



Annual Report 2013/14

Report of the Standards Committee

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Foreword by the Chairman

This has been the first full year of operation of the new Standards regime, and I am pleased to report that the system is working well.

As part of the continual review of the new arrangements, and the Code of Conduct in particular, full Council adopted some changes to the Code in January 2014, most significantly a provision which allows Members to declare non-financial interests. In my view this is a welcome revision which will promote greater transparency.

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 2013 to 31 March 2014.

The Code of Conduct adopted by full Council in June 2012 has been kept under review by the Kent Secretaries working group and, as presaged in last year's report, a new provision was adopted by Council in January 2014 in order to allow Members to declare a non-pecuniary interest. This was introduced partly in response to feedback from some Members who felt that the new Code should make provision for them to declare non-financial interests in accordance with the Seven Principles of Public Life, thereby offering greater transparency and maintaining public confidence in this Authority. Further minor changes relating to the definitions of 'Associated Person' and 'Member' were adopted at the same time. Subsequent guidance for councillors issued by the Department of Communities and Local Government on openness and transparency in relation to declaring personal interests indicates that this Council was right to include such a provision.

The new arrangements continue to operate effectively, and I am very grateful to Harvey Rudd, the Deputy Monitoring Officer; the Democratic Services team; Bernard Dowley, the Independent Person and Andrew Hayes, the Deputy Independent Person, for all their support during the past year.

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 for 2013/14 was as follows:

Councillor B W Butcher	Councillor L A Keen
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 Complaints/Corporate Resilience 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.

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 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.

- 2.10 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.
- 2.11 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 and recommended revisions to the Code to Council 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.

2013/14 ACTIVITIES

(a) Corporate Complaints

- 2.12 The Standards Committee has a responsibility to oversee the Council's Corporate Complaints Procedures. The period 1 April 2013 to 31 March 2014 has seen 138 corporate complaints received by the Council compared to 142 complaints received during the same period the previous year.
- 2.13 There were 21 complaints considered by the Local Government Ombudsman during the 2012/13 municipal year compared to 29 complaints received in 2011/12. Data relating to the municipal year 2013/14 will be available from the Local Government Ombudsman in due course.

(b) Training

- 2.14 No training sessions were held during 2013/14, but training on the Code of Conduct will be provided for the new intake of Members following the local elections in 2015.
- 2.15 In September 2013 the Department of Communities and Local Government issued guidance for Members on openness and transparency in relation to personal interests which was circulated to all Members of the Council and to the town and parish councils.

(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 2012/13 there were 44 requests for dispensation relating to the setting of Council Tax and the approval of the Council Budget and Members' Allowances which will apply until May 2015. There was one request for dispensation during the municipal year 2013/14 relating to the setting of Council Tax and the approval of the Council Budget and Members' Allowances.

(d) **Consultation**

- 2.17 The Standards Committee considered no consultations during the municipal year 2013/14.

2014/15 ACTIVITIES

(a) **Objectives**

- 2.18 The key objective for the Standards Committee in 2014/15 will be to continue 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 2013/14 represents the first full year of operation of the new Kent Model Code of Conduct and saw the Monitoring Officer receive 18 complaints. For comparison, the Monitoring Officer received 33 complaints during 2012/13.
- 3.4 The 18 complaints received in 2013/14 relate to members at 4 authorities.