

South Lakeland District Council
Standards Committee
Tuesday, 23 April 2019
Review of Standards Arrangements and Annual
Report 2018/19

Portfolio: Cllr Matt Severn, Chairman of Standards Committee
Report from: Director of Policy and Resources (Monitoring Officer)
Report Author: Debbie Storr
Forward Plan: Not applicable
Wards: All

1.0 Expected Outcome

1.1 That the Committee considers the Council's Standards Arrangements and whether it wishes to make any further recommendations, and that it considers the draft Annual Report for 2018/19 for referral to full Council.

2.0 Recommendation

- (1) It is recommended that Committee consider and review the Council's Standards Arrangements and whether it wishes to propose any changes or make any recommendations to full Council with regard to the Council's existing Standards Arrangements; and**
- (2) That the Committee considers its draft Annual Report 2018/19 for referral to full Council.**

3.0 Background and Proposals

- 3.1 The draft annual report at Appendix 1 details the work of the Committee and the operation of the Council's Standards Arrangements over the last twelve months.
- 3.2 The Council has been operating under its existing standards arrangements since 2012. Complaints to date have been considered under the delegated powers of the Monitoring Officer, and whilst there have been two formal investigations there have been no referrals to the Standards Committee. Attached to this report are the Council's Standards Arrangements (Appendix 2) and terms of reference of the Committee (Appendix 3).
- 3.3 Members are requested to consider the draft annual report for referral to Council. Any amendments made at the meeting will be finalised with the Chairman of the Committee prior to final submission.
- 3.4 The Council last reviewed its Standards Arrangements in 2017 and it is appropriate for the Committee to review them on a regular basis. At the present time it is the view of the Monitoring Officer that no immediate changes are required, but Members will note the agenda item regarding the review of Local Government Ethical Standards, and in particular the recommendations on best practice. It is proposed that this is considered further over the coming year and for the Monitoring Officer to

consider the matters with Cumbrian colleagues. The Committee is asked to provide feedback on the arrangements and proposals for moving forward.

3.5 The Committee's Terms of Reference

The Standards Committee terms of reference are as approved by Council at its annual meeting.

3.6 It has been considered previously as to whether the Committee should continue to be a stand-alone committee of the Council, or be amalgamated with the Audit Committee. The recent review of Ethical Standards by the Committee on Standards in Public Life (referred to above) suggested that a local authority should maintain a standards committee. The Committee has reduced the number of ordinary meetings that it holds, and is able to call more such it be required to do so.

3.7 Should members wish to consider this further, then comments from the Audit Committee should be sought. The terms of reference of the Audit Committee are quite distinct from that of the Standards Committee, and it has a substantial discrete work programme. As currently operating, the arrangements seem to work with retaining the two committees. This can be subject to further review.

3.8 Frequency of Meetings

The number of meetings is now two per year with regular items reporting as per the work programme. As stated additional meetings can be called as required, but it is considered that two meetings are adequate to transact business required and to keep ethical standards on members' agendas.

3.9 The role of parish representatives

The Committee currently has two parish representatives, who provide valuable input on parish matters. Further feedback will be sought at the meeting in terms of continuing experience. The recommendations from the Ethical Standards review include one that local authorities should be given the discretionary power to establish a decision making standards committee with voting independent members and voting members from dependent parishes to decide on allegations and impose sanctions. This would require legislative changes to be made.

3.10 The role of the Independent Person

The current Independent Person is appointed until 2020. The Council can also call on the assistance of neighbouring authorities if support is required. Standards Committee may wish to consider further appointment process.

3.11 The Code and Guidance

The code is a standing item with the Cumbrian Monitoring Officers who discuss and consider standards matters on a regular basis. No changes are being proposed as part of this review, and the Districts and Parish/Town Councils have adopted the same code.

3.12 Members will note the review by the Committee on Standards in Public Life which is recommending the Local Government Association should create an updated model code. It is also suggesting as best practice that local authorities should include prohibitions on bullying and harassment in codes of conduct, and provisions requiring councillors to comply with any formal standards investigation, etc. Feedback is being sought from Members on the review elsewhere on this agenda, and it is considered that this matter be the subject of further discussion with the Cumbrian Monitoring Officers.

3.13 The guidance is also attached for completeness. No changes are proposed at this time but the guidance will be reviewed over the coming year with the Cumbrian Monitoring Officers.

4.0 Consultation

4.1 All District Councillors and Town/Parish Clerks were notified of the review of the standards arrangements by email on 4 January 2018 and invited to submit any comments to the Committee.

5.0 Alternative Options

5.1 The report is to consider and comment.

6.0 Links to Council Priorities

6.1 Ethical Standards underpins the governance controls of the Council.

7.0 Implications

Financial, Resources and Procurement

7.1 There are no finance or resource implications arising from this report.

Human Resources

7.2 There are no human resources issues to raise, although it will be noted that the Monitoring Officer role is moving to sit with the Legal, Governance and Democracy Lead under the revised leadership arrangements for the Council which are in the process of being implemented.

Legal

7.3 There are no legal implications arising from this report. Any changes to standards arrangements must be in accordance with the relevant legislative requirements.

Health, Social, Economic and Environmental

7.4 Have you completed a Health, Social, Economic and Environmental Impact Assessment? Yes (attached at Appendix *) / Yes (not attached as appendix) / No Not applicable

Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? Yes (attached at Appendix *) / Yes (not attached as appendix) / No - there are no issues to raise.

Risk

Risk	Consequence	Controls required
That the Council is failing in its standards arrangements	Poor standards of behaviour	Monitor and review arrangements on a regular basis

Contact Officers

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Appendices Attached to this Report

(delete if no appendices attached)

Appendix No.	Name of Appendix
1	Draft Annual Report 2018/19
2	Standards Arrangements

Appendix No.	Name of Appendix
3	Standards Committee terms of reference
4	Code of Conduct
5	Guidance on Code

Tracking Information

Signed off by	Date sent
Legal Services	14.2.19
Section 151 Officer	14.2.19
Monitoring Officer	Author
SMT	28.2.19

Circulated to	Date sent
Assistant Director	N/A
Human Resources Manager	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	29.1.19
Portfolio Holder	N/A
Ward Councillor(s)	N/A
Committee	23.4.19
Executive (Cabinet)	N/A
Council	21.5.19