Report to: Council, 16th July 2019

Report of: Chairman, Standards Committee

Subject: REFERRAL REPORT FROM STANDARDS COMMITTEE – STANDARDS COMMITTEE ANNUAL REPORT 2018/19

1. **Recommendation**

1.1 That the Council receive the Standards Committee Annual Report 2018/19.

2. **Background**

2.1 The Annual Report was considered by the Standards Committee at its meeting on 26th June 2019 and provides a summary of the work undertaken by the Committee in the 2018/19 municipal year.

2.2 The Annual Report shows how the Committee has successfully achieved its objectives over the last year in promoting and maintaining high standards of conduct by Councillors, Co-opted Members and Parish Councillors.

3. **Information**

3.1 The Annual Report is attached for information.

**Ward(s):** All Wards

**Contact Officer:** Sian Stroud, Deputy Director - Governance and Monitoring Officer – Tel: 01905 722019

**Background Papers:** None
WORCESTER CITY COUNCIL

ANNUAL REPORT OF THE

STANDARDS COMMITTEE

2018/19
ANNUAL REPORT OF THE STANDARDS COMMITTEE 2018/19

1. **Introduction and Background**

1.1 Under the Localism Act 2011, local authorities are responsible for their own standards arrangements, including promoting and maintaining high standards of conduct and having mechanisms in place to investigate complaints and make decisions on them.

2. **The Standards Committee**

2.1 The role and function of the Committee are set out in the Council’s Constitution, as follows:

(a) promoting and maintaining high standards of conduct by Councillors, Co-opted Members and Parish Councillors.
(b) Advising the City Council and its Parish Councils on the adoption and amendment of local Codes of Conduct for Councillors, protocols for member officer relations, whistleblowing policies and complaints procedures collectively known as Local Codes.
(c) Monitoring the operation of the Local Codes adopted by the City Council and its Parish Councils.
(d) Advising and training or arranging for the training of City Councillors, Parish Councillors, Co-opted Members and Officers on matters relating to the Local Codes.
(e) Granting dispensations in respect of Members’ Interests in accordance with regulations made by the Secretary of State for Communities and Local Government.
(f) Considering allegations of breaches of the Local Codes by members of the City Council or its Parishes and considering what sanctions, if any, to impose where allegations are found proven.
(g) Considering reports from the Monitoring Officer.
(h) Considering any reports issued by the Local Government Ombudsman regarding the City Council, authorising any payments proposed by the Local Government Ombudsman and recommending any other action that may be appropriate.
(i) Considering any reports issued by the Local Government Ombudsman regarding either of the City’s Parish Councils and recommending any appropriate action to them.
(j) Approving payments or the provision of other benefits to a person (or persons) where the Committee considers that maladministration has occurred on the part of the City Council and that the person or persons has or have been adversely affected by it.
(k) Considering and taking any appropriate action in respect of any alleged breaches of the Council’s Local Codes.

3. **Membership and Meetings**

3.1 For the 2018/19 Municipal Year, the Standards Committee membership was as follows:
City Councillors
Chairman: Councillor Jo Hodges
Vice-Chairman: Councillor Gareth Jones
Councillors: Matt Lamb, Andy Roberts, George Squires, James Stanley

Co-opted Independent Member
Mr Raymond Needham JP

Parish Council Representatives
Mrs Pam Clayton and Mr Roger Knight - St. Peter the Great Parish Council
Mrs Valarie Barrall and Mrs Dawn Merriman - Warndon Parish Council

3.2 The Committee met 3 times in 2018/19, in September, November and March. Meetings take place at the Guildhall and are open to all Members of the Council and the public. The Council now audio records and live streams many of its meetings, including the Standards Committee. These recordings are published on the relevant meeting page of the Council’s website.

4. Monitoring Officer

4.1 Sian Stroud commenced in February 2019 as the Council’s new Deputy Director – Governance and Monitoring Officer. She succeeds Tim O’Gara, who left the Council’s employment at the end of October 2018, and Maria Memoli, who replaced Tim on an interim basis. I should like to place on record the Committee’s thanks to both her predecessors.

4.2 Claire Chaplin, Democratic and Civic Services Manager and Georgina Coley, Legal Team Manager, carry out jointly the role of Deputy Monitoring Officer.

4.3 The Monitoring Officer provides regular training for all Members on a range of Standards issues. The most recent session was held in June 2018.

5. Consideration of Complaints Regarding Conduct of Councillors

5.1 Complaints made under the Members’ Code of Conduct are made to the Monitoring Officer. An online complaint form is available on the Council website.

5.2 The Complaints Procedure was adopted by the Council in March 2014 and provides that a complaint will initially be considered by the Monitoring Officer and an Independent Person, once the Monitoring Officer is in receipt of all relevant information to enable an initial assessment of the complaint to take place. After consulting the Independent Person, the Monitoring Officer will decide either to take no action on the allegation, to resolve the complaint informally or to arrange an investigation.

