of Stage 2 requests received in 2022-23, which has reduced in 2023-24 and continues to remain at a much lower level each quarter to date. There have been 34 Stage 2 complaint investigations concluded in 2023-24 to date. One was not upheld, 28 were partially upheld, five were fully upheld. There was one Stage 3 Review Panel Hearing which is the last Stage of the Council's complaints procedure for Children's Social Care held in Quarter 1, one in Quarter 2 and none in Quarter 3 of 2023-24.

While Education and Learning have seen a reduction in the number of Local Government and Social Care Ombudsman (LGSCO) complaints received in Q3 compared to the two previous quarters, there has been an increase in those received about Children's Social Care. Most of the complaints received about Children's Social Care in Q3 however were quickly closed by the LGSCO, stating that they could not or would not investigate for various reasons.

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). Work relating to the Code's arrangements such as the complaints process is ongoing and is being overseen by the Governance Working Group.

Hope remains that, in light of comments made by Local Authorities over the last three or four years, that 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 did not go far enough).

There are further areas for the GWG to review and make recommendations including membership of external boards and committees, officer development and governance engagement, relationships with partners and key stakeholders, and general provisions of the constitution.

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.