



Annual Report 2015/16

Report of the Standards Committee

Contents

1. **Foreword**

Introduction on behalf of the Standards Committee by the Chairman

2. **Comment by the Monitoring Officer**

The view of the Monitoring Officer

3. **The Role of the Standards Committee**

An explanation of the role of the Standards Committee

4. **Local Assessment of Complaints**

Assessment of complaints received in 2015/16

Foreword by the Chairman

I am pleased to report that the Kent Model Code of Conduct and associated arrangements, now operating for nearly 4 years, continue to work well.

The Model Code of Conduct has been regularly reviewed in order to ensure that it remains fit for purpose. The ability to declare a non-financial interest, introduced in January 2014, has been welcomed by Members and has been utilised on many occasions to ensure transparency in decision-making. Further revisions were made to the arrangements in July 2015.

I would like to take this opportunity to thank the Monitoring Officer and his Deputy for all their hard work during the past year. I would also like to thank Bernard Dowley, the Independent Person, and Andrew Hayes, his substitute, who, as always, have fulfilled their roles with enthusiasm and professionalism.

I am pleased to commend this Annual Report of the Standards Committee to the Council.

Councillor Bernard Butcher
Chairman of the Standards Committee

Comment by the Monitoring Officer

This report summarises the achievements of the Standards Committee of Dover District against its Terms of Reference for the period 1 April 2015 to 31 March 2016.

We have continued to keep the Code under review through a working group of the Association of Kent Secretaries. As a result, revised arrangements were introduced in July 2015. These included the removal of the requirement to publish on the Council's website my initial decision on whether to take action in respect of a complaint. The hearing panel procedure was also amended to introduce a new pre-hearing procedure, and provision made for me, as Monitoring Officer, to play a role in hearings. The fixed time limit of 3 months for the submission of complaints was reviewed and retained.

With the elections on 7 May, 2015 proved to be a busy year for training, with two training sessions held on the Code of Conduct for new Members in May and June. Two induction training sessions for Standards Committee members were also held.

I am very grateful to Harvey Rudd, the Deputy Monitoring Officer; the Complaints and Corporate Resilience Officer; the Democratic Support team; Bernard Dowley, the Independent Person, and Andrew Hayes, the Deputy Independent Person, for all their support during 2015/2016.

David Randall

Director of Governance and Monitoring Officer

The Role of the Standards Committee

ROLE AND RESPONSIBILITIES

2.1 The primary responsibility of the Standards Committee is to promote and maintain high standards of conduct amongst the 45 members of Dover District Council and (up to) 317 members of Town and Parish Councils in the District.

2.2 The principal functions of the Standards Committee are as follows:

- To promote and maintain high standards of conduct by District Councillors, Town and Parish Councillors and Co-Opted Members.
- To advise the District Council on the adoption of or revisions to its Code of Conduct.
- To monitor the effectiveness of the Code of Conduct and to review and manage the arrangements for dealing with Code of Conduct complaints.
- To maintain oversight of the District Council's arrangements for dealing with Code of Conduct complaints.
- To monitor complaints handling and Ombudsman investigations and to make payments or provide other benefits in cases of maladministration.
- To advise, train or arrange to train District Members, Co-opted Members and Town and Parish Councillors on matters relating to the Code of Conduct.
- To act as an advisory body in respect of any ethical governance matter and to advise on local ethical governance protocols and procedures.
- To appoint a Hearing Panel to deal with Code of Conduct complaints, following investigation.
- To deal with any alleged breaches by Members of local protocols adopted by the Council including the Protocol for Good Practice in Planning Procedure and the Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice.

CODES AND PROTOCOLS

2.3 In addition to the above, the work of the Standards Committee also impinges upon the following codes and protocols of Dover District Council:

- Members' Kent Model Code of Conduct
- Members' Protocol for Good Practice in Planning Procedures
- Protocol for Relationships between Members and Officers of a Local Authority
- Protocol for Officers and Members for Dealing with Conflicts of Interest of Councillors in Professional Practice

MEMBERSHIP OF THE COMMITTEE

2.4 The Standards Committee is a group appointed by the Council to help maintain and promote high ethical standards in both the District Council and Town and Parish Councils in the District. The Committee comprises seven District Councillors.

2.5 The membership of the Standards Committee for 2015/16 was as follows:

Councillor B W Butcher	Councillor S S Chandler
Councillor M R Eddy	Councillor P J Hawkins
Councillor S M Le Chevalier	Councillor S C Manion
Councillor K Mills	

The Standards Committee can only draw substitute District Councillors from the pool of named substitutes appointed by Council.

OFFICERS WHO SUPPORT THE STANDARDS COMMITTEE

2.6 The Standards Committee receives support from the Monitoring Officer (Director of Governance), the Solicitor to the Council (who is also the Deputy Monitoring Officer) and the Complaints and Corporate Resilience Officer. In addition, Democratic Support Officers support the Standards Committee and the activities of the Monitoring Officer as necessary.

2.7 The Monitoring Officer is a statutory appointment whose responsibility is to ensure the lawfulness and fairness of Council decision-making. The Monitoring Officer serves as the guardian of the Council's Constitution and ethical standards. As part of this the Monitoring Officer works closely with the Standards Committee to assist it in the role of promoting and maintaining high standards of conduct amongst Members of the District Council and Town and Parish Councils in the District.

