

REPORT TO	ON
Standards Committee	7 <sup>th</sup> December 2017

September 2017



TITLE	REPORT OF
Annual Report and Update	Interim Monitoring Officer

Is this report confidential?	No
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### 1. PURPOSE OF THE REPORT

The report provides an account of standards work carried out within the last 12 months.

### 2. RECOMMENDATIONS

Committee is asked to note the contents of the report

### 3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

### 4. BACKGROUND TO THE REPORT

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.

Changes included:

- The abolition of independent members on standards committee
- The abolition of the Model Code of Conduct
- Parish council members no longer to be members of standards committees
- Powers of sanction greatly reduced – in particular the power to suspend members was removed

- The introduction of the independent person – a different role to independent members
- No power of appeal against decisions of standards committee

On the back of these changes we introduced a new Code of Conduct for Members in 2012 and a new Investigation and Hearing procedure was also introduced.

Under the new 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.

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 the Independent Person.

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.

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. It must be remembered though that powers of sanction are extremely limited.

Given how limited our powers of sanction are if all possible we try to resolve complaints by the taking of other suitable action.

## **5. STANDARDS COMMITTEE WORK**

Members will no doubt recall that one of the recommendations of the Scrutiny review into issues relating to the council's licensing service was that: "The Standards Committee be strengthened and role be enhanced to improve the ethical governance of the authority and set the standard for Members and Officers to follow."

In last year's annual report Members were asked to consider how best to achieve this. The development of a work programme for standards committee was considered key to achieving this.

In this context it is pleasing to note just how much has been achieved by Standards committee in the last 12 months. In particular Standards committee has dealt with the following issues in this time period:

- The development of a Social Media Protocol
- A review of the Council's Code of Conduct for Elected Members
- The development of a Guidance document for the Code of Conduct
- The appointment of a Second Independent Person
- The development of revised terms of reference for Standards committee
- The amending and updating of our Hearing and Investigation Procedure for Dealing with Complaints
- The granting of dispensations for the budget debate
- Considering a report into our Confidentiality arrangements
- Considering a report into the development of a Member Officer Protocol.

The appointment of a second Independent Person was particularly important. This provides the Monitoring Officer with more support for dealing with complaints. It should improve our flexibility and speed with dealing with complaints.

As a consequence of the updating of our Hearing and Investigation Procedure we now have the ability to call a Hearings Panel 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, for example in cases of particular complexity or sensitivity.”

During the course of this year there have been three such Panel meetings. It is considered that they have functioned well. Three members of the committee are identified to sit on the Panel. An Independent Person and the Monitoring Officer are also in attendance.

## **6. Complaints**

For the year 1<sup>st</sup> of November 2016 to 31<sup>st</sup> of October 2017 there have been 23 standards complaints. There were 12 such complaints in the previous 12 months.

Further it should be pointed out that since the 1<sup>st</sup> of November 2017 there have been 4 further complaints.

The comfortable majority of the complaints brought have been brought by councillors against fellow councillors.

There have been no complaints against parish councillors throughout this period.

Of these 23 cases a decision to take no action was made in 9 cases. In a further 2 cases no further action was taken as the councillor complained had chosen to make an appropriate apology of their own volition. In 2 cases other action was taken – the issuing of a clarification statement in one case and the offer of an apology in another case. It is proposed to resolve another 4 related complaints by the taking of informal action (at the time of writing this has not quite been finalised). There are six complaints in which decisions are pending. In addition to this there are the four new complaints that have been received since the 1<sup>st</sup> of November.

The subject matter of the complaints is quite wide and diverse. The most common issue of complaint relates to not treating others with respect.

In the interests of clarity in addition to the above there was the Scrutiny complaint against 5 members relating to the handling of licensing issues. This complaint was first articulated prior to the 1<sup>st</sup> of November 2016 but was only resolved this year at a meeting of a Standards Panel. The complaint was resolved by the taking of informal action/resolution.

## **7. Ombudsman Complaints**

Complaints to the Ombudsman are ordinarily not directly related to member conduct - rather they are complaints brought by members of the public against the quality of services delivered.

