

STANDARDS COMMITTEE
19TH JUNE 2019

ANNUAL REPORT OF THE MONITORING OFFICER FOR 2018/19

Cabinet Member(s): Cllr N Woollatt, 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 and circulated to all Town and Parish Councils for information.

Relationship to Corporate Plan: Priority 3 (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 had three scheduled meetings, with one meeting being postponed and a further cancelled due to insufficient business. In previous years, meetings were arranged as and when there was an identified requirement for a meeting. Whilst a schedule of meetings would enable the Committee to develop a work programme, this does rely on members of the Committee bringing forward ideas and suggestions to explore. For the municipal year 2019/20, the Standards Committee again has 3 allocated dates for meetings.

2.0 The Independent Person

- 2.1 The Council currently has one Independent Person, Mr John Smith. This is the statutory minimum. It is the Monitoring Officer's view that at least one further Independent Person should be recruited this year and the plan is to do so in the autumn.
- 2.2 The Independent Person is 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 during the course of an investigation.
- 2.3 In the past, the Committee agreed that it might be useful to ask the Independent Person to attend some meetings of the Council and to feedback their observations. The Committee may want to consider asking the Independent Person to observe meetings periodically as a litmus test of standards in meetings. Conflicts of interest will always be managed.

3.0 The Monitoring and Deputy Monitoring Officers

- 3.1 The Monitoring Officer is Kathryn Tebbey and she has appointed two Deputy Monitoring Officers, Sally Gabriel (Member Services Manager) and Maria de Leburne (Solicitor) who remain in post. The law requires the Monitoring Officer to perform the duties personally - Deputy Monitoring Officers only act when the Monitoring Officer is "*unable to act owing to absence or illness*".

4.0 Complaints under the Code of Conduct

- 4.1 In the municipal year 2018/19, a total of 8 formal complaints have been made, none of which were withdrawn. This compares with 6 made in the previous year. In consultation with the Independent Person(s), the Monitoring Officer concluded that none of the formal complaints passed both the legal jurisdiction test and the local assessment criteria. Accordingly, they were not referred for formal investigation. That is not to say that they were straightforward – many raised quite important and complex questions about what it is to be councillor in terms of standards of behavior in the modern age, with the use of social media featuring prominently in some.
- 4.2 In terms of the complaints which were not taken forward to investigation, the core themes were respect, bullying and reputational concerns. All but one of the complaints were made against parish councillors, with five of the complaints being made against three councillors of the same council. Whilst the circumstances varied considerably between each complaint, underlying them all was the difficulty at times of parish councillors working together as a collective, with different aspirations and personalities, but nevertheless for the benefit of the community.

- 4.3 Workload and capacity has been an issue for the Monitoring Officer this year. This has regrettably resulted in some of the complaints not being considered in as timely a manner as she would have wished, particularly when several complaints were under consideration at once. Going forward, a budget has been put in place where previously there was none – this would be used if additional support (including investigations) were required.
- 4.4 A significant number of non-formal ‘concerns’ were raised by members of the public, fellow councilors and Parish Clerks. These were discussed and, where appropriate, advice and guidance was given.

5.0 Social media

- 5.1 Social media is a useful tool for councillors to engage with local residents. However, it has been at the heart of some of the complaints made. It can be a challenge for councillors to find a way to express personal and quite strong views without these being treated as them acting in their official capacity – particularly as many are well-known in their communities. A number of councils have adopted social media guidelines as a result.

6.0 Parish and Town Councils

- 6.1 The Monitoring Officer has visited two parish councils at their request in the past 12 months to provide guidance, advice and/or training, namely Hittisleigh and Cullompton Town.
- 6.2 A number of parish clerks across the district have sought advice from time to time – not just on pure standards issues, but also governance and other procedural matters.
- 6.3 There were a number of issues with regard to parish councillors’ understanding of the requirements of their respective codes and the need to register and declare interests – as well as not fully understanding the nature of the interests they held and the consequences for their participation in meetings. This was handled by way of guidance and advice, rather than through any formal complaint process.

7.0 Committee on Standards in Public Life

- 7.1 In January 2019, the Committee on Standards in Public Life published their report on Ethical Standards in Local Government. Legislative changes would be required to enact many of the recommendations put forward. However, there are some examples of perceived best practice and it would be useful to consider these and make changes where appropriate.

8.0 Gifts, hospitality and registers of interests

- 8.1 There were 19 declarations of gifts and hospitality made by officers. The majority of these related to an offer of free entry to local government staff to a visitor attraction in the south-west. Two officers gave notices of personal interests.

- 8.2 Two members declared gifts and hospitality on a separate form, but some members have chosen to do this via their registers of interests. It appeared to the Monitoring Officer that members were keeping their registers updated during the year.

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.
- 9.2 The Monitoring Officer dealt with one request from a parish councillor to redact certain personal data from the website version.

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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