

South Lakeland District Council Standards Committee

Annual Report to Council on Ethical Standards 2018/19



April 2019



Foreword from the Chairman

I am pleased to present the Annual Report of the Standards Committee. The Committee continues to have an overview of complaints received and is pleased to note the continued support and co-operation of Parish Councils and Councillors. The long awaited report from the Committee for Standards in Public Life has now been received. Over the coming year the work will consider the recommendations and best practice. I would place on record my thanks to Officers and the Independent Person for the work they do in supporting the Committee and the Council's standards arrangements. Thanks also to all the members of the Committee.

The six District Councils and the Parish Councils within Cumbria have in the main the one code of conduct for members and the Cumbria Monitoring Officers will during the coming year consider the best practice recommendations, and review any changes that may be proposed to the codes. I would hope that any proposals for change that may come forward are consistent across the County. We look forward to another year supporting Councils and Councillors in promoting and maintaining high standards as part of the democratic process.

Cllr Matt Severn

Chairman of Standards Committee 2018/19

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1. Introduction – Ethical Standards

The Council has a duty to promote and maintain high standards of conduct by Members and co-opted members and the Council aims to have the highest possible ethical standards in place across the Council.

This report is the seventh report on ethical standards under the Council's Standards Arrangements following implementation of the Localism Act 2011, and considers ethical standards within South Lakeland for the year to May 2019.

2. Code of Conduct

The Council's revised Code of Conduct was first approved by Council in June 2012. The Code was drafted in consultation with Councils across Cumbria. The same Code was adopted by all principal authorities in Cumbria, and by the majority of Parish and Town Councils.

In June 2013 the Committee undertook a review of the new arrangements, and recommended that no further changes be made to the Code at the present time other than the revision of the definitions for the seven general principles of public life as revised by the Committee on Standards in Public Life in their 14 report on "Standards Matter".

The Districts and Parish/Town Councils have retained the Code as originally adopted.

As is custom and practice training has been offered on the Code to all District Members and Co-optees and to all Town and Parish Councils. The assistance of the Cumbrian Association of Local Councils continues to provide valuable support on considering issues around parish and town councils.

3. Role of Standards Committee/Monitoring Officer/Independent Person/Parish Representatives

The Council must demonstrate that it operates high standards of ethical conduct in the way it carries out its dealings; this applies to both Members and Officers.

The main function of the Standards Committee is to promote and maintain high standards of conduct and it seeks to ensure that the District Council, and the Town/ Parish Councils which operate within the District, operate within the expected ethical standards of conduct expected from them.

The Committee fulfills this role by promoting good standards of conduct and ensuring that training is available on standards of conduct. It also reviews ethical matters, such as the Code of Conduct and revisions to/ adoption of Protocols, governing the behavior of officers and elected Members.

The Standards Committee is operating under its terms of reference as set out in the Council's Constitution. It met on two occasions during this reporting year. As well as reviewing the Council's Standards Arrangements, it undertook its annual review of the Parish and District Registers of Interest, and the Employees Register of Interests and Gifts and Hospitality. The Committee also received reports on code of conduct complaints, general complaints and compliments and the annual report of the Local Government Ombudsman.

Further information about these meetings, including agendas, reports considered and minutes are available on the Council's website – **Standards Committee Meetings.**

Monitoring Officer

For the 2018/19 municipal year, Debbie Storr, the Director of Policy and Resources was the Council's Monitoring Officer (MO). She was supported in her role by the Deputy Monitoring Officer, Anthea Lowe, Solicitor to the Council.

The role of MO is a statutory role and is required to ensure that the Council, its Members and officers carry out their functions in a proper and lawful manner and to ensure that high standards of conduct are promoted and maintained throughout the organisation.

In particular, the MO is responsible for establishing and maintaining the register of

District Councillors' and Parish Councillors' interests. She supports the Standards Committee

and makes sure that the Council acts within the law and ensures the Council's Constitution is effective.

Independent Person

The Council has appointed David Tweddle as its Independent Person and his appointment runs until June 2020.

