



*STANDARDS COMMITTEE*

*ANNUAL REPORT*

*2009/10*



## *Foreword by the Chairman, Professor Bill Forsythe*

I am honoured to be an Independent Member of Devon County Council's Standards Committee and also to have been the Chairman of that Committee since 2003.

I am, currently, one of the three independent members on the Committee working with the Council to promote the importance of high standards of behaviour and systems of governance so as to create a climate where complaints or problems rarely arise.

I believe we do this successfully and this is reflected most demonstrably in the low level of complaints that have been made about members conduct since the Committee was first established.

The job of the Standards Committee is to confront corruption and oppression through assiduous consideration of complaints, annual reports of the Local Government Ombudsman about us, reports from the County Council's own Directorates and allegations from the media. Members of the Standards Committee carefully study these possible sources of evidence at each of their meetings. Our firm conclusion is that councillors and officers of Devon County Council consistently apply high ethical standards in their work with the public.

Where members of the public have made complaints about their professional handling by individual employees or councillors, these have been dealt with willingly and efficiently and indeed in 2009 the Ombudsman praised the County Council for the way that it dealt with complaints generally. Where faults have been found to have occurred these have been addressed and, where the Ombudsman has found delay in rectifying matters complained of, the Council has responded with swift redress.

High ethical standards are one of the most essential elements of the work of any public body and the transparent robust application of these at this particular time is particularly important. Whilst I am clear that there is no institutionalised corruption or oppression among Devon County Council's elected members and officers, the corrupt or oppressive behaviour of just one untypical individual can have a hugely disproportionate harmful effect. For that reason it is essential to guard against complacency in defending the high reputation for integrity that Devon County Council justly enjoys and we need to go on improving our systems for monitoring our standards critically to ensure that it continues to be robust for the future.

I have been very ably supported by a number of County Councillors appointed to the Committee by the Council and would like to thank all of my fellow members for their dedication and hard work.

While the Committee is now responsible for the examination of any complaints made against elected members our most important task, arguably, remains that of working with them to ensure standards are maintained at the highest possible level and to avoid such complaints being generated in the first place.

## Background

The need for a consistent legal framework governing standards of behaviour in local government was prompted by the work of the first Committee on Standards in Public Life, chaired by Lord Nolan.

The Nolan Report (*Third Report of the Committee on Standards in Public Life – Standards of Conduct in Local Government – Cm3702-1*) recommended that local authorities should set up Standards Committees which would draw up codes of conduct for councillors and take action over any breaches of the code. The Government in the White Paper “*Modern Local Government – In Touch with the People*” (July 1998) took forward the Nolan Committee’s recommendations and proposed that Standards Committees should include independent persons as full members.

Under the Local Government Act 2000 local authorities were subsequently required to establish Standards Committees with responsibility to:

- advise the Council on the adoption of a local code of conduct for elected members;
- monitor the effectiveness of the code;
- provide training for members on the code;
- promote and maintain high standards of conduct for members;
- help members follow the code of conduct; and
- consider and determine allegations against members in respect of misconduct or potential breach of the Code of Conduct

Devon County Council’s Standards Committee was established in 1999 for the purposes originally identified by Nolan but the County Council have also asked the Committee to take on the wider roles of securing and maintaining high standards of conduct by members and officers throughout the organisation. These wider responsibilities reflect guidance issued by the Standards Board for England (now Standards for England) and the need for a Standards Committee to involve itself in promoting robust arrangements for governance within the County Council.

This, our first, annual report provides an update into the work of the County Council’s Standards Committee covering the period 1 April 2009 to 31 March 2010 and the way forward.

## *Membership of the Standards Committee*

A Standards Committee must comprise at least three persons, at least two of whom must be elected members and the other must be a person who is independent of local government. Where a Standards Committee exceeds three people, Independent Members must comprise at least 25% of the membership. The Chairman of the Standards Committee must, by law, be one of those Independent Members.

Devon County Council has long recognised the added value brought by Independent Members and the importance of having a balance between elected and independent members. There are currently a total of ten persons serving on the committee (shortly to increase to twelve) of whom three are independent persons who are neither employed by nor elected members of the County Council. The other seven members are councillors (but not Cabinet Members) representative of the membership of the County Council as a whole.

The County Council agreed, during 2009/10, to increase the number of Independent Members to five recognising the potential demands upon members of the Standards Committee of increased responsibilities in relation to local determination of complaints and proposed enhanced monitoring of the Council's ethical governance framework. Hopefully they will be in Office for the 2010/11 Municipal year.