5.3 During the Municipal Year 2018/19, 3 formal complaints were received. In respect of the first complaint, after consulting with the Independent Person, the Interim Monitoring Officer decided to take no further action. However, as a result of the initial assessment, the Interim Monitoring Officer, again after consulting the Independent Person, proposed an amendment to the Code of Conduct to include a new sub-clause referring specifically to the Guidance issued for Members on the use of Council Stationery.
5.4 Committee Members expressed support for the proposal to amend the Code of Conduct, which was subsequently agreed by full Council.

5.5 The amended Code provides that Members must, when using or authorising the use by others of the resources of, or under the control of, the authority, act in accordance with any guidance for Members issued by the Monitoring Officer on the use of Council stationery.

5.6 The two other formal complaints related to the same matter. After consultation with the Independent Person, the Monitoring Officer resolved these complaints informally.

5.7 Finally, one “informal” complaint was made against a Member. The Interim Monitoring Officer spoke to the Member concerned but no formal action was taken. Another complaint was made by a Member concerning an administrative procedure rather than the Code of Conduct. The Interim Monitoring Officer, in consultation with the Independent Person, decided the complaint did not fall within the remit of the Code of Conduct for Members.

6. **Ombudsman Complaints**

6.1 The Committee considers any formal reports that are issued by the Local Government and Social Care Ombudsman following investigation of a complaint, where resolution is not agreed, or there is an issue of public interest.

6.2 In addition, the Monitoring Officer has a duty to report when there has been an investigation which identifies maladministration in the exercise of administrative functions, or a failure in a service or a failure to provide a service.

6.3 During the year, the Committee were advised of one upheld complaint by the Local Government Ombudsman. The Ombudsman found that whilst there had been maladministration, no injustice occurred as a result.

6.4 The Ombudsman produces an Annual Review Letter at the end of each year which includes a summary of complaints statistics for the Council. The data provided in the letter shows the complaints and enquiries recorded, along with the decisions made with regards to Worcester City Council.

6.5 The Annual Report for 2017/18 noted a low level of complaints received, which demonstrates that matters are being addressed through the Council’s internal procedures and only in a small minority of cases do complainants feel that their case needs to be escalated to the Ombudsman.

7. **Members’ and Officers’ Interests and Gifts and Hospitality**

7.1 The Committee reviews these registers at each meeting. All Members are required to complete a declaration of disclosable pecuniary interests (DPIs) under the Localism Act 2011. These are reviewed by each Member annually and updated as appropriate. The information declared is published on the Council’s website.

8. **Reporting Back on Outside Bodies**

8.1 The Committee considered a procedure relating to Members reporting on their activities with outside bodies.
8.2 The Committee agreed a procedure whereby representatives are requested to complete a proforma report annually. This should be done in March or April, as the information will then assist Group Leaders in determining nominations for the forthcoming year.

9. **Members' and Officers' Indemnities and Insurance**

9.1 The Committee considered a report by the Monitoring Officer on the indemnity and insurance position in respect of Members and Officers of the Council.

9.2 In summary, Members and Officers are covered if they are:

- Acting explicitly on the Council’s behalf in pursuance of its statutory powers;
- Acting in an advisory capacity in connection with the Council’s functions; or
- Representing the Council’s interests as an observer on an outside body, board or Committee;
- Acting on behalf of a Joint Committee established by 2 or more local authorities.

9.3 Members and Officers are not covered if they are:

- Acting solely on behalf of an outside body;
- Acting outside their delegated powers; or
- Acting outside the Council’s statutory powers.

9.4 Members should seek further advice if in any doubt about whether they are covered.

10. **Conclusion**

10.1 The Council adopted its current Code of Conduct for Members in June 2012. As explained above, this was amended in March 2019 to include reference to the use of Council stationery. The Code will be subject to a full review in the new Municipal Year, to respond to best practice recommendations made in January by the Committee on Standards in Public Life (often referred to as “the Nolan Committee”) which has undertaken a wide ranging review of local Standards matters. In Worcestershire, the principal councils have a common Code of Conduct and so Monitoring Officers will now begin work to address the best practice recommendations so far as they relate to the content of the Code of Conduct, with a view to bringing a revised common Code of Conduct forward for councils to consider adopting later this year.

10.2 As well as specifically looking at the Code, the Committee will generally consider the recommendations of the Nolan Committee review, which can be found at this link:


10.3 This Committee will continue to produce an Annual Report, highlighting the work that it has undertaken over the last twelve months, and this will be referred to the full Council for information.
10.4 The Chairman of the Committee for 2018/19, Jo Hodges, has stood down from the role as she is now the Deputy Mayor. Having recently succeeded Jo, I would like to thank her for her work in that capacity over the last two years in ensuring that a high standard of conduct is maintained within the Council. My thanks also to former City Councillor Gareth Jones, who was not re-elected in May 2019. Gareth is a past Chairman of this Committee and has been Vice-Chairman for the past 2 years.

Councillor Matt Lamb
Chairman of the Standards Committee
June 2019