The Standards Committee continues to keep the need for any reserve Independent Person under review and there are arrangements with neighbouring authorities to call on other Independent Persons if required.

Parish Representatives

The Committee is able to co-opt up to two parish co-optees, and currently has the Chairman of the South Lakeland Association of Local Councils and a second representative nominated by the South Lakeland Association of Local Councils as co-opted members of the Committee.

4. Overview

The Committee continues to ensure that the Council has a robust mechanism in place for standards arrangements as well as reviewing the Code of Conduct and various Member/Officer protocols. In addition, there have been numerous training sessions made available to Councillors and co-optees as well as training offered to parishes across the District.

The Committee has a rolling work programme with the aim of keeping the ethical framework under review.

In April 2018 the Committee reviewed and updated the Members Guidance on Gifts and Hospitality.

Overall, the evidence suggests that ethical standards in the Authority are sound. The intention – of both Officers and the Standards Committee – must be (and indeed is) to provide a significant and positive contribution to overall corporate performance.

The number of scheduled meetings continues to be satisfactory but additional meetings could be called if and when required.

The Committee for Standards in Public Life published its report on the Review of Ethical Standards in Local Government on 30 January 2019. That report provided recommendations for changes to primary and second legislation, and best practice within local government. The report was considered by the Standards Committee in April 2019 and the Monitoring Officer is reviewing the best practice recommendations with Cumbria Colleagues as part of the work programme moving forward.

5. Complaints against Members

Since 1 April 2018 to the date of this annual review the Monitoring Officer has received five enquiries related to parish matters, three of which have resulted in no further action, one was resolved as being a breach of standing orders rather than code of conduct, and one referred for investigation relating to standards of behaviour. The outcome of the complaints are reported through to the Standards Committee.

6. Registration of Interests

The Members' Register continues to be maintained and updated as and when Members notify changes. In addition, all Members are sent an annual reminder to update their entries and confirm the accuracy of the Register. The same applies to the Parish Councillors' Register of Interests.

During 2018 all 51 seats on the District Council were up for election due to the changes to the boundaries following the Local Government Boundary Commission Review. Following these elections all 51 newly elected councillors were asked to complete the registration forms or if re-elected confirm that there were no changes to be made.

There were also 5 parish elections for Dent, Garsdale, Kendal, Natland and Sedbergh as well as a District by-election in December 2018, and again the requisite forms were received.

All District Councillors' interest forms are on the Council's web page, as are all Parish and Town Councillor interests. Publication on the Authority's website and on the relevant Parish/Town Council's website, where they have

one, is a requirement under the Localism Act 2011. The Registers are also still available to view in hard copy.

Agendas for all District Council meetings contain an item regarding the disclosure of interests at the meeting and advising that guidance can be sought, if necessary, from the Monitoring Officer prior to meetings. The Minutes of the various Council, Cabinet and Committee meetings show that interests are regularly declared by Members.

The Parish Registers can provide a challenge in ensuring all Parish/Town Councillors have submitted an appropriate form. This year, it was pleasing to note the good response from Parishes confirming registers were up to date as part of the annual review of the Registers.

Other Activity

Monitoring Officer advice has been given to both individual Members and corporately as required, and to Parish Clerks/Chairmen. Opportunities have been sought and used to deliver proactive advice to Members to ensure high standards and avoid possible breaches of the Code. The Monitoring Officer, the Deputy Monitoring Officer and other Officers are available to advise Members at all reasonable times.

9. Training

Formal training sessions have been provided as requested for Parish/Town Clerks and their members, with whom liaison is maintained. The Monitoring Officer or Deputy are also available to visit Parish Councils to discuss the Code and registers of interests.

The District Council and Cumbria Association of Councils continue to work closely together around the provision of training and information to parishes.

Training on the Code of Conduct continues to form part of induction training session for newly Elected Members to the District Council to give them an overview of the Code. This year saw all 51 seats up for election. Induction training sessions were offered to all newly elected Councillors and opened up as refresher training for others.

