



Worcester
CITY COUNCIL

WORCESTER CITY COUNCIL

ANNUAL REPORT OF THE

STANDARDS COMMITTEE

2022/23

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FOREWORD

Welcome to the Annual Report of Worcester City Council's Standards Committee for the Municipal Year 2022/23.

The purpose of the Annual Report is to provide Members with an understanding of the role of the Committee and to highlight the work that it has undertaken over the last twelve months.

During this year the Committee's work has mainly been directed towards overseeing several important updates to the procedures used to manage complaints against councillors and procedures for declaring potential conflicts of interests. By contrast, it was pleasing to note that this in year, there were no upheld complaints from the Local Government and Social Care Ombudsman for the Committee to scrutinise.

The work programme of the Committee is the overall responsibility of the Monitoring Officer, who is the Corporate Director- Planning and Governance, Sian Stroud. The Standards Committee is notable within the Council's governance arrangements in that its composition includes representatives from the Parish Councils as well as a Designated Independent Person for Standards.

Finally, I would like to thank the previous Chair Cllr Mel Allcott and Vice Chair Cllr Andy Roberts who led the Committee during this year as well as all Members of the Committee for their contribution towards upholding high standards of conduct in the Council.

Councillor Karen Lawrance
Chair
June 2023

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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 Part 2 of 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 202/23 Municipal Year, the Standards Committee membership was as follows:

City Councillors

Chair: Councillor Mel Allcott

Vice-Chair: Councillor Andy Roberts

Councillors Alan Amos, James Stanley, Jill Desayrah, Matt Lamb, Neil Laurenson

Co-opted Independent Member

Mr Raymond Needham JP

Parish Council Representatives

Councillors John Renshaw and Roger Knight - St. Peter the Great Parish Council

Councillors Dave Carney and Mrs Dawn Merriman - Warndon Parish Council

- 3.2 The Committee met twice, in July and March. Meetings are streamed live on the Council's website. The recordings are subsequently published on YouTube.

4. Monitoring Officer

- 4.1 The Monitoring Officer is Sian Stroud. Claire Chaplin, Democratic and Civic Services Manager and Georgina Coley, Legal Team Manager, carry out jointly the role of Deputy Monitoring Officer.
- 4.2 The Monitoring Officer provides advice and guidance to City Council Members and Parish Councils on a range of issues and works closely with fellow Monitoring Officers from other Worcestershire Councils.

5. Ombudsman Complaints

- 5.1 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.
- 5.2 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.
- 5.3 During the year, there were no reports from the Local Government and Social Care Ombudsman (LG&SCO) for the Committee to consider.

6. Local Government and Social Care Ombudsman Annual Review Letter

- 6.1 The Local Government and Social Care Ombudsman (LG&SCO) publishes an Annual Review Letter every year. The most recent one, for the year ending 31st March 2022 was presented to the Committee in March 2023.

- 6.2 The Letter highlighted that the overall number of enquiries received by the Ombudsman about Worcester City Council had decreased dramatically from 17 in 2019/20 and 12 in 2020/21 to just 7 in 2021/22. These numbers include where complainants had not exhausted the Council's internal complaints procedures, complaints made out of time, and where complainants had withdrawn complaints.
- 6.3 The number of cases where an investigation was carried out by the Ombudsman decreased from 2 in 2020/21 to zero in 2021/22.

7. Code of Conduct for Members

- 7.1 The Committee agreed in July 2022 to recommend the Council to adopt the revised Code, using the Local Government Association (LGA) Model Code of Conduct as the basis for a new draft of a pan-Worcestershire Code. As the Code was still progressing through iterations of governance at other Worcestershire authorities, a recommendation on the final draft for adoption by the Council was held in abeyance with a view to seeing if one single agreed version could be accepted by all the Worcestershire local authorities.
- 7.2 In the intervening period, other Worcestershire councils resolved to either adopt the Code as slightly amended by the Worcestershire Monitoring Officers group, or, in the case of the County Council, adopt it verbatim as per the LGA Model Code. Therefore, no single unified Code has been adopted across the Worcestershire councils, although the local variations were very minor.
- 7.3 In the circumstances, the Committee recommended that the version of the Code which was considered at the July 2022 meeting be adopted, subject to some minor changes from the Monitoring Officer to reflect that there is no pan-Worcestershire version, to reflect current use of the seven Nolan Principles of Public Life, and to pick up any typographical errors. The key reasons to move to this new draft were the plain English approach of the new LGA version and the ability to keep pace with LGA guidance.
- 7.4 The revised Code was agreed and adopted by the Council at the meeting on 28th March 2023.

8. Ethical Framework - Government Response to the Nolan Committee

- 8.1 The Committee had previously endorsed a response from the Monitoring Officer to the Nolan Committee in response to a survey about the practicalities of operating ethical standards arrangements under the Localism Act 2011. The Government's response was that, in essence, no significant changes to the ethical standards regime are planned for the time being, the Government preferring that matters are left to local discretion, with arrangements kept under national review from time to time. One exception that the Government support the Committee's recommendation to remove councillors' personal addresses from the public record in the interests of safety and a legislative amendment to this effect, will be made in due course.

9. Dispensations Under the Localism Act 2011

- 9.1 The Committee reviewed the arrangements for granting dispensations from the declaration of pecuniary interests regime. By way of background, the Localism Act

2011 prevents Members from participating in any business of the Council where they have a Disclosable Pecuniary Interest (DPI) unless they have sought a dispensation under Section 33 of the Act. Applications must be made in writing and dispensations may be sought for a period of up to four years.

