

**Report for: Standards Committee**

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Date of Meeting:	18 October 2023
Subject:	Annual Report of the Monitoring Officer for 2022/23
Cabinet Member:	Cllr Jane Lock, Cabinet Member for the Working Environment
Responsible Officer:	Maria De Leburne, District Solicitor & Monitoring Officer
Exempt:	NA
Wards Affected:	NA
Enclosures:	[any appendices – list here]

**Section 1 – Summary and Recommendation(s)**

This report provides the Standards Committee with an overview of the preceding year.

**Recommendation(s):**

**That the report be noted and circulated to all Town and Parish Councils for information.**

## **Section 2 – Report**

### **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 municipal year, the Standards Committee had three scheduled meetings, with one meeting being cancelled. 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 2023/24, the Standards Committee has 3 scheduled dates for meetings.

### **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.
- 3.3 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. 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.

#### **4.0 The Monitoring and Deputy Monitoring Officer**

4.1 The Monitoring Officer is Maria De Leburne and she has appointed a Deputy Monitoring Officer, Philip Langdon (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, both officers work closely together in any event.

#### **5.0 Complaints under the Code of Conduct**

5.1 In the municipal year 2022/23, a total of 12 formal complaints have been made, 4 of which were withdrawn. In consultation with the Independent Person(s), none were 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 a councillor in terms of standards of behaviour.

5.2 In terms of the complaints which were not taken forward to investigation, the core themes were respect, bullying, communication and reputational concerns. The complaints were made against parish and district councillors.

5.3 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.

5.4 A significant number of non-formal ‘concerns’ were raised by members of the public, fellow Councillors and Parish Clerks. These were discussed and, where appropriate, advice and guidance was given.

#### **6.0 Social Media**

6.1 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. I would encourage parish/town clerks to remind councillors of their social media guidance.

## **7.0 Parish and Town Councils**

7.1 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.

7.2 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.

## **8.0 Gifts, hospitality and registers of interests**

8.1 There were only 2 declarations of gifts and hospitality made by officers. This related to an offer of free entry to local government staff to a visitor attraction in the south-west. One officer gave notice of personal interests.

8.2 No members declared gifts and hospitality, but some members have previously 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.

## **10.0 Governance**

10.1 As members are fully aware, Motion 591 was approved at Full Council on the 22 February 2023 to change from the Cabinet system of governance to a modernised committee system to be implemented from the Annual meeting of 2024. As stated at Full Council by the Monitoring Officer this gave a steer to start preparing the governance framework for this type of system and that it would be brought back to full Council for a final decision at some point in the future. A report is now being prepared for Full Council on the 1<sup>st</sup> November with an update on the work to date.

## **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.

## **Impact on Climate Change**

NA

## **Equalities Impact Assessment**

No EIA required.

## **Relationship to Corporate Plan**

No specific or relevant provision, but promoting high standards is part of running a well-managed local authority.

## **Section 3 – Statutory Officer sign-off/mandatory checks**

**Statutory Officer:** Maria De Leburne  
Agreed on behalf of the Monitoring Officer  
**Date:** 10 October 2023

**Chief Officer:** Stephen Walford  
Agreed by or on behalf of the Chief Executive/Corporate Director  
**Date:** 10 October 2023

**Cabinet member notified:** Yes

## **Section 4 - Contact Details and Background Papers**

**Contact:** Maria De Leburne, [mdeleburne@middevon.gov.uk](mailto:mdeleburne@middevon.gov.uk)

**Background papers:** None