

# Annual Report to the Council on Ethical Standards 2017/18

May 2018

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## Foreword from the Chairman

It has been a quiet year for the Standards Committee and for that I'm grateful to all members of SLDC and also to Parish Councillors as their conduct has ensured this has been the case. In general the standard that Councillors uphold and their actions in our area are good and I hope that we can continue to treat everyone in the same dignified manner. Despite this I think most would agree that on the rare occasions when our conduct is called into question and action is needed then (with the exception of fraudulent activity) the tools available to us are not strong enough. I hope this message will be clearly received by government following the recent consultation by the Committee for Standards in Public Life. The other area of concern is the use of social media and how or if this should be considered as part of the Standards Committees work.

Finally, I'd like to thank our officers and our Independent Person for all the work they do to ensure where-ever possible those complaints and issues which are able to can be resolved amicably, and Vice Chairman Peter McSweeney for covering for me during my illness.

Cllr Chris Hogg

Chairman of Standards Committee

2017/18

## 1.0 Introduction Ethical Standards

The Council has a duty to promote and maintain high standards of conduct by Members and co-opted members and the Council aims to have the highest possible ethical standards in place across the Council.

This report is the sixth report on ethical standards under the Council's Standards Arrangements following implementation of the Localism Act 2011, and considers ethical standards within South Lakeland for the year to May 2018

## 2.0 Code of Conduct

The Council's revised Code of Conduct was first approved by Council in June 2012. The Code was drafted in consultation with Councils across Cumbria. The same Code was adopted by all principal authorities in Cumbria, and by the majority of Parish and Town Councils.

In June 2013 the Committee undertook a review of the new arrangements, and recommended that no further changes be made to the Code at the present time other than the revision of the definitions for the seven general principles of public life as revised by the Committee on Standards in Public Life in their 14 report on "Standards Matter".

The Districts and Parish/Town Councils have retained the Code as originally adopted.

As is custom and practice training has been offered on the Code to all District Members and Co-optees and to all Town and Parish Councils. The assistance of the Cumbrian Association of Local Councils continues to provide valuable support on considering issues around parish and town councils.

### 3.0 Role of Standards Committee/Monitoring Officer/Independent Person/Parish Representatives

The Council must demonstrate that it operates high standards of ethical conduct in the way it carries out its dealings; this applies to both Members and Officers.

The main function of the Standards Committee is to promote and maintain high standards of conduct and it seeks to ensure that the District Council, and the Town/ Parish Councils which operate within the District, operate within the expected ethical standards of conduct expected from them.

The Committee fulfills this role by promoting good standards of conduct and ensuring that training is available on standards of conduct. It also reviews ethical matters, such as the Code of Conduct and revisions to/ adoption of Protocols, governing the behavior of officers and elected Members.

The Standards Committee is operating under its terms of reference as set out in the Council's Constitution. It met on two occasions during this reporting year. As well as reviewing the Council's Standards Arrangements, it undertook its annual review of the Parish and District Registers of Interest, and the Employees Register of Interests and Gifts and Hospitality. The Committee also received reports on code of conduct complaints, general complaints and compliments and the annual report of the Local Government Ombudsman.

Further information about these meetings, including agendas, reports considered and minutes are available on the Council's website – Standards Committee Meetings.

#### Monitoring Officer

Debbie Storr, the Director of Policy and Resources is the Council's Monitoring Officer (MO) and is supported in her role by the Deputy Monitoring Officer, Anthea Lowe, Solicitor to the Council.

The role of MO is a statutory role and is required to ensure that the Council, its Members and officers carry out their functions in a proper and lawful manner and to ensure that high standards of conduct are promoted and maintained throughout the organisation.

In particular, the MO is responsible for establishing and maintaining the register of

District Councillors' and Parish Councillors' interests. She supports the Standards Committee and makes sure that the Council acts within the law and ensures the Council's Constitution is effective.

## Independent Person

The Council has appointed David Twedde as its Independent Person and his appointment runs until June 2020.

The Standards Committee continues to keep the need for any reserve Independent Person under review and there are arrangements with neighbouring authorities to call on other Independent Persons if required.

## Parish Representatives

The Committee is able to co-opt up to two parish co-optees, and currently has the Chairman of the South Lakeland Association of Local Councils and a second representative nominated by the South Lakeland Association of Local Councils as co-opted members of the Committee.

## 4.0 Overview

The Committee continues to ensure that the Council has a robust mechanism in place for standards arrangements as well as reviewing the Code of Conduct and various Member/Officer protocols. In addition, there have been numerous training sessions made available to Councillors and co-optees as well as training offered to parishes across the District.

The Committee has a rolling work programme with the aim of keeping the ethical framework under review.

In September 2017 the Committee reviewed the Protocol on Good Practice for Licensing Members which was approved by Council in December 2017.

The April 2018 meeting considered the stakeholder consultation by the Committee on Standards in Public Life on their Review of Ethical Standards in Local Government. All members had an opportunity to feed into a response which was considered by the Standards Committee in April and which has been circulated to members.

Overall, the evidence suggests that ethical standards in the Authority are sound. The intention – of both Officers and the Standards Committee – must be (and indeed is) to provide a significant and positive contribution to overall corporate performance.

Joint working continues with Cumbrian authorities and CALC to ensure consistency of approach on the code and practices.

The number of scheduled meetings continues to be satisfactory but additional meetings could be called if and when required.

## 5.0 Complaints against Members

Since 1 April 2017 to the date of this annual review the Monitoring Officer has received three approaches related to parish matters, two of which were considered locally, and one referral to the local constabulary with regard to an alleged failure to declare an interest. No complaints have been forwarded for formal investigation by the Monitoring Officer.