To be eligible to become an independent member of the Standards Committee a person must:

- be of good character;
- bring qualities of impartiality and independence to the committee's proceedings;
- possess sound judgement, together with an ability to form a view on complex questions relating to the conduct of councils and their councillors;
- possess skills and experiences which sustain and broaden the expertise available to the County Council;
- possess good communication skills together with a willingness to listen to other views;
- be able to demonstrate the ability to challenge accepted views in a constructive way;
- be able to represent the standards required in public life and apply them in a practical way to the decisions to be made
- live, work or have a close connection with the County of Devon;
- be over the age of 21 (as in the case of elected Councillors).
- not have any close links with councillors or officers which might lead people to question their independence;
- not be a member of the County Council or any other relevant Council or have been a County Councillor or have been employed by the County Council in the last 5 years
- not be actively engaged in local party politics;
- not have personal, legal or contractual links with the council.
- not have any current criminal convictions.

The councillors on the Standards Committee comprise the Chairman of the County Council (who is also the Vice-Chairman of the Standards Committee) and nominees from each of the main political groups on the Council. The political balance rules do not apply. Independent members are entitled to vote at meetings.

Meetings of the Committee cannot proceed unless at least one Independent Member is present.

The membership of the Committee in 2009/10 was:-

Independent Members:      Professor Bill Forsythe (Chairman)  
   Alderman Ken Turner  
   Mike Bull

County Councillors:        John Berry (Vice-Chairman)  
   Polly Colthorpe  
   Sir Simon Day  
   Anne Fry  
   Gordon Hook  
   Jill Owen  
   Barry Parsons

## *Officer Support*

The County Council's Monitoring Officer has overall responsibility for ensuring that there is due regard to the law and high standards of probity within the Council and advises the Standards Committee, ensuring it exercises its responsibilities firmly and fairly and that public servants exercise their responsibilities properly, within accepted mores of behaviour and do not act oppressively, unjustly or corruptly.

The current Monitoring Officer, Jan Shadbolt, took up office in January 2010 replacing Roger Gash who had been the Council's Monitoring Officer for the preceding 15 years.

The Standards Committee would wish to place on record its appreciation of the contribution made by Roger Gash to the development and maintenance of the high standards of ethical governance that prevail in the County Council.

The Deputy Monitoring Officer, Tony Sweeney, has a role in investigating and advising Assessment and Review Sub-Committees on any formal complaints about member conduct.

The Standards Committee and all Assessment and Review Sub-Committees are serviced and supported by the County Council's Committee and Member Services Unit, led by Rob Hooper.

## *The Role of the Standards Committee*

The main role of the Standards Committee is to act as champion and guardian of the County Council's ethical standards, responsible for promoting and maintaining high standards of conduct by elected members and co-opted members of the Council. Its main roles and functions may best be summarised as:

- promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- assisting through advice and training councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- advising the Council on the revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- considering complaints that a councillor may have breached the Code of Conduct for Members, in line with guidance from Standards for England (formerly the Standards Board for England) (i.e. local determination of complaints).
- dealing with any reports from the Standards for England and any report from the Monitoring Officer on any matter.

In addition to the statutory functions described above, the County Council have asked this Committee to exercise a wider role in relation to the governance of the Council and in ensuring standards are as high as possible.

In outlining what the people of Devon may expect from the County Council, Article 3 of the Council's Constitution makes it clear that any member of the public may complain to the Standards Committee about a breach of the Members' Code of Conduct. The Code of Conduct is set out in Part 6 of the County Council's Constitution and is available on the County Council's website at:

[http://www.devon.gov.uk/index/your\\_council/decision\\_making/constitution.htm](http://www.devon.gov.uk/index/your_council/decision_making/constitution.htm)

The Committee's full terms of reference, set out in the Council's Constitution, are reproduced below for ease.

The Standards Committee also submits annual and quarterly returns to Standards for England on details of complaints received and dealt with and on its work generally. Further information about Standards for England and the role of Standards Committee may be found at:

<http://www.standardsforengland.gov.uk/>

## *Local Determination of Complaints*

Until May 2008, complaints relating to members' conduct (where an alleged breach of the Code of Conduct may have occurred) were made to the then Standards Board for England, although at any point in an investigation the Standards Board could refer the complaint to the relevant council for investigation. The Council's Standards Committee would then have the responsibility for the determination of complaints during a formal hearing.