9.2 Dispensations have been granted previously by the Council in accordance with the Localism Act 2011, but the Monitoring Officer advised that there was not an up to date standing list on record and hence the Committee proposed that general dispensations to speak and vote on the following items should be granted to all Worcester City Council Members and that these dispensations remain in force for the four-year period permissible under the Localism Act:

- Determining an allowance (including special responsibility allowances), travelling expense, payment or indemnity given to Members;
- Housing: where the Member (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Member (their spouse or partner);
- Housing Benefit: where the Councillor (or spouse or partner) receives housing benefit;
- Any Ceremonial Honours given to Members;
- Setting the Council Tax or a precept under the Local Government and Finance Act 1992 (or any subsequent legislation);
- Setting a Local Council Tax Reduction Scheme or Local scheme for the payment of business rates (including eligibility for rebates and reductions) for the purposes of the Local Government Finance Act 2012 (or any subsequent legislation); and
- Matters relating to the Local Government Pension Scheme.

9.3 In addition to the general dispensations, an individual Member can apply to the Standards Committee for a dispensation where a specific matter affects them. The Committee agreed that the granting of individual dispensations under Section 33 of the Localism Act 2011 should be delegated to the Monitoring Officer in consultation with the Chair and Vice-Chair of the Standards Committee.

9.4 The Committee's recommendations were referred to the Council which approved them.

10. Consideration of Complaints Regarding Conduct of Councillors

10.1 The Committee considered a report on the Council's procedures for the assessment and investigations of complaints that councillors have breached the Code of Conduct. The procedures were adopted in 2014 and last amended in 2017. They were therefore due for review and the Monitoring Officer had carried out a review to ensure they are consistent with the Local Government Association (LGA) guidance. Improvements were suggested which learned from recent experiences, where better mechanisms, or clarity in the wording, could have assisted all parties.

10.2 The key issues that this review addressed in summary were:

- Brief explanation of the reach of the procedures and confirmation that they will always be interpreted so as to be consistent with the LGA Guidance;
- Clarity over what information will be kept private and what may ultimately be put into the public domain;

- Expanded section on the management of complaints when they are initially lodged;
- Criteria by which initial assessments will be made;
- Option of referring the initial assessment decision to a Sub-Committee so there is Member input at this potentially sensitive stage;
- Clarity that the Monitoring Officer may also act as Investigating Officer if an investigation is required;
- Removal of prescriptive hearing procedure rules so they can be tailored to the specific hearing, with key principles consistent with the LGA Guidance;
- Clarity that a published decision notice will be given, when a complaint has been upheld by the Sub-Committee, and that there is no internal right of appeal.

10.3 The Committee approved the revised procedures and these have now been implemented.

10.4 At both of its meetings, the Committee also received an update report on the progress and outcome of complaints made under the Members' Code of Conduct. During the Municipal Year 2022/23, the Monitoring Officer considered a total of 7 complaints. Before making a decision in relation to each complaint, the Monitoring Officer consulted with one of the Independent Persons from the pool appointed to consider complaints. As at the end of the Municipal Year, the summary of the outcomes was as follows:

- No action (*Complaint fell outside the scope of the Code OR No breach of the Code*) – 3
- Informal resolution – 3
- Referred to Hearings Sub-Committee – 1 (see below)

10.5 The Hearings Sub-Committee meeting took place in private on 16 November 2022. The Sub-Committee considered a complaint made against a Councillor in respect of an alleged breach of the Code of Conduct for Members. The case had been investigated and the Sub-Committee were presented with a comprehensive report. Having considered all the circumstances, the Sub-Committee decided that no breach of the Code had occurred and no further action should be taken.

11. Members' and Officers' Interests and Gifts and Hospitality

11.1 The Council holds registers of Members' disclosable pecuniary interests, and declarations of gifts and hospitality received by Members and Officers. Due to the Covid-19 restrictions, the Committee was unable to review these registers, however the declarations are also published on the Council's website. During the year, all Members checked their declaration of disclosable pecuniary interests (DPIs) under the Localism Act 2011. These were updated online where appropriate.

12. Member Training

12.1 The Worcestershire Monitoring Officers group have procured the services of Bethan Evans, a national leader in standards training, to deliver refresher training for councillors across a number of the Worcestershire councils. The content will cover the Code, ethical framework, civility and social media. Two sessions will be offered, on 28 June at County Hall, and 10 July online via Teams. These dates have been put in Members' diaries.

- 12.2 These topics are of prime importance to all Members, whether newly elected or experienced. The training will explore the challenges of being in public life in the context of social media and constant public scrutiny, the importance of high standards of conduct and danger zones/best practice.
- 12.3 The session is being run twice to ensure as many councillors as possible can attend.

13. Conclusion

- 13.1 This Committee will continue to produce an Annual Report, highlighting the work that it has undertaken, and this is referred to the full Council for information. Maintaining a good level of awareness of how the local ethical standards framework operates is important to help sustain a reasonable level of mutual trust and confidence between councillors, officers and members of the public and users of Council services. The Council does not have any powers itself to significantly enhance or modify the local ethical standards framework and for the time being the Government has signalled that it does not wish to make any major reforms.