

REPORT TO	ON
Standards Committee	21 January 2020



TITLE	REPORT OF
Standards Annual Report	Shared Services Lead - Legal

Is this report confidential?	No
------------------------------	----

### PURPOSE OF THE REPORT

1. The report provides an account of standards and related work carried out within the last 12 months.
2. The report will subsequently be considered by Full Council.

### RECOMMENDATIONS

3. Standards Committee is asked to note the contents of the report.

### CORPORATE OUTCOMES

4. The report relates to the following corporate priorities:

Excellence, Investment and Financial Sustainability	X
Health, Wellbeing and Safety	
Place, Homes and Environment	

Projects relating to People in the Corporate Plan:

Our People and Communities	
----------------------------	--

### BACKGROUND TO THE REPORT

5. As Members are aware the standards regime changed fundamentally as a consequence of the introduction of the Localism Act 2011. Essentially a less regulated standards regime was introduced.

6. In this context we introduced a new Code of Conduct for Members in 2012 and a new Investigation and Hearing procedure was also introduced. Both documents have been reviewed and updated in recent years.
7. Under these arrangements it is for the Monitoring Officer to carry out an initial assessment of all complaints that come in. It should be remembered that this extends to complaints against parish/town councillors in our area as well as borough councillors.
8. If the Monitoring Officer believes the information received merits consideration he will after consultation with the Independent Person take a decision as to whether it should be investigated or another course of action taken. As a matter of course the Monitoring Officer discusses all complaints with one of our Independent Persons.
9. If an investigation is deemed necessary this will involve the commissioning of an external investigation. Alternatively other action may be taken. For example if the member complained of is prepared to apologise for his/her action and (if appropriate) undergo training then the case could be resolved this way.
10. If a full investigation is carried out and a report produced then the member could be referred to a full hearing before Standards Committee. In such circumstances it would be for committee to decide whether a breach of the Code of Conduct has taken place and what action should take place

## **STANDARDS COMMITTEE WORK**

11. In recent years (particularly during 2017/2018) a great deal of work was done to update all relevant Standards policies and procedures. This included reviewing the Code of Conduct for Elected Members and amending and updating our Hearing and Investigation Procedure for dealing with Complaints.
12. As a consequence we are in a strong position when it comes to our Standards policy framework. This has resulted in full Committee not needing to carry out a great deal of policy work.
13. Nevertheless full Standards Committee did meet on a couple of occasions during the last 12 months.
14. On the 21<sup>st</sup> of March 2019 Standards Committee met to a consider a report which had been published by the Committee on Standards in Public life. This related to the issue of Local Government Ethical Standards. Members were directed to a number of recommendations of particular interest including a recommendation that the powers of sanction open to a standards committee should be significantly enhanced.
15. Members – generally speaking – welcomed the report. They authorised the Monitoring Officer to write to Central Government expressing the view that it would like Government to give active consideration to the recommendations in the report particularly with regard to the introduction of an effective sanctions regime. Such a change would require a change in legislation. The Monitoring Officer accordingly wrote to Central Government.

16. The full committee also met on the 3<sup>rd</sup> of July 2019 for an extensive training session about the Code of Conduct and how we deal with standards complaints.
17. In our agreed procedures the Monitoring Officer has the power to call a Hearings Panel (in effect a sub-committee of the main committee) to carry out the initial assessment of complaints received. In particular our policy states: “The Monitoring Officer has the discretion to refer the initial assessment of a complaint to a Hearing Panel for their consideration. This may be appropriate in cases of particular complexity or sensitivity.”
18. During the last 12 months there have been three such Hearing Panels.

## **MEMBER AND OFFICER PROTOCOL**

19. On the 21<sup>st</sup> of March 2018 full Council adopted the Member and Officer Protocol. All members ultimately signed up to it.
20. Following on from the election in May 2019 it was decided to request all current members to sign up to the Member and Officer protocol. At the time of writing 42 members have signed up to the Protocol. We are hopeful that all members would have signed up to it within the near future.
21. The document is a useful support to the Code of Conduct.

## **COMPLAINTS**

22. For the period 1<sup>st</sup> of November 2018 to 31<sup>st</sup> of December 2019 there were 7 formal standards complaints about members.
23. By way of comparison for the year 1<sup>st</sup> of November 2017 to 31<sup>st</sup> of October 2018 there had been 23 such complaints. In the 12 months before that there had also been 23 such complaints.
24. For the sake of clarity – for the purposes of these figures – where a complaint is brought against two councillors that is treated as two separate complaints even though there may only be one document. Further it should also be understood that the one issue/incident can generate complaints from more than one person.
25. In previous years the comfortable majority of the complaints brought have been submitted by councillors against fellow councillors. This year the picture has been somewhat different. Of the 7 complaints 6 have been brought by members of the public. Only one complaint has been brought by a councillor against a fellow councillor. There have been no complaints against councillors by officers.
26. There have been no complaints against parish councillors throughout this period.
27. Of the 7 new cases:
  - A decision to take no action was made in 5 cases
  - An apology/explanatory statement was sought (and obtained) in 2 cases