After May 2008 however, and in line with the Local Government & Public Involvement in Health Act 2007, responsibility for considering complaints that a councillor may have breached the Members' Code of Conduct was transferred from Standards for England to Standards Committees of individual local authorities. Standards for England will now only investigate complaints in rare circumstances where, for instance, there may be a conflict of interest.

The impact of the new arrangements may not, as yet, have been as keenly felt in Devon as elsewhere as there had only been one complaint made in 2009/10 (two in 2008/09) resulting in an Assessment and a Review Sub-Committee being convened - neither of which resulted in any formal investigation being undertaken nor, necessarily, any consequent finding of a breach of the code.

Without being complacent this is pleasing and reflects well, both on the Standards Committee and Members of the County Council, and maintains the Council's previously unblemished record over the preceding 10 years of having no findings against members for breaches of the code since the establishment of the Standards Board for England.

It is important however, that the Council continues to publicise how complaints may be made and are dealt with. The Council has published appropriate guidance for those wishing to make a complaint about the conduct of a Devon County Councillor or if it is felt that they may have breached the Code of Conduct for Members. This guidance is available from the County Council's Committee and Member Services Unit and is also available on the Council's website at:

[http://www.devon.gov.uk/index/your\\_council/county\\_councillors.htm](http://www.devon.gov.uk/index/your_council/county_councillors.htm)

or

[http://www.devon.gov.uk/index/councildemocracy/county\\_councillors/councillorcomplaints.htm](http://www.devon.gov.uk/index/councildemocracy/county_councillors/councillorcomplaints.htm)

## *The Work of the Standards Committee in 2009/10*

The Standards Committee met on two occasions. There was additionally one meeting of an Assessment Committee and one meeting of a Review Sub-Committee. The Chairman also met and discussed issues with the Monitoring Officer at regular intervals over the period of this Report.

The Agenda, Minute and Reports of the Standards Committee may be accessed on the County Council's website at:

[http://www.devon.gov.uk/index/your\\_council/decision\\_making/committee\\_minutes.htm](http://www.devon.gov.uk/index/your_council/decision_making/committee_minutes.htm)

The Committee endorsed the training and induction programme provided to councillors following the 2009 quadrennial elections on the operation of the ethical governance framework within the County Council and will consider feedback from those Members on the effectiveness of that training over the coming year, to inform future training and developments.

The Committee received regular reports on compliments, representations and complaints received by Directorates through 2009/10 and on the operation of the County Council's formal complaints procedures. While there had been an increase in the number of complaints made this was felt to be due as much to the positive work being undertaken by the Council to encourage feedback from members of the public as to any perceived increase in 'wrongdoing' directly attributable to improved understanding of and access to and responsiveness of the customer service process. Moreover, and perhaps further illustrating that improved understanding and responsiveness, it was notable that while there had been an increase in the number of Stage I Complaints the number of complaints escalating to Stage II had reduced over previous years.

While acknowledging the excellent work being done in relation to the handling of complaints the Standards Committee nonetheless acknowledged that a fully integrated electronic system for monitoring complaints etc., to meet the needs of all Directorates and statutory reporting requirements was an essential requirement for the County Council and welcomed assurances as to the development of such a system at the earliest opportunity.

The Standards Committee reviewed the Ombudsman's Annual Review letter for 2008/09 noting, in particular, the demands being placed upon the Ombudsman and their impact on investigations and the implications for the County Council. The Standards Committee welcome the comments of the Ombudsman in praising the County Council on the way it dealt with complaints generally and its hard work in this area of activity.

The Standards Committee also took note of comments by the Audit Commission, in a previous review of the Council's Governance arrangements, about the need for elected members to undertake an ethical governance audit and self assessment survey. Notwithstanding the County Council's unblemished record over the previous 10 years, the

Standards Committee recognised that such an audit would help it assess, inter alia, how the County Council met the ethical agenda, what it meant to the way in which the Council worked, how the Council complied with ethical standards and whether or not any improvements might be needed.

The Committee therefore agreed that a light-touch self-assessment should be undertaken during 2009/10 as part of the Council's Member Development programme. The outcome of the ethical governance and self assessment survey will be considered by the Committee in 2010/11 and will feature in next years Annual Report.