Training on Committees which have quasi-judicial roles e.g. Standards, Planning, Licensing and Appeals, is required for Members serving on those Committees and is offered annually, either as a refresher or for new Committee Members as appropriate. Attendance at these sessions were as follows:

| Training Event | Date | Number of Attendees |
|---|---|---------------------|
| Code of Conduct-How to Become an Effective Member | 11/5/2018 | 13 |
| Code of Conduct-How to Become an Effective Member | 11/9/2018 (cancelled due to low numbers) | 0 |
| Standards | 18/9/2018 | 5 |
| Planning/What a Ward Councillor needs to know | 31/5/2018 and 21/6/2018 | 18 |
| Licensing Induction (taxi & protocol) | 12/6/2018 | 7 |
| Licensing Induction (taxi & protocol) | 3/7/2018 | 3 |
| Licensing training (premises) | 20/8/2018 | 10 |
| Licensing training (External Authorities) | 24/9/2018 | 6 |
| Licensing-How to Conduct a Hearing | 5/11/2018 | 11 |

The Committee is aware that the Member Development Steering Group considers training generally to ensure that all members are engaged in attending the required training.

Training was further reviewed as part of the refreshed Member Development Strategy adopted by Council in February 2018 and is regularly discussed at the Member Development Steering Group.

Standards Committee members were also invited to county wide standards training events hosted by the County Council. It is hoped that committee members will be able to attend the session in June.

10. Cumbria Group

Joint working continues with Cumbrian authorities and CALC to ensure consistency of approach on the code and practices. The Cumbria Monitoring Officers meet as required, and correspond to discuss key issues. Contacts include Monitoring Officers from both National Parks and the Police Authority, as well as a representative from CALC.

During 2018 the Monitoring Officers within Cumbria worked with the Cumbria Constabulary to agree a Protocol when considering allegations of a failure to declare disclosable pecuniary interests.

Moving forward, the Group will consider the best practice recommendations from the Review by the Committee on Standards in Public Life and any national changes which may arise.

11. Ombudsman Cases – April 2018 – March 2019

The Annual Review Letter from the Ombudsman is expected in July 2019.

As highlighted in previous annual reports, the Ombudsman has changed the way that it reports on complaints.

There is a distinction between those reports where the Ombudsman produces a formal public interest report and other categories of recording decisions where there may be fault on the part of a Council but that it does not meet the requirement for formal reporting.

There have been no public interest reports received. Since April 2018 two complaints have been upheld and recorded as maladministration and injustice at pre report stage. These cases related to planning matters. The Standards Committee had a review of each case and noted that the recommended actions had been complied with.

The Committee has also had an overview of the Council Internal Complaints and Customer Contacts. They have received reports and had discussion with the Assistant Director (Policy and Performance) on the analysis of information provided.

12. Constitution of Standards Committee

The membership and functions of the Standards Committee are in accordance with the Constitution and relevant guidance. The Committee can co-opt up to two Parish Members. It currently has two Parish Members co-opted onto the Committee with non-voting rights, and seven District Members.

The Independent Person is able to attend and advise the Committee as required.

Membership during 2018/19 was as follows:-

Councillors

Matt Brereton
Sheila Capstick
Chris Hogg
John Holmes
Pete McSweeney
Eric Morrell
Matt Severn (Chairman)

Parish Members

David Peters (Member of Natland Parish Council and Chairman of the South Lakeland Association of Local Councils)

Peter Smillie (Member of Arnside Parish Council)

13. Dispensations

No formal individual requests for dispensation have been considered during 2018/19, but the general dispensation for a further period of four years for members and co-optees to enable them to make representations under the General Public Participation Scheme and the Public Participation Scheme applicable to Planning Committee, but to still require them to leave the chamber for any debate or vote on the item, granted by the Committee on 17 April 2018 are still live.

14. Budget

There is limited budget provision to assist in supporting any investigations and training with regard to standards issues. The investigations during 2018/19 have been carried out within existing resources.

15. Future Activity

Work Programme

The Work Programme for 2019/20 will include standing annual items but will evolve as necessary throughout the year to take account of any developing issues pertaining to standards, in particular with regards to consideration of any revisions around the code of conduct.

