

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

## **Report to Standards Committee**

**10 November 2017**

<b>TITLE:</b>	<b>Standards Committee - Annual Report 2016/17</b>
<b>PORTFOLIO HOLDER:</b>	<b>Councillor Sybil Ralphs - Leader</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon – Senior Officer (Governance &amp; Member Support)</b>
<b>WARDS INVOLVED:</b>	<b>Non-Specific</b>

### **Appendix A – Role and Function of the Committee**

#### **1. Reason for the Report**

1.1 To review the work of the Standards Committee during 2016/2017.

#### **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 2016/17. These included the following matters:

- Monitoring complaints received regarding alleged breaches of the Code of Conduct
- The Annual Letter received from the Local Government Ombudsman
- An annual review of Councillor development
- Local Public Services Senior Managers' Code of Ethics
- Code of Conduct - Dispensations
- Review of the Council's Local Ethical Framework

#### 4. Options and Analysis

4.1 There are no options to consider.

#### 5. Implications

5.1 Community Safety - (Crime and Disorder Act 1998)  
Not Applicable.

5.2 Workforce  
Not Applicable.

5.3 Equality and Diversity/Equality Impact Assessment  
This report has been prepared in accordance with the Council's Diversity and Equality Policies.

5.4 Financial Considerations  
An annual budget is available for Councillor Training and Development.

5.5 Legal  
The Localism Act 2011 introduced the current Standards framework.

5.6 Sustainability  
Not applicable.

5.7 Internal and External Consultation  
Not applicable.

5.8 Risk Assessment  
Not applicable.

Mark Trillo

**Executive Director (People) and Monitoring Officer**

#### **Web Links and Background Papers**

Previous Committee Reports

<https://democracy.staffs Moorlands.gov.uk/ieListMeetings.aspx?Committeeld=191>

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## 6. Background and Detail

6.1 Article 9 of the Council's Constitution defines the role and function 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.

District Councillors	Cllr. Elsie Fallows (Chair) Cllr. Tony Hall (Vice-Chair) Cllr. Geoff Bond Cllr. Kevin Jackson Cllr. Ian Lawson Cllr. Peter Wilkinson
Co-opted Town/Parish representatives (non-voting)	Cllr. David Fowler Cllr. Christine Meyrick
Independent Persons	Mr. Harry Mawdsley Mr. Philip Brough (substitute) Mr. Barry Steans (substitute)

### Complaints Monitoring

6.3 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, Town or Parish councillors;
- If any further action should be taken;
- If further investigations were considered to be appropriate.

- 6.4 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 previous years and compares these with the Authority's Strategic Alliance partner, High Peak Borough District Council.

Year	No. of Complaints			
	Staffordshire Moorlands Parish Cllr	Staffordshire Moorlands District Cllr	Staffordshire Moorlands Total	High Peak Total
2013/14	3	1	4	11
2014/15	5	1	6	3
2015/16	3	12	15	4
2016/17	9	16	25	6

- 6.5 The Annual Letter of the Local Government Ombudsman was considered by the Committee at its meeting in November 2016. 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 High Peak Borough Council (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

\* This includes one complaint from the Housing Ombudsman Service.

- 6.6 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.

### **Annual Review of Councillor Development**

- 6.7 A report was presented to the Committee in March 2017 which provided a review of councillor development for the previous 12 months.
- 6.8 The Member Development Working Group had developed a programme of learning and development opportunities for all councillors that was updated on a rolling basis with activities identified through a variety of channels, for example, following the evaluation of events,

from emerging priorities and changes to legislation etc. (e.g. the Housing and Planning Act 2016). Learning and development opportunities should benefit councillors as individuals in their various roles and ultimately have a positive effect for the Council and the community.

- 6.9 Members are requested to complete evaluation forms after each session. Scores and comments are compiled and circulated to the course providers and are used to inform the structure and content of future courses.
- 6.10 The majority of seminars had been undertaken in-house, with two exceptions these being a session provided by the Planning Advisory Service and a safeguarding seminar which was provided by a specialist external trainer. The delivery of seminars by officers had been shown to be a very cost effective method and the feedback from councillors supported the use of in-house expertise which allowed for sessions to take into account the Council's specific policies and procedures.
- 6.11 The Development Programme during the previous 12 months had included the following seminars:
- Workshop Raising Awareness of Prevent
  - General Planning Applications Training
  - The Housing & Planning Act 2016
  - Overview & Scrutiny Seminar
  - Safeguarding Training
  - Planning Applications Committee Training
  - Licensing Training
- 6.12 Course materials, including presentations, were automatically published on the Councillors' Portal area of the Authority's Intranet which could be accessed by all members.
- 6.13 In addition to the main training programme, support was on-going around the Members' IT project. This had recently included the roll-out of the Modern.Gov app onto tablet computers to provide improved access to committee meeting reports. This included group training sessions, drop in sessions and 1:1s as required.

