

**STANDARDS COMMITTEE
7TH JULY 2021**

ANNUAL REPORT OF THE MONITORING OFFICER FOR 2020/21

Cabinet Member(s): Cllr N Woollatt, Cabinet Member for the Working Environment and Support Services

Responsible Officer: Maria de Leiburne, Deputy 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: No specific or relevant provision, but promoting high standards is part of running a well-managed local authority.

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 EqIA 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 2 scheduled meetings (one less due to the pandemic). 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 2021/22, the Standards Committee again has 3 scheduled dates for meetings, albeit with a slight delay to the first meeting.

3.0 The Independent Person

- 3.1 The Council has two Independent Persons, Mr John Smith and Mr Rob Jeanes.
- 3.2 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.

4.0 The Monitoring and Deputy Monitoring Officers

- 4.1 Kathryn Tebbey, formerly Head of Legal (Monitoring Officer) left the Council at the end of June 2021. Maria de Leiburne will act as Monitoring Officer on an interim basis until Karen Trickey joins the Council later in the year (subject to agreement by Council on 1 July 2021). Maria, a solicitor who leads the legal service, has been a deputy monitoring officer since 2016, alongside Sally Gabriel (Member Services Manager). 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.

5.0 Complaints under the Code of Conduct

- 5.1 In the municipal year 2020/21, a difficult year for all, a total of 8 formal complaints were made – slightly down on the previous year (10). Of these, one complaint has yet to be determined and two further complaints have recently been received.
- 5.2 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, although words of advice were given in 4 of those cases and training provided in another. Accordingly, no complaints were referred for formal investigation and subsequent hearing.
- 5.3 As ever, the common themes through most of the complaints were respect, bullying and reputational concerns – with some political and probity undertones. Four complaints were made against district councillors and four complaints were made against parish councillors. Whilst the circumstances varied considerably between each complaint, an underlying theme for almost all of the complaints would be communication – getting the tone right, timely communication and indeed, whether to communicate at all. A summary of the complaints appears in the table at Annex 1.
- 5.4 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.

6.0 New model code of conduct

6.1 In December 2020, the Local Government Association published a new model code of conduct. The Standards Committee agreed to set up a standards working group to consider the model code when the guidance was also made available. That guidance has yet to be made available – it is a matter for Members to consider whether they wish to continue waiting for it, or start work in anticipation.

7.0 Parish and Town Councils

7.1 The Member Services team continue to send out a monthly newsletter to the parish clerks. 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.

8.0 Gifts, hospitality and registers of interests

8.1 There were 2 declaration of gifts and hospitality made by officers. Members have been instructed to use a specific form for registering gifts and hospitality, there have been no declarations 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. The Monitoring Officer received no requests regarding sensitive interests in 2020/21.

10.0 Governance

10.1 As Members will be fully aware, a governance review was carried out in 2020/21. During the course of that review, alternative arrangements for scrutiny and policy development were debated. Whilst Members decided to continue with the existing policy development groups, the current procedural rules for Audit, Scrutiny and the PDGs are ripe for a review to ensure that they are as clear and proportionate as they can be. Further, it is suggested consideration should be given at some point to increasing the numbers on Audit Committee.

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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.31	Parish	Comments and attitude amounting to bullying of the clerk	No clear evidence of a breach of a code of conduct. Comments made were intended to be helpful, but perhaps given in a way which was perceived as criticism. Words of advice given.
CCOC.32	District	Failure to show respect to a fellow councillor in a public article	In all circumstances, not reasonable to read article in the manner suggested. Fellow councillor not concerned. No further action taken.
CCOC.33	Parish	Concern about private conversations between a councillor and a potential bidder for a property of interest in the town	The complaint was more of a request for assistance and advice from the parish council. Formal advice was given and subsequent standards training provided via Zoom (well received). No further action.
CCOC.34	District	Complaint about behaviour of a councillor in private life	Not within scope of code of conduct i.e. not acting in an official capacity. Words of advice given.
CCOC.35	District	Complaint that a councillor may have misled the wider council	Not supported by the evidence and no further action given.
CCOC.36	Parish	Complaint that conduct of a chairman and fellow councillor (various complaints) displayed behaviour which fell short of the standards required, including bullying and conflicts of interest	Some matters outside the scope of the code of conduct complaints process i.e. private life, collective decisions etc. Other complaints not substantiated by evidence, but words of advice given in one aspect.
CCOC.37	Parish	Complaint about use of parish resources for election/political purposes	Minor matter not justifying investigation and full process. Words of advice given and assurance received as to the future.

CCOC.38	Parish	Complaint about conduct of a councillor on social media and attitude/ behaviour towards employees.	Not yet determined at the date of this report.
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