

The Standards Committee - Annual Report 2020/2021

.....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](#).

Meetings and Ethical Governance Monitoring

The Committee met 4 times in 2020/21 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 24 of Council, Cabinet or Committees to observe and monitor compliance with the Council's ethical governance framework. 10 of those meetings were held virtually. The Council felt it important to ask the members to continue their role as a check and balance that remote meetings were operating effectively and in line with governance

frameworks. A number of practical observations were made about remote meetings including members backdrops, misuse of camera's and microphones (being left on rather than inappropriate use), length of time for speeches and whether this could be displayed, that it was good to see public presence and representations in the meeting, people seemed able to log in satisfactorily and Members appeared to be at ease with the technology. 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, including briefing with Committee staff.

Committee on Standards in Public Life

The Committee in the previous year had considered the Report 'Local Government Ethical Standards - A Review by the Committee in Public Life' and had 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 the 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 soon 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, publishing the gifts and hospitality register (which was now available on Members profile pages) and the writing of a public interest test for the complaints process which was available on the website.

In November 2019 the Code of Conduct was amended to reflect best practice guidance issued 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.

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 aim of the LGA Code was that it benchmarked a standard for all in public office. It would set out the duties and expectations of persons in public office as well as their rights, particularly to be protected from abuse and intimidation. It was the first major rewrite of a model code of conduct for a number of years and of course the Committee submitted their

views to the Consultation. Whilst the Committee supported many of the aims of the Code, it also raised concerns over the lack of sanctions in the new proposals.

The New Code was received in December but because additional guidance was anticipated on the application of the Code, feedback would be obtained from the Committee with a view to proposing a new Code for adoption for the new Council post Elections in May.

Standards Matter 2

The Committee also considered a further consultation from Standards in Public Life called Standards Matter 2, which was a landscape review of the institutions, processes and structures in place to support high standards of conduct.

It proposed to look at best practice and identify any themes and gaps in the way the [Seven Principles of Public Life](#) were promoted and maintained.

As part of this, the Committee on Standards in Public Life was running a public consultation and a public sector survey as part of this review. As the survey was inviting individual experiences, Members were asked to respond individually if they so wished.

The [terms of reference](#) for the review were available on the website.

Ethical Governance

In the previous year, the Committee had considered the results of a fourth 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

In usual times, 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, but will do so again in the not too distant future.

Complaints Against Councillors

Between 1 April 2020 and 31 March 2021, there had been eleven complaints concerning alleged breaches of the Members Code of Conduct.

These allegations related to a member of the public feeling unfairly treated, failure to deal with constituent enquiries and preventing the community from accessing information, inappropriate use of social media and the associated failure to promote high standards of conduct, not treating others with courtesy and respect, bringing the Council into disrepute, failure to act in the public interest and inappropriate language on social media, inappropriate use of Facebook and alleged harassment, allegations of attempting to influence, change, undermine and interfere with the conduct of Parish Council business, comments made in the background of a remote Council meeting, allegation of abuse of position as an elected member and bullying, lack of impartiality regarding a planning application, failure to act in the public interest between rural & urban splits in the Parish and chairmanship of a Council committee in respect of a planning application.

After reviewing each of the complaints no further action was taken on eight of the complaints as there had been no breach of the Code or that the Councillor was not acting in the capacity of a County Councillor. In one case, no breach of the code had been established but an apology was given for overlooking an email and in a second the Chief Officer for the service area had been asked to look at the matter further.

There was one case where formal investigation was required, following consultation with the Independent Person, relating to the allegations of inappropriate use of social media, the associated failure to promote high standards of conduct, not treating others with courtesy and respect, bringing the Council into disrepute, failure to act in the public interest and inappropriate language on social media. Following a Report at a Sub-Committee meeting on 7th July, the Sub-Committee asked that two of the issues be investigated further, the first being a reference to sponsorship and the second was a social media post. No action was deemed necessary in relation to a third social media post referenced in the complaint.

The findings were presented to Committee in November 2020, where it was determined the sponsorship issue had been thoroughly investigated and there had been no breach of the Code of Conduct. In relation to the reported retweet, the Committee RESOLVED that there had been a breach of the Code of Conduct under paragraph 1.3(h) (to promote and support high standards of conduct when serving in the public post) and paragraph 4(a) (to treat others with courtesy and respect) and subsequently asked the Monitoring Officer to provide guidance relating to the use of social media and retweeting messages which could cause offence (took place on 3 March 2021).

Finally, when the last annual report was produced, there was a complaint relating to two Members and a meeting of a Highways Committee still being determined. The Committee considered this in March 2020. In the case of one Member, there had not been a breach of the Code of Conduct. In relation to the second, the meeting had been carried out in accordance with the Constitution and relevant operating protocols therefore had been no breach of the Council's Code of Conduct. However, in relation to one of the complainant's assertions, whilst the Subject Member had acted appropriately, a subsequent tweet and quoted remarks in the press were felt to be a lapse of judgement but not a breach of the Code. In light of this, the Council's Social Media Protocol was refreshed and re-issued to all Members.

Dispensations

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.

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 main issue for 2020/21 will be induction processes for the new Council and watching out for the guidance to accompany the new LGA Code of Conduct anticipated in the Spring 2021, in order to prepare a revised Code for presentation to the Committee and Council.

There is also a hope that in light of comments made by Local Authorities, Government will give consideration to more sanctions being available to local authorities (many Local Authority submissions 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.

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