

South Lakeland District Council

2020/21

Annual Report



Foreword from the Chairman

COVID-19 has resulted in the work of the Committee being reduced this last year. It has seen all Councillors adapt to new ways of working with Virtual Meetings. I would like to take this opportunity to thank you all for adapting to the new ways of working to ensure that the Committee could meet this year.

I would like to thank SLDC Councillors and Parish Councillors for their good conduct this year. I would also like to thank the officers and our Independent Person for all the work they do to ensure that those complaints and issues which we are able to can be resolved amicably. I appreciate that with the COVID pandemic that it has been challenging to adhere to timescales for response to complaints due to competing priorities for all concerned.

We have replied to the consultation on changing the Councillor Code of Conduct and all Councillors contributed to this piece of work.

In general, the standard that Councillors uphold and their actions in our area are good. Indeed my experience of Virtual Meetings has been that, despite occasionally challenging circumstances, these have been held with respect for each other and our officers and the high level of debate and scrutiny upheld.

Councillor Matt Severn
Chairman of the Committee

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 is a 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 2021.

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".

This year we were asked to respond to consultations taking place on the code of conduct and we provided a response as a Committee. We will be considering the adoption of the Local Government Association model code with amendments and making recommendations to the Council meeting. The Cumbrian Monitoring Officer Group has met and agreed a model code based on the Local Government Associations model code.

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 fulfils 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 behaviour 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. It was agreed that we would have a reduced workload this year due to the Council's necessary focus on addressing the Covid pandemic.

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

Linda Fisher is the Council's Monitoring Officer (MO) and is supported in her role by the Deputy Monitoring Officer, Julia Krier.

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 2024.

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.

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

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

5. Complaints against Members

Since 1 April 2020 to the date of this annual review, the Monitoring Officer has processed 10 complaints in total 9 complaints relating to Parish councillors and 1 complaint relating to a District Councillor. Two matters were referred the police for consideration of potential failures

to declare disclosable pecuniary interests the police decided that the matters warranted no further action. Two matters were resolved by way of informal resolution. The remainder received decisions of no further action. There is only one outstanding matter at the time of writing this report.

In addition there were other matters where it was considered that either the alleged conduct/complaint did not meet the threshold for a Code of Conduct complaint, or where no formal complaint was submitted and so the matters did not proceed. None of these matters resulted in any action being taken. No complaints have been forwarded for formal investigation by the Monitoring Officer.

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.

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.

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. The MO has introduced a matrix of interests.

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 have continued to work closely together around the provision of training and information to parishes.

Covid 19 resulted in no requirements to provide Induction Training on the Code of Conduct however we did provide refresher training to District and Parish Councillors on the Code of Conduct.

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

Training completed:

Date	Training	Members invited	Number of attendees	Number of apologies
16/12/20	Making Planning Decisions at Planning Committee	18	14	4
03/12/20	Understanding My Roles as a Corporate Parent/ Safeguarding	48	14	5
11/11/20	Code of Conduct	48	13	6
16/11/20	Audit Induction	1	1	0
14/10/20	Planning Substitute Training	1	1	0
11/09/2020	Audit Induction	1	1	0
16/06/2020	HR Committee Appeals Refresher	9	7	2

10. Cumbria Group

The Cumbria and Lancaster 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.

11. Ombudsman Cases – April 2020 – 2021

The Annual Review Letter from the Ombudsman is expected to be reported to Committee in September/ October 2021. As highlighted in last year's annual report, 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 2020 to April 2021 zero decisions had been upheld or recorded as maladministration and injustice at pre-report stage against the Council as the Ombudsman did not find any evidence that the Council had acted within maladministration As a comparison 45% of decisions for similar councils are upheld.

The Committee has also had an overview of the Council Internal Complaints and Customer Contacts.

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 nonvoting rights, and seven District Members. The Independent Person is able to attend and advise the Committee as required.

Membership during 2020/2021 was as follows:-

Councillors:

Tom Harvey
Chris Hogg
Matt Severn (Chairman)
John Holmes
Pete McSweeney
Peter Thornton (Vice-Chair)
Mark Wilson

Parish Members:

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

13. Dispensations

The current dispensations are in place and accessible to view on the Council's website - [Councillors' Register of Interests](#).

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 2020/21, no spend was required for this.

15. Future Activity

Work Programme:

The Work Programme for 2021/22 will include standing annual items but will evolve as necessary throughout the year to take account of any developing issues pertaining to standards.

Standards Committee Work Programme April 2021- May 2022	April 2021	May 2021	June 2021	Sept 2021	Dec 2021	February 2022	May 2022	Comments
Standards Committee Training for new Members of Standards Committee and refresher training offered to existing members			√					
Newly Elected District Councillors Induction Training		√						
Review of Officers and Members Gifts and Hospitality	√			√			√	
Refresher Code of Conduct Training/How To be an Effective Member for District Councillors			√					
Inspect Registers of Interests for District and Parish Councillors			√			√		
Consider and adjudicate Dispensation Requests								As required and update the website
Establishment of a Council wide Governance and Accountability working Group		√						To meet monthly
Review of website	√	√	√	√	√	√	√	√
Review of member officer protocol					√			As part of the review of the constitution
Review of expiration of all dispensations			√					
Receive Annual Ombudsman Report from the LGO				√				
Prepare Annual Report for Full Council						√		
Publicise Role and Work of Standards Committee, and the Effectiveness of Standards Committee through the Annual Report to full Council								On going
Continue to raise the profile of the Standards Committee with Parish and Town Councils								All year
Conduct yearly review of complaints, comments and compliments procedure				√				

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