

**STANDARDS COMMITTEE
6TH JUNE 2018**

ANNUAL REPORT OF THE MONITORING OFFICER FOR 2017/18

Cabinet Member(s): Margaret Squires, Cabinet Member for the Working Environment and Support Services

Responsible Officer: Kathryn Tebbey, Monitoring Officer

Reason for Report: to provide the Standards Committee with an overview of the preceding year

RECOMMENDATION: that the report be noted.

Relationship to Corporate Plan: Priority3 (Community), Aim 2 - working with town and parish councils to ensure that they have access to the advice they need to carry out their functions legally and efficiently

Financial Implications: None

Legal Implications: The Council has a statutory duty to promote and maintain high standards of conduct. A review of the previous year may assist the Committee in identifying the extent to which the duty is being complied with and in setting a future work programme (if desired).

Risk Assessment: No risks identified.

Equality Impact Assessment: No EIA required.

1.0 Introduction

1.1 The Monitoring Officer considers it to be good practice to review the preceding year. In that way, she and the Committee can consider whether the Council is fulfilling its statutory duty and evidence the work it has done or is planning to undertake.

2.0 The Standards Committee

2.1 In the past year, the Standards Committee has met 3 times. In previous years, this would have been as and when there was an identified requirement for a meeting. However, it was agreed that a schedule of meetings would enable the Committee to develop a work programme, if required, and show commitment to driving up standards within the Council and in parish and town councils. For the municipal year 2018/19, the Standards Committee now has 3 allocated dates for meetings.

2.2 One new development trialed by the Committee involved informal workshops - where members could discuss issues of concern and interest, with a view to working up options for future work or improvements. A key area of both interest and concern to come out of these workshops was the need to keep taking steps to improve relations with the parish and town councils - after all, most members work very closely with the parishes and can be useful bridge between parish and district with two-way communication.

3.0 The Independent Person

3.1 At the start of the year, the Council had two Independent Persons, but one subsequently resigned to take responsibility for a project in another public sector body. The Council has an obligation to appoint an Independent Person, although some appoint more in order to meet the demands of the role and to cover unavailability etc. No decision to appoint a replacement Independent Person has been made, but the Monitoring Officer has established links with a couple of Devon authorities with a view to sharing services should this be required. This, and the workload of the single Independent Person, will be kept under review.

3.2 The Independent Persons are individuals appointed by the Council to fulfil the statutory role set out in the Localism Act 2011. They receive a small annual allowance, but are not employees. The role of the Independent Person is familiar to the Committee, but in summary, the prime duty is to provide impartial and independent advice and support to the Monitoring Officer in considering code of conduct complaints and, where required, to those making complaints and those complained about.

3.3 The Committee agreed that it might be useful to ask the Independent Persons to attend some meetings of the Council and to feedback their observations. This was undertaken for a few months in late summer/autumn 2017. The intention was to ensure that the Independent Persons were familiar with the workings of the Council and to gain some insight into how meetings came across to someone sitting in the public gallery. On the whole, the observations were very positive, with members showing clear understanding of and engagement with the matters under consideration. Further, the debates and discussions, whilst at times challenging, were regarded as demonstrating the democratic process in action.

3.4 One area of potential for improvement was retaining and maintaining an appropriate manner/composure throughout the meetings - including participation in the debate, body language and non-verbal expressions. The Committee will be aware that the start of all meetings of the Council (including its Committees) is prefaced by a reminder from the Chairman about the recording of the meeting - and avoiding unhelpful comments. The recording of the meeting will not necessarily pick up all the issues, but attempts at wit, side conversations, comments about another member's participation, sighing etc. all contribute to the public's perception of whether members are taking the matter seriously. When it is a matter of particular interest to the public, this may not be a positive perception.

3.5 The Committee may want to consider asking the Independent Person to observe meetings periodically as a litmus test of standards in meetings.

