



Annual Report 2012/13

Report of the Standards Committee

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Foreword by the Chairman

I am most grateful to have taken over the chairmanship of the Standards Committee from Andrew Hayes who was an excellent chairman for so many years.

This time last year there was a good deal of uncertainty surrounding the new ethical governance arrangements proposed under the Localism Act 2011. I am therefore delighted that this authority has a mandatory Code of Conduct and a Standards Committee which continues to play an important role in upholding high standards of member conduct in the District.

Ten months after its adoption, it is still a little premature to come to any firm conclusions regarding the new Code of Conduct and associated arrangements. The new regime certainly has some shortcomings and I know that the Monitoring Officer and his Deputy are working in close cooperation with colleagues in Kent Secretaries to address these. But there is already some evidence that the more pragmatic and informal nature of the regime is working well in terms of reducing the burden on Council resources.

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 July 2012 to 31 March 2013, the former Committee having been disbanded with effect from 1 July 2012 when the previous Standards framework ceased to exist as a result of the Localism Act 2011.

The new Standards framework – including the Kent Model Code of Conduct - has been in place since 1 July 2012 following its adoption by Council on 26 June 2012. Further minor amendments to the Code were adopted by Council in October 2012. The Deputy Monitoring Officer and I worked very closely with other Kent councils to develop this Code which is now used by a majority of authorities in the county.

The retention of the Standards Committee, albeit in a different form, is welcome. And whilst I was sorry to see the removal of independent members from the Committee, I am pleased that there continues to be independent involvement through the Independent Person and his Deputy. Bernard Dowley was appointed as the Independent Person and Andrew Hayes as the Deputy Independent Person from June 2012 for a term of 5 years and 1 day, and they have taken to their new roles with professionalism and enthusiasm.

It is evident that the new Code requires additional fine-tuning, particularly in respect of the absence of a facility to declare non-pecuniary interests in accordance with Nolan Principles. However, the new arrangements are proving less costly and more flexible in terms of the informal action that I as Monitoring Officer can take.

Mr 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 main 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 sub-committee to deal with Code of Conduct complaints, following investigation.
 - To grant dispensations to Members pursuant to S33(2) of the Localism Act 2011 and paragraph 8 of the adopted Code of Conduct in appropriate circumstances.
 - 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. Since July 2012, the Committee has comprised seven District Councillors, the independent and parish members having been removed as a result of the Localism Act 2011.

2.5 The membership of the Standards Committee from 25 July 2012 to 31 March 2013 was as follows:

Councillor B W Butcher	Councillor J A Cronk
Councillor P J Hawkins	Councillor S C Manion
Councillor K Mills	Councillor C J Smith
Councillor P Russell	

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 Professional Standards Officer. In addition, Democratic Services 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.

NEW STANDARDS ARRANGEMENTS

2.8 The Localism Act 2011 received Royal Assent in November 2011 and replaced the Standards arrangements then operating in England and Wales with effect from 1 July 2012.

2.9 Having worked closely with other authorities in Kent, 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 becoming a criminal offence. The new Code is also consistent with the Nolan 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. Notwithstanding that the Act removed the requirement for statutory standards committees, this authority has retained a Standards Committee, although there are no longer town or parish council representatives or independent members on the Committee.

- 2.10 Following the abolition of Standards for England on 31 March 2012, this authority has 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.

2012/13 ACTIVITIES

(a) Corporate Complaints

- 2.11 The Standards Committee has a responsibility to oversee the Council's Corporate Complaints Procedures. The period 1 April 2012 to 31 March 2013 has seen 142 corporate complaints received by the Council compared to 134 complaints received during the same period the previous year.
- 2.12 There were 15 complaints considered by the Local Government Ombudsman during the 2011/12 municipal year compared to 18 complaints investigated by the Local Government Ombudsman in 2010/11. Data relating to the municipal year 2012/13 will be available from the Local Government Ombudsman in due course.

(b) Training

- 2.13 Training sessions on the new Code of Conduct were held for district, town and parish councillors on 25 July 2012 at the Council offices and on 30 July 2012 at Deal Town Hall.

(c) Dispensations

- 2.14 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 2012/13 there were 45 requests for dispensation relating to the setting of Council Tax and the approval of the Council Budget and Members' Allowances.

(d) **Consultation**

- 2.15 The Standards Committee considered no consultations during the municipal year 2012/13.

2013/14 ACTIVITIES

(a) **Objectives**

- 2.16 The key objective for the Standards Committee in 2013/14 will be to review the operation of the Kent Model Code of Conduct and suggest areas for enhancement and further training.

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.
- 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 2012/13 represents the first year of the new Kent Model Code of Conduct and saw the Monitoring Officer receive 33 complaints, the majority of which were received within a 2-month period. For comparison, the Dover District Council Standards Committee considered 32 complaints in the whole of 2011/12, 20 complaints in 2010/11 and 36 complaints in 2009/10.
- 3.4 The 33 complaints received in 2012/13 relate to members at 6 authorities.