

South Lakeland District Council Standards Committee

Annual Report to Council on Ethical Standards 2016/17



May 2017



Foreword from the Chairman

The Standards Committee continues in its role to promote and maintain high standards of conduct which continue to be upheld across the district.

At the date of this annual report there have been no formal investigations into any complaints about councillors and there are no underlying trends in the general complaints received by the Council which has this year seen a positive reduction in the overall numbers received.

A small minority of parish councillors have struggled this year with completing their register of interests form, but with the help and support from the Committee and the Monitoring Officer to Parish Clerks and Parish Councillors all have now been received.

My thanks to all those Councillors & co-optees who serve on the committee, and wider thanks to all those elected in South Lakeland for their endeavour in maintaining standards

Cllr Matt Severn

Chairman of Standards Committee 2016/17

If you would like a copy of this document in another format such as large print, Braille, audio or in a different language, please call **01539 733333** or email **customer.services@southlakeland.gov.uk**



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 fifth 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 2016/2017.

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

Debbie Storr, the Director of Policy and Resources is the Council's Monitoring Officer (MO) and is 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 the term of this appointment was continued in May 2016 for a further four year term 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.

The Independent Person Protocol was reviewed by the Committee in September 2016 with the revised Protocol adopted by Council at its meeting on 15 December 2016.

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

Following the changes brought in by the Localism Act 2011, the workload of the Committee reduced. It continues to ensure that the Council has a robust mechanism in place 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 also continued with a rolling work programme with the aim of keeping the ethical framework under review.

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.

Joint working continues with Cumbrian authorities and CALC to ensure consistency of approach on the code and practices.

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

5. Complaints against Members

Since 1 April 2016 to the date of this annual review the Monitoring Officer has received a small number of enquiries related to parish matters and one formal complaint which was not referred for investigation.

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.

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. In September 2016 the Committee reviewed the retention period for these Registers where members are no longer Parish or District Councillors.

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, and the Standards Committee has this year requested that the Ward Members be advised at an earlier stage if parish registers remain outstanding to help assist in their completion.

Other Activity

Monitoring Officer advice has been given to both individual Members and corporately as required. 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 have also visited Parish Councils when requested to discuss the Code and registers of interests.

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

Training on the Code of Conduct continues to form part of the Induction Training for new Elected Members to the District Council to give them an overview of the Code. For 2016 inductions three training sessions were offered to newly elected Councillors and co-optees and parish councilors and opened up as refresher training for others. All newly elected District Councillors have received this training.

Training on Committees which have quasi-judicial roles e.g. Standards, Planning, Licensing and Appeals, is considered essential 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
Licensing (Taxi)	21 March 2016	5
Code of Conduct	17 May 2016	4
Planning Induction	25 May 2016	1
Licensing Induction	7 June 2016	4
Planning - What a Ward Councillor needs to know	21 June 2016	4
Standards	20 September 2016	4
Licensing training	23 February 2017	1

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

10. Cumbria Group

The Cumbria and Lancaster Monitoring Officers meet as required, and correspond regularly to discuss key issues. This group includes Monitoring Officers from both National Parks and the Police Authority, as well as a representative from CALC.

11. Ombudsman Cases – April 2016 – March 2017

The Annual Review Letter from the Ombudsman is expected in July 2017.

The Ombudsman has changed the way that it reports on complaints. There were no findings upheld against the Council during the 12 month period 2015/16.

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 September 2016 two complaints have been upheld and recorded as maladministration but no injustice at pre report stage. Both related to planning matters and in one there was an agreed action for the Council to review and update its local validation list within six months of the decision. This has been done.

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 2016/17 was as follows:-

Councillors

Caroline Airey
John Holmes
Pete McSweeney (Vice-Chair)
Eric Morrell
Matt Severn (Chairman)
Phil Walker
Mark Wilson

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 2016/17, but the general dispensation for a period of two 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 19 April 2016 are still live. The Committee will review the operation of these dispensation further over the next 12 months.

14. Budget

There is limited budget provision to assist in supporting any investigations and training with regard to standards issues. As no investigations were undertaken during 2016/17, no spend was required for this.

15. Future Activity

Work Programme

The Work Programme for 2017/18 will include standing annual items but will evolve as necessary throughout the year to take account of any developing issues pertaining to standards.