### **Local Public Services Senior Managers' Code of Ethics**

- 6.14 The Committee supported the adoption of the Local Public Services Senior Managers' Code of Ethics for inclusion in the Council's Ethical Framework. A range of professional bodies representing senior managers across local public services, including Solace (Society of Local Government Chief Executives) and CIPFA (Chartered Institute of Public Finance and Accountancy) had come together to develop a code of ethics for their members.

- 6.15 The code was an overarching statement of ethics, based upon behaviours and therefore focused on the individual, as opposed to group or organisational culture. It was intended to be applicable to all those who hold senior management roles in local public services led by locally elected politicians.
- 6.16 The code was consistent with the 'Principles of Public Life' published by the Committee on Standards in Public Life and it was proposed that the Code be incorporated into officers' terms and conditions.

### **Code of Conduct – Dispensations**

- 6.17 Section 33 of the Localism Act made provision for circumstances where dispensations may be granted. The power to grant dispensations had been delegated by Council to the Standards Committee, in consultation with the Independent Person.
- 6.18 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.
- 6.19 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. In October 2012 the Standards Committee therefore granted dispensations for a period of four years relating to issues such as setting of the council tax. As this period was due to expire the Committee approved the extension of these dispensations for a further four years.

### **Review of Local Ethical Framework**

- 6.20 In March 2017 the Committee approved a revised Local Ethical Framework for the Authority which draws together various Council policies to ensure high standards of ethical behaviour and good governance throughout the Council. The Framework was last reviewed during 2013.
- 6.21 The Framework included a commitment to review the document to ensure that it is entirely "fit for purpose" and reflects all relevant best practice guidance. A revised Framework was therefore proposed for the consideration of the Committee. This took into account the adoption of the Local Public Services Senior Managers' Code of Ethics, revised core principles for good governance held within the Council's Code of Corporate Governance and a revised "Code Of Practice For Members - Gifts and Hospitality" which had also been updated in to take account of consequential changes following the introduction of the latest Code of

Conduct for members and changes to the Council's organisational structure.

## **Article 9 - The Standards Committee**

### **9.1 Standards Committee**

The Council has established a Standards Committee.

### **9.2 Composition**

- (a) **Membership.** The Standards Committee will comprise:
- seven elected members of the Council, appointed proportionally;
  - up to two Town or Parish Council members may be co-opted on to the Committee as non-voting members.
- (b) **Independent Person.** The Council's Independent Person and their substitutes will be invited to attend and participate at committee meetings but will not be entitled to vote at meetings.

### **9.3 Role and Function**

The Standards Committee will have the following roles and functions:

- (a) To promote high standards of conduct by elected and co-opted members and staff of Staffordshire Moorlands District Council.
- (b) To advise the District Council on the adoption or revision of local codes of conduct, protocols or other ethical guidance for Members and staff.
- (c) To monitor the operation of the Council's codes of conduct, protocols or other ethical guidance.
- (d) To provide briefings, training or advisory notes to elected and co-opted Members and staff relating to the Council's codes of conduct, protocols or other ethical guidance.
- (e) Where appropriate, granting dispensations to Councillors from requirements relating to interests set out in the Members Code of Conduct.
- (f) To consider and where necessary take action regarding complaints for breaches of the Code of Conduct both by the Council's members and by Town and Parish Council members.
- (g) To exercise those functions referred to in paragraphs (a) to (f) above for the Parish and Town Councils of Staffordshire Moorlands in respect of their codes of conduct.
- (h) To promote Member development and training on ethics and standards generally within the District Council.
- (i) 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.

- (j) To advise the Council on the adoption or revision of the Constitution in accordance with Article 14.

#### 9.4 **Delegated Powers**

The Standards Committee has full delegated power to act within its defined role and function.