## *Work Programme for 2010/11*

In addition to routine matters, such as the monitoring of the Council's complaints procedures, local determination of complaints, granting of dispensations etc., the Standards Committee will also:

- consider the results of the ethical governance audit and self assessment survey undertaken by members in 2009/10 with a view to determining, inter alia, how the County Council meets the ethical agenda, how it and members and officers conform to the Council's ethical standards and whether or not any improvements might be needed;
- initiate regular meetings between the Chairman of the Standards Committee and the Leader and Chief Executive of Devon County Council;
- enhance the role of Independent Members of the Standards Committee;
- improve monitoring of elected members performance at meetings of the Council, Cabinet and its Committees and adherence to the Council's ethical governance framework;
- develop and involve Standards Committee members in regular training and refresher events for elected members of the Council on the importance of the Code of Conduct and high standards of ethics and probity.

## *Devon County Council's Governance Framework*

Devon County Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs so as to facilitate the effective exercise of its functions and manage risk. The County Council has approved and adopted a code of corporate governance which is consistent with the principles of the CIPFA/SOLACE Framework Delivering Good Governance in Local Government. The governance framework comprises the systems and processes and culture and values by which the Council is directed and controlled.

The County Council's Constitution is the Council's Code of Corporate Governance. It is fundamental to the working of the County Council and transcends the core principles of corporate governance in the CIPFA/SOLACE having been framed in accordance with statute and Government guidance and evolved in the light of experience and subsequent legislation. The Constitution is the guarantor of the continuing openness, accountability and integrity of the Council's decision-making processes and sets a series of exacting standards against which the Council's actions – and those of individual members and officers - can be judged and, if necessary, challenged.

In addition, the County Council, through its Audit Committee, also reviews that governance framework annually, including the system of internal controls and reports on this through the Annual Governance Statement. The Audit Committee also ensures that the Council has robust risk management processes which are embedded in all its operations. The Audit Committee works as an effective audit committee and the County Council's internal audit service provides robust internal audit challenge.

As illustrated elsewhere in this Report, the Standards Committee is responsible for the oversight of professional standards and ensures probity and propriety in the conduct of its business, ensures appropriate codes of business practice are in place and that the council, its members, officers and agents exhibit high standards of personal conduct at all times.

In relation to service provision generally, the County Council was praised by the Audit Commission for its use of resources and for providing high quality services at low cost, having been scored 3 out of a possible 4 in the 2009 Comprehensive Area Assessment results.

The Audit Commission's Organisational Assessment of the County Council, assessing how the Council was managing and using its resources, which was published in December 2009 said that *'there is an effective governance framework with strong arrangements for member development'*, *'effective arrangements for partnerships'* and *'Internal control is sound'*. Moreover, the Audit Commission acknowledged that:

- there were effective working relationships between members and officers;

- returns to the Standards Board and summaries of investigated allegations indicated that the governance framework was effective; and
- the Council had a good record on compliance with ethical standards.

The Audit Commission did however suggest that the Council should consider ways in which the Council might improve the perceptions of the public about its governance arrangements - hence the proposals outlined to meet that perceived need set out in this Report and acknowledged in the Council's Annual Governance Statement for 2009/10 which will, in turn, form part of this Committees' work programme for 2010/11.

In relation to the Council's Constitution and the formal Scheme of Delegation contained therein, an Internal Audit Report requested by the Council itself, also concluded that there were no issues arising from the examination of systems and control that would warrant inclusion in the next Annual Governance Statement and that the scheme of delegation itself was felt to be clear and concise.

## *The Standards Committee's Terms of Reference*

To undertake such other functions as the Secretary of State may by regulation confer upon a Local Authority Standards Committee.

To exercise all the functions of a Standards Committee under the Ethical Framework established by the Local Government Act 2000, as amended and all Statutory Instruments and Regulations made by the Secretary of State thereunder.

To advise the County Council on the adoption of a Members' Code of Conduct with any appropriate local provisions and on its subsequent monitoring and updating.

To implement the Code of Conduct including the training of members and officers.

To advise members as to the declaration of interests and the grant of dispensations where appropriate to allow members to participate in matters in which they have interests.

To supervise the Registers of Members' and Officers' Interests and of politically restricted officers.

To receive reports from the Standards Board or ethical standards officers following investigations and to advise the Council on the implications of any disciplinary sanctions imposed by the Board or condign action within the Council's own competence.

To oversee the Council's policy on the Proper Conduct of Business.

To keep up to date the Council's Code of Practice on relations between members and officers.

To be responsible for the Council's procedures for investigating and responding to complaints.

To adopt contract conditions to apply the Council's complaints procedure to contractors.

To approve a Local Planning Code.

To consider Findings of Maladministration by the Local Government Ombudsman.

*Professor Bill Forsythe*  
*May 2010*

*Jan Shadbolt*



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