

**STANDARDS COMMITTEE
10TH JUNE 2019**

ANNUAL REPORT OF THE MONITORING OFFICER FOR 2019/20

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

Budget and Policy Framework: Nothing undertaken outside the budget and policy framework.

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.

Climate Change: No impact identified.

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. A schedule of meetings enables the Committee to develop a work programme, but this does rely on members of the Committee bringing forward ideas and suggestions to explore. For the municipal year 2020/21, the Standards Committee again has 3 scheduled dates for meetings.

2.0 The Independent Person

- 2.1 The Council now has two Independent Persons, Mr John Smith and Mr Rob Jeanes. Mr Jeanes was appointed for the first time in January 2020.
- 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 The Committee may want to consider whether there are additional ways in which the Independent Persons might assist the work of the Committee - and the Monitoring Officer is happy to take any ideas to them for discussion/scoping.

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*". However, all three officers work closely together in any event.

4.0 Complaints under the Code of Conduct

- 4.1 In the municipal year 2019/20, a total of 10 formal complaints were made, one of which was subsequently withdrawn. This compares with 8 made in the previous year. One complaint has yet to be determined. In consultation with the Independent Person(s), the Monitoring Officer concluded that none of the other 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 behaviour in the modern age, with the use of social media featuring prominently in some.
- 4.2 The core themes were respect, bullying and reputational concerns. Three complaints were made against district councillors and nine complaints were made against parish councillors. 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. A summary of the complaints appears in the table at Annex 1.

- 4.3 A significant number of non-formal ‘concerns’ were raised by members of the public, fellow councillors and, in particular, Parish Clerks. These were discussed via telephone and email - 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. The challenge of social media is often that of ‘tone’ – a few words will often not convey the full story of what the individual is trying to say.
- 5.2 The Council has produced guidance for members on social media and the Standards Working Group also met to consider the issue. However, the Monitoring Officer reported that further national guidance and a model code of conduct was expected in 2020 which might address the point. The Working Group therefore agreed to suspend further consideration for the time being, pending publication of those documents.

6.0 Parish and Town Councils

- 6.1 The Member Services team send out a monthly newsletter to the parish clerks and there is an annual clerks’ event in the autumn. As mentioned previously, 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.
- 6.2 Members will recall that there was an issue in the year with quite a number of parish councilors not completing their registers of interests, despite reminders being sent via the clerks. However, this was eventually reduced down to just two, who, with the agreement of the Standards Committee, were referred to the Police for investigation. The Monitoring Officer has asked for an update and, if received, will report this at the meeting.

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 and this has still not happened. However, the Standards Working Group did consider the examples in the report of perceived best practice and reported back in October 2019.

8.0 Gifts, hospitality and registers of interests

- 8.1 There were 4 declarations of gifts and hospitality made by officers. During the course of the year, as part of the review of the report from the Committee on Standards in Public Life (see paragraph 7.1), changes were made to the way

in which members declared gifts and hospitality. Members will recall that some members were using a form and some were updating their registers of interests. All members have now been instructed to use a specific form, but no declarations have been made to date.

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 informal enquiry from a parish councillor about redacting certain personal data from the website version and this was resolved without a redaction being made.

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Circulation of the Report: Cabinet Member for the Working Environment and Support Services

List of Background Papers: None

Reference	Parish or District	Allegation	Decision
CCOC.21	District	Failure to show respect and to act impartially and consistently – related to a decision not to call in a planning application	No breach – councillor entitled to make decision in accordance with conscience and sometimes had to respond robustly to requests
CCOC.22	District	Failure to show respect with comments made on social media	No breach – not acting in an official capacity
CCOC.23	Parish	Failure to follow procedures in co-option – indicating potential bias/lack of objectivity	Withdrawn
CCOC.24	Parish	Failure to deal impartially and potential discrimination arising from a planning application	On-going
CCOC.25	Parish	Failure to act objectively and without bias, including failure to declare interest and influencing decision.	No breach – appropriate interest declared at meeting and no evidence of improper participation
CCOC.26	Parish	Failure to treat with respect – by comments made at an on-site visit in relation to potential highway obstruction offence	No breach – matter of fact and, in any event, a minor matter arising from ongoing disagreement with the parish council.
CCOC.27	District	Inappropriate comments at a meeting	Resolved through apology and withdrawn
CCOC.28	Parish	Bringing council/office into disrepute	No breach – not acting in an official capacity (conduct in private life)
CCOC.29	Parish	Failure to act objectively and using position to bully/secure disadvantage to a company	No further action – complaint not sufficiently detailed as to conduct and also delay in making referral
CCOC.30	Parish	Bringing office into disrepute by making adverse comments about a national politician on social media	No further action – councillor had already apologised publicly via the press