For the year 1<sup>st</sup> of April 2016 to 31<sup>st</sup> of March 2017 16 complaints were made to the Ombudsman about the council. This compares with 11 complaints being made against the council in the previous 12 month period.

Of these 16 complaints 5 related to Benefits and Tax, 4 to Environmental services, 1 to Housing services, 5 to Planning and Development and one other.

During the same period (1<sup>st</sup> of April 2016 to 31<sup>st</sup> of March 2017) 18 decisions were made with regard to the complaints submitted against the council. The reason for the discrepancy in the figures is that some of the complaints were submitted in an earlier period but were only resolved during the year in question.

Of these 18 decisions:

- 2 were rejected because they were incomplete or invalid
- 7 were referred back for local resolution – i.e. for the council to look into
- 4 were closed after initial inquiries
- 1 was not upheld
- 4 were upheld

Of the 4 complaints that were upheld no action was required in two of them as whilst fault was found on the part of the council no injustice was caused which required a remedy. One of the remaining two cases was resolved by the giving of an apology and the other was resolved with the paying of financial redress (£150), the giving of an apology and agreeing to review our complaint procedures.

## **8. Attendance Figures**

Overall councillors' figures for attending council/committee meetings are very high.

On our website councillor's individual attendance records can be accessed. For those councillors who have been on the council for a number of years these records go back to 2007/2008.

For the year May 2016 to May 2017 attendance figures for councillors attending meetings is as follows:

- 12 councillors attended 100% of council and committee meetings (committees that that they were a member of)
- 14 councillors attended between 90% and 99% of such meetings
- 11 councillors attended between 80% and 89% of such meetings
- 9 councillors attended between 70% and 79% of such meetings
- 3 councillors attended between 60% and 69% of such meetings
- 1 councillor attended less than 50% of such meetings

## **9. Training**

Whilst ad hoc training has been provided on standards issues during the last 12 months and the Monitoring Officer has attended an all-day training event delivered by specialists in the field nevertheless it is considered that we need to do more on training. As has already been referred to we have started to call Standards Panels in appropriate cases. Whilst such hearings have gone well training with regard to this particular (and new) function would be desirable.

We also need to consider providing general standards training/awareness raising for all members

## **10. Moving Forward**

It is good to note that over the last 12 months we have achieved a great deal.

Standards committee has been very productive.

Clearly though we need to keep the momentum going.

Last year we developed a work programme for Standards committee. This programme is due to be completed at our February meeting. Committee needs to consider what it would like in its work programme moving forward. Part of that programme could clearly be the identifying and delivering of appropriate and focused training.

Committee are asked to consider how best they can continue to be involved in raising the importance of standards, what our work programme should be, what are priorities should be and what further training committee will require.

## 11. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

### 11.1 Comments of the Statutory Finance Officer

There are no financial implication arising from this report.

### 11.2 Comments of the Monitoring Officer

Standards Committee has been busy for the last 12 months. It is important that we continue to work on raising its profile in the council. The regular reporting of the minutes to Standards committee to full Council helps in this regard.

<b>Other implications:</b>	
▶ <b>Risk</b>	<ul style="list-style-type: none"><li>• We must remain committed to having a robust standards regime in place – if we failed to do this then reputational damage could ensue</li></ul>
▶ <b>Equality &amp; Diversity</b>	<ul style="list-style-type: none"><li>• It is not considered that there is any adverse impact on equality and diversity issues as a result of this report</li></ul>
▶ <b>HR &amp; Organisational Development</b>	<ul style="list-style-type: none"><li>• There are no HR implications</li></ul>
▶ <b>Property &amp; Asset Management</b>	<ul style="list-style-type: none"><li>• There are no Property implications</li></ul>
▶ <b>ICT / Technology</b>	<ul style="list-style-type: none"><li>• There are no ICT implications</li></ul>

## 8. BACKGROUND DOCUMENTS (or there are no background papers to this report)

None

SMT Member's Name – David Whelan  
Job Title – Interim Monitoring Officer

Report Author:	Telephone:	Date:
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