4.0 The Monitoring and Deputy Monitoring Officers

4.1 The Monitoring Officer took up her post in April 2017. By law, she must appoint a Deputy Monitoring Officer. In fact, she chose to appoint two - Sally Gabriel (Member Services Manager) and Maria de Leburne (Solicitor). The three officers have worked together in commencing a review of the Council's Constitution, but the Monitoring Officer is going to set aside more time to take this forward in coming months.

5.0 Complaints under the Code of Conduct

5.1 In the municipal year 2017/18, there were 6 complaints made, one of which was subsequently withdrawn before it was referred to the Independent Person. A further two were received in late April/early May and are therefore under consideration currently. In consultation with the Independent Person(s), none of the remaining complaints, as made, passed both the legal jurisdiction test and the local assessment criteria.

5.2 On further investigation of one of the complaints made on a number of grounds, however, it became clear that there had been a breach of the code of conduct relating to the declaration of interests. This was not the substance of the original complaint, but it is open to the Monitoring Officer to consider additional matters which arise during the course of an investigation. The parish council's code of conduct laid down very specific rules about interests in other bodies, including charities. It was clear that the councillor concerned was not alone in this, as several other parish councillors had the same interest. On discussing the matter with the parish clerk, it was evident that this was a common misunderstanding amongst all the parish councillors. The Monitoring Officer therefore dealt with this by way of informal resolution and provided guidance to the parish clerk and recommended a review of their code of conduct.

5.3 In terms of the complaints which were not taken forward to investigation, the core themes were respect, repute and probity in planning/finances, but underlying these is the key issue of parish councillors working together as a collective, with different aspirations and personalities, but nevertheless for the benefit of the community.

5.4 The Monitoring Officer also stepped in on a few occasions to provide advice and guidance to individual district council members by way of local resolution.

6.0 Training

6.1 Following the adoption of a revised Code of Conduct last year, the Monitoring Officer provided a training session for all members on 28 June 2017. In the Autumn, she offered training to parish and town councils. Six sessions were arranged, but only three took place due to low take-up from the east of the district. The sessions in Crediton were well-attended with very good participation from all those present.

6.2 In order to reach those parishes which had not taken up the offer of training, the Monitoring Officer prepared a self-assessment questionnaire which was circulated to all parish clerks. The Monitoring Officer will consider what further or alternative training might be made available and discuss this with the Committee.

7.0 Parish Clerks

7.1 The Monitoring Officer receives frequent requests for advice and guidance from parish clerks across the district. Sometimes, it is quite a complex matter, but often it is just a “have I got this right?” These requests are welcome, as it helps to establish a closer working relationship with the parishes and provides support to clerks in a challenging and sometimes isolated role.

8.0 Issues/matters explored

8.1 In the past year, and in addition to a key issue of the district: parish relationship, the Committee has considered the following matters, some of which are on-going and will return to the Committee in due course:

- Expectations on members with regard to correspondence
- Recent cases
- Public Speaking Rights at Planning Committee
- The Constitution
- Consultation on disqualification criteria for councilors
- Members’ access to and use of exempt information
- Effectiveness of scrutiny
- Intimidation in Public Life

9.0 Sensitive interests

9.1 There is a statutory requirement to publish the register of interests on the Council’s website – this includes the parish council registers, although those parishes with their own websites are required to publish them as well (if necessary by a link to this Council’s website). Sensitive interests can be removed from the website version if the Monitoring Officer receives a request and agrees that the publication of such information might lead to violence or intimidation. This is also an issue which was picked up by the Committee on Standards in Public Life in its paper on Intimidation - which members considered last year. In line with a recommendation in that paper, the Monitoring Officer reminded parish clerks that concerns about sensitive interests could be referred to her.

9.2 The Monitoring Officer dealt with one request from a parish councillor to redact certain personal data from the website version. The Monitoring Officer was not satisfied at that time that there was evidence that disclosure of the information could lead to violence or intimidation, but offered to review the decision if the parish councillor continued to be concerned.

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Circulation of the Report: Cabinet Member for the Working Environment and Support Services; Chairman and Vice-Chairman of Standards Committee

List of Background Papers: None