## 6.0 Registration of Interests

The Members' Register continues to be maintained and updated as and when Members notify changes. In addition, all Members are sent an annual reminder to update their entries and confirm the accuracy of the Register. The same applies to the Parish Councillors' Register of Interests.

All District Councillors' interest forms are on the Council's web page, as are all Parish and Town Councillor interests. Publication on the Authority's website and on the relevant Parish/Town Council's website, where they have one, is a requirement under the Localism Act 2011. The Registers are also still available to view in hard copy.

Agendas for all District Council meetings contain an item regarding the disclosure of interests at the meeting and advising that guidance can be sought, if necessary, from the Monitoring Officer prior to meetings. The Minutes of the various Council, Cabinet and Committee meetings show that interests are regularly declared by Members.

The Parish Registers can provide a challenge in ensuring all Parish/Town Councillors have submitted an appropriate form, and the Standards Committee last year requested that the Ward Members be advised at an earlier stage if parish registers remain outstanding to help assist in their completion. This year has been slightly easier in that there were no scheduled district or parish elections.

## 7.0 Other Activity

Monitoring Officer advice has been given to both individual Members and corporately as required, and to Parish Clerks/Chairmen. Opportunities have been sought and used to deliver proactive advice to Members to ensure high standards and avoid possible breaches of the Code. The Monitoring Officer, the Deputy Monitoring Officer and other Officers are available to advise Members at all reasonable times.

## 8.0 Training

Formal training sessions have been provided as requested for Parish/Town Clerks and their members, with whom liaison is maintained. The Monitoring Officer or Deputy are also available to visit Parish Councils to discuss the Code and registers of interests.

The District Council and Cumbria Association of Councils have continued to work closely together around the provision of training and information to parishes.

Training on the Code of Conduct continues to form part of the Induction Training for new Elected Members to the District Council to give them an overview of the Code. This year saw County Council Elections and one District Council by-election. Induction, training sessions were offered to the one newly elected Councillor and opened up as refresher training for others. All newly elected District Councillors have received this training.

Training on Committees which have quasi-judicial roles e.g. Standards, Planning, Licensing and Appeals, is now required training for Members serving on those Committees and is offered annually, either as a refresher or for new Committee Members as appropriate. Attendance at these sessions were as follows:

<b>Training Event Attendees</b>	<b>When</b>	<b>Number of</b>
Code of conduct	14 June 2017	5
Code of conduct	5 July 2017	2
Standards	19 September 2017	6
Planning/What a Ward councilor needs to know	25 June 2017	1
Licensing Induction	23 February 2017	1
Licensing Induction	20 November 2017	1
Licensing (Taxi)	9 January 2018	4
Licensing fee training	10 January 2018	5
Licensing - Gambling	28 August 2017	12
Licensing – How to conduct a hearing	7 November 2017	7

The Committee is aware that the Member Development Steering Group considers training generally to ensure that all members are engaged in attending the required training.

Training was further reviewed as part of the refreshed Member Development Strategy adopted by Council in February 2018.

## 9.0 Cumbria Group

The Cumbria and Lancaster Monitoring Officers meet as required, and correspond to discuss key issues. Contacts include Monitoring Officers from both National Parks and the Police Authority, as well as a representative from CALC.

## 10.0 Ombudsman Cases – April 2017 to March 2018

The Annual Review Letter from the Ombudsman is expected in July 2018.

As highlighted in last year's annual report, the Ombudsman has changed the way that it reports on complaints.

There is a distinction between those reports where the Ombudsman produces a formal public interest report and other categories of recording decisions where there may be fault

on the part of a Council but that it does not meet the requirement for formal reporting.

There have been no public interest reports received. Since September 2017 one complaint has been upheld and recorded as maladministration and injustice at pre report stage. The case related to an environment services and public protection matter with agreed actions for the Council to review an application and its procedures for future applications. This application has been reviewed, and procedures are being reviewed within an agreed timeframe.

The Committee has also had an overview of the Council Internal Complaints and Customer Contacts. They have received reports and had discussion with the Assistant Director (Policy and Performance) on the analysis of information provided.

## 11.0 Constitution Standards Committee

The membership and functions of the Standards Committee are in accordance with the Constitution and relevant guidance. The Committee can co-opt up to two Parish Members. It currently has two Parish Members co-opted onto the Committee with non-voting rights, and seven District Members.

The Independent Person is able to attend and advise the Committee as required.

Membership during 2017/18 was as follows:-

### Councillors

Caroline Airey  
Chris Hogg (Chairman)  
John Holmes  
Pete McSweeney (Vice-Chair)  
Eric Morrell  
Phil Walker  
Mark Wilson

### Parish Members

David Peters (Member of Natland Parish Council and Chairman of the South Lakeland Association of Local Councils)  
Peter Smillie (Member of Arnside Parish Council)



## 12.0 Dispensations

No formal individual requests for dispensation have been considered during 2017/18, but the general dispensation for a period of two years for members and co-optees to enable them to make representations under the General Public Participation Scheme and the Public Participation Scheme applicable to Planning Committee, but to still require them to leave the chamber for any debate or vote on the item, granted by the Committee on 19 April 2016 are still live. The Committee reviewed the operation of these dispensations at its meeting on 17 April 2018 and resolved to continue them for a further four years.

## 13.0 Budget

There is limited budget provision to assist in supporting any investigations and training with regard to standards issues. As no investigations were undertaken during 2017/18, no spend was required for this.

## 14.0 Future Activity

### Work programme

The Work Programme for 2018/19 will include standing annual items but will evolve as necessary throughout the year to take account of any developing issues pertaining to standards.