STANDARDS ARRANGEMENTS

2.8 This Council adopted the Kent Model Code of Conduct on 26 June 2012 which prescribes the conduct that is expected of Members and co-opted Members of the authority when acting in that capacity. Provisions relating to registration and disclosure of pecuniary interests are included in the Code, with failure to register a pecuniary interest within 28 days of election or becoming aware of the interest being a criminal offence. The Code is also consistent with Nolan's Seven Principles of Public Life, i.e. selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Under the new regulations, the Monitoring Officer is required to establish and maintain a register of interests of Members and co-opted Members of the local authority and parishes in the authority's area.

2.9 Following the abolition of Standards for England on 31 March 2012, this authority assumed responsibility for dealing with and investigating all complaints relating to breaches of the Code, including those made against Parish Councillors in this district. Specific responsibility for assessing alleged breaches of the Code rests with the Monitoring Officer, in consultation with the Independent Person (appointed by Council on 25 June 2012). The Monitoring Officer is able to consider whether the complaint can be resolved informally at any stage. However, if the Monitoring Officer, in consultation with the Independent Person, considers that the complaint merits investigation, he will appoint an investigation officer to undertake the investigation. Once the investigation has concluded, the Monitoring Officer may

consider that informal resolution is appropriate. Alternatively, he may convene a meeting of the Hearing Panel (comprising members of the Standards Committee) to determine the outcome of the complaint. The range of sanctions that can be applied is limited, and the Hearing Panel has no powers to suspend or disqualify or to withdraw the allowances of the Member who is the subject of the complaint.

- 2.10 When adopting the new Code of Conduct, the Council requested that the Code and associated arrangements be kept under review. A working group of the Association of Kent Secretaries was established for this purpose.
- 2.11 Following adoption by Council, revisions were made to the Code in January 2014. These included the amendment of the definitions of 'Associated Person' and 'Member'. More significantly, the group also recommended that Members should be able to declare interests which are not financial or regulatory in nature in accordance with Nolan's Seven Principles of Public Life. This latter recommendation was made partly because, during the first year of operation of the new arrangements, a significant number of Members had, on several occasions, felt the need to make disclosures at meetings in the interests of transparency, even though these did not fall into the Disclosable Pecuniary Interest or Other Significant Interest classifications. Council duly adopted these changes and the Code now makes provision for Members to make a Voluntary Announcement of Other Interests.
- 2.12 Further revisions were made to the arrangements (but not the Code) in July 2015. These included the introduction of a pre-hearing procedure, and provision for the Monitoring Officer to participate in hearings. In addition, the requirement to publish the Monitoring Officer's initial decision on whether to take action on a complaint was removed.

2015/16 ACTIVITIES

(a) Corporate Complaints

- 2.13 The Standards Committee has a responsibility to oversee the Council's corporate complaints procedures. The period 1 April 2015 to 31 March 2016 has seen 106 corporate complaints received by the Council, a reduction of 32 on the previous financial year. The main reason for this would appear to be that there were a substantial number of complaints received in 2014/15 relating to the discount provision for Council Tax and about beach huts in Deal.
- 2.14 The Local Government Ombudsman received 26 complaints and enquiries against the Council during the 2014/15 municipal year, and five were upheld. This compares to 29 complaints received in 2013/14, with three upheld. Data relating to the municipal year 2015/16 will be available from the Local Government Ombudsman in due course and reported to the Standards Committee.

(b) Training

- 2.15 Following the elections on 7 May, 15 new Members were elected. Code of Conduct/Ethics and Probity training was provided for them (and re-elected Members) in May and June. Two induction training sessions for Standards Committee members were also provided, in July and August.

(c) Dispensations

2.16 Section 33 of the Localism Act 2011 gives powers to the Monitoring Officer to grant dispensation to Members with a Disclosable Pecuniary Interest to participate in discussions and to vote. During the municipal year 2015/16 there were 2 requests for dispensation to the Monitoring Officer relating to the Kent County Council Election Arrangements Review. There were also 2 requests for dispensation to the Standards Committee from two Members who are married to one another. The dispensations relieved them from the restrictions contained within Section 31(4) of the Localism Act 2011 and Paragraph 5 of the Code of Conduct (participation in discussions and voting).

(d) **Consultation**

2.17 The Standards Committee considered no consultations during the municipal year 2015/16.

2016/17 ACTIVITIES

(a) **Objectives**

2.18 The Standards Committee will continue to review the operation of the Kent Model Code of Conduct and suggest areas for enhancement and further training where appropriate.

Local Assessment of Complaints

- 3.1 The Localism Act 2011 represented a sea-change in the way that complaints are assessed by the Council, replacing the two sub-committees (Initial Assessment and Review) with a decision by the Monitoring Officer, taken in consultation with the Independent Person during a consideration meeting which is held in private. Should the Monitoring Officer decide that further investigation is required, an Investigating Officer will be appointed. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer can decide to take no action, seek informal resolution or refer the matter for consideration by a Hearing Panel.
- 3.2 The following information contains no details of the names of elected or co-opted members about whom complaints have been made, and is intended for use as a summary of activities only.

Complaints against Elected or Co-opted Members

- 3.3 The municipal year 2015/16 saw the Monitoring Officer receive 8 complaints. For comparison, the Monitoring Officer received 5 complaints during 2014/15. The Standards Committee Hearing Panel did not meet during 2015/16.
- 3.4 The 8 complaints received in 2015/16 related to members at 3 authorities.