- 28.** A case that had started in an earlier year was completed in this period. This related to a complaint brought by a councillor against a fellow councillor. That case was resolved by way of an apology.
- 29.** There are two earlier cases which have yet to be resolved. There is in principle agreement to how those cases should be resolved but the detail has still not been agreed. We are working to resolve these cases as soon as possible.
- 30.** There have been no cases where a formal investigation has been ordered. Given the extremely limited powers of sanction at the disposal of Standards Committee and the time and expense involved in a formal investigation it is considered desirable – if at all possible – to resolve cases by some kind of informal resolution such as apology and/or training.
- 31.** There are various themes that occur in these complaints. They include:
- Failure to declare an interest
  - Improper use of Influence
  - Failure to treat someone with respect

## **OMBUDSMAN COMPLAINTS**

- 32.** Complaints to the Ombudsman are not ordinarily directly related to member conduct – rather they are complaints brought by members of the public against the quality of services delivered.
- 33.** For the year 1<sup>st</sup> of April 2018 to 31<sup>st</sup> of March 2019 16 complaints were made to the Ombudsman about the council. This compares with 20 complaints in the previous 12 month period – the year before that there had been 16 complaints. The number of complaints is relatively low.
- 34.** Of the 16 complaints made, 7 related to Planning and Development, 4 to Corporate and other services, 2 to Benefits and Tax and 3 to Environmental Services and Public Protection and Regulation.
- 35.** During the same period (1<sup>st</sup> of April 2018 to 31<sup>st</sup> of March 2019) 15 decisions were made with regard to complaints submitted against the council.
- 36.** Of these 15 decisions:
- 7 were referred back to the council for local resolution
  - 7 were closed after initial inquiries
  - 1 was not pursued because of insufficient information to proceed.

## **ATTENDANCE FIGURES**

- 37.** As the council had all out elections in May 2019 it is considered sensible to concentrate on the period since then for assessing member attendance records.
- 38.** On our website the individual attendance records of councillors can be accessed. This is part of our commitment to being as open and transparent as possible.

39. Overall the figures for councillors attending council and committee meetings remains very high.
40. For the period 15<sup>th</sup> of July 2019 to 7<sup>th</sup> of January 2020, 22 councillors attended 100% of council and committee meetings (committees that they were a member of).
41. Attendance records for councillors as a whole remains impressive. It is interesting to note that during the period in question (July 2019 to January 2020) 33 members attended committees that they were not a member of – i.e. they attended on a voluntary basis out of interest in something that was on the agenda.

## **TRAINING**

42. During the last 12 months there have been two principal training events:
- On the 3<sup>rd</sup> of July there was a training event for the new members of Standards Committee.
  - On the 15<sup>th</sup> of July there was a training event for all members on Standards and Code of Conduct issues.
43. Both training events included case studies designed to encourage debate and an understanding of the practical issues involved.
44. Members of Planning Committee were also given some training on standards issues with a particular emphasis on the need to declare interests.

## **MOVING FORWARD**

45. Following on from interviews for senior shared services posts in November 2019 Chris Moister was appointed to the role of Director of Governance and Monitoring Officer for both South Ribble Borough Council and Chorley Borough Council. David Whelan was appointed to the role of Shared Services Lead – Legal and Deputy Monitoring officer for both councils.
46. At this juncture we are still very much in a transition phase. The current intention is that shared services for Legal will commence on the 1<sup>st</sup> of April 2020.
47. Clearly moving forward there will be an opportunity for both councils to compare and contrast how they each deal with Standards issues. We may learn from each other's experiences. This may result in some changes in approach.

## **CONSULTATION CARRIED OUT AND OUTCOME OF CONSULTATION**

48. Not relevant to this report.

## **AIR QUALITY IMPLICATIONS**

49. Not relevant to this report

## COMMENTS OF THE STATUTORY FINANCE OFFICER

50. There are no financial implications arising from this report.

## COMMENTS OF THE MONITORING OFFICER

51. It is interesting to note that the number of Standards complaints has reduced this year – in the two previous years the numbers had been particularly high.

52. Moving forward we need to see what more we can do to raise the profile of Standards Committee. Shared Services with Chorley is an opportunity for both organisations to learn from each other in this field.

## OTHER IMPLICATIONS:

<p>► <b>Risk</b></p> <p>► <b>Equality &amp; Diversity</b></p>	<p>It is important to do everything practicable to have a robust standards regime. A failure to do so may result in reputational damage for the council.</p> <p>There are no implications here.</p>
---	---

**There are no background papers to this report**

**There are no appendices to this report)**

LT Member's Name – David Whelan

Job Title – Shared Services Lead – Legal/Deputy Monitoring Officer - South Ribble Borough Council and Chorley Borough Council

Report Author:	Telephone:	Date:
Dave Whelan – Shared Services Lead - Legal	01772 625247	