

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Standards Committee

19 November 2020

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|--------------------------|---|
| TITLE: | Standards Committee Annual Report |
| PORTFOLIO HOLDER: | Councillor Sybil Ralphs MBE- Council Leader |
| CONTACT OFFICER: | Linden Vernon - Senior Officer (Governance and Member Support) |
| WARDS INVOLVED: | Non-Specific |

Appendix A – Role of the Committee

1. Reason for the Report

- 1.1 To review the work of the Standards Committee during 2019/2020.

2. Recommendation

- 2.1 That the report be noted.

3. Executive Summary

- 3.1 This report provides an overview of the issues considered by the Standards Committee during 2019/20. This included the following matters:

- Bitesize Briefing
- Code of Conduct - Dispensations
- Committee on Standards in Public Life - Ethical Standards Review
- Monitoring complaints received regarding alleged breaches of the Code of Conduct
- The Annual Letter received from the Local Government Ombudsman

4. How this report links to Corporate Priorities

- 4.1 High standards of conduct are integral to the Council achieving its corporate priorities.

5. Alternative Options

5.1 There are no options to consider.

Mark Trillo
Executive Director (People) and Monitoring Officer

**Web Links and
Background Papers**
[Standards Committee Reports](#)

Contact details

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6. Detail

6.1 Article 9 of the Council's Constitution defines the role of the Standards Committee and is shown in full in **Appendix A** to this report. In summary this includes:

- To promote high standards of conduct by elected and co-opted members and staff
- To advise the Council, monitor the operation and provide training/notes on local codes of conduct, protocols or other ethical guidance for Members and staff
- Granting dispensations to District Councillors
- To consider and where necessary take action regarding complaints for breaches of the Code of Conduct
- To promote Member development and training on ethics and standards generally within the District Council
- To monitor the Council's corporate complaints procedure including any references to the Local Government or Housing Ombudsman and to consider any implications for the Council's codes, protocols or ethical guidance
- To advise the Council on the adoption or revision of the Constitution

6.2 The current membership of the committee is provided below. The Council's Independent Persons continue to be invited to attend and participate at Committee meetings.

| Standards Committee Composition | |
|--|--|
| District Councillors | Councillor Geoff Bond (Chair) Councillor Ben Emery (Vice-Chair) Councillor James Aberley Councillor Ian Herdman Councillor Kevin J Jackson Councillor Brian Johnson Councillor Kate Martin Councillor Phil Taylor Councillor Peter Wilkinson |

| Standards Committee Composition | |
|--|--|
| Town/Parish representatives (non-voting) | Cllr David Fowler Cllr Barbara Hughes |
| Independent Persons | Mr Harry Mawdsley Mr Philip Brough (substitute) |

Bite Size Briefing

6.3 Following the local elections held in May 2019 councillors received a presentation on the role of the Committee. This included an overview of the Council's decision making process and its Ethical Framework. The presentation also included a summary of the Council's obligations to comply with the requirements of the Localism Act 2011 with regards to standards. These included:

- The duty to promote and maintain high standards of conduct
- The adoption of a Code of Conduct
- Having arrangements in place to deal with standards complaints
- The need to declare and record Pecuniary and 'Other' Interests

Code of Conduct - Dispensations

6.4 Section 33 of the Localism Act made provision for the circumstances where dispensations may be granted. The power to grant dispensations has been delegated by Council to the Standards Committee, in consultation with the Independent Person. Previously, under the old Code of Conduct, general exemptions were provided to all councillors with regard to prejudicial interests in any business of the authority where that business related to certain functions of the authority.

6.5 The arrangements introduced by the Localism Act 2011 did not reproduce these exemptions and as a result councillors could effectively breach the Code of Conduct should they take part in a meeting where any of these matters were being discussed and they have a disclosable pecuniary interest in the matter.

6.6 That Committee granted general dispensations to all councillors for a period of four years in respect of:

- An allowance, payment or indemnity given to members.
- Any ceremonial honour given to members.
- Setting council tax or a precept under the Local Government Finance Act 1992 as amended from time to time or any superseding legislation.
- Housing, where the councillor is a tenant of the authority or occupies a property of the authority provided that those functions do not relate particularly to the councillor's tenancy, occupancy or lease.
- Setting the local council tax support scheme
- Setting a local scheme for the payment of business rates

Committee on Standards in Public Life - Ethical Standards Review

- 6.7 The report informed Members about the best practice recommendations made by the Committee on Standards in Public Life after their recent review into ethical standards in local government.
- 6.8 The recommendations were subsequently adopted into the Council's local ethical framework. These included making revisions to the Code of Conduct (prohibitions on bullying and harassment, requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors) and the adoption of initial assessment criteria for use under the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011.

Monitoring complaints received regarding alleged breaches of the Code of Conduct

- 6.9 The Committee continued to receive regular complaint monitoring reports regarding alleged breaches of the Code of Conduct. These reports updated members on the number and nature of complaints dealt with by the Monitoring Officer and explained:
- If these related to district or town/parish councillors
 - If any further action should be taken
 - If further investigations were considered to be appropriate
- 6.10 This information is then used to identify trends and consider themes for which training seminars may be planned. The table below summarises the complaints received for the previous years and compares these with the Authority's Strategic Alliance partner, High Peak Borough Council (HPBC).

| Year | No. of Complaints | | | | | |
|---------|-------------------------------------|---------------------------------------|-------------------------------|-----------------------|------------------------|-----------------|
| | Staffordshire Moorlands Parish Cllr | Staffordshire Moorlands District Cllr | Staffordshire Moorlands Total | High Peak Parish Cllr | High Peak Borough Cllr | High Peak Total |
| 2013/14 | 3 | 1 | 4 | 10 | 1 | 11 |
| 2014/15 | 5 | 1 | 6 | 2 | 1 | 3 |
| 2015/16 | 3 | 12 | 15 | 4 | 0 | 4 |
| 2016/17 | 9 | 16 | 25 | 4 | 2 | 6 |
| 2017/18 | 5 | 8 | 13 | 1 | 3 | 4 |
| 2018/19 | 2 | 9 | 11 | 2 | 1 | 3 |
| 2019/20 | 6 | 26 | 32 | 19 | 1 | 20 |

The Annual Letter received from the Local Government Ombudsman

- 6.11 The Annual Letter of the Local Government Ombudsman was considered by the Committee at its meeting in November 2019. The table below provides a summary of the number of complaints dealt with by the Ombudsman set

against the total number of complaints received by the Authority. For comparison purposes figures for previous years are also provided together with details for HPBC.

| Year | No. of Ombudsman Complaints | | | |
|---------|--------------------------------|----------------------------|--------------------------------|----------------------------|
| | SMDC | | HPBC | |
| | No. of Enquiries or Complaints | Total Number of Complaints | No. of Enquiries or Complaints | Total Number of Complaints |
| 2012/13 | 14 | 439 | 10 | 404 |
| 2013/14 | 12 | 280 | 20* | 372 |
| 2014/15 | 10 | 284 | 12 | 413 |
| 2015/16 | 13 | 258 | 11 | 368 |
| 2016/17 | 10 | 245 | 8* | 448 |
| 2017/18 | 12 | 193 | 15 | 308 |
| 2018/19 | 6 | 119 | 7 | 223 |

* This includes one complaint from the Housing Ombudsman Service.

- 6.12 The relatively small number of complaints that reach the Ombudsman compared to the total number of complaints received by the Authority illustrates the strength of the Council in ensuring complaints are dealt with promptly and appropriately.