

FINAL ANNUAL REPORT OF
WYCOMBE DISTRICT COUNCIL
STANDARDS COMMITTEE
2018-19

Foreword by Councillor Carl Etholen, Chairman of Standards Committee

I am pleased to present this, the final Annual Report of the current Standards Committee since its inception in 2012, which outlines the Committee's work over the past year. This would have been the second annual report but due to the meetings having been postponed on two occasions and the timing of the new unitary, this is now the final annual report of the Standards Committee for Wycombe District Council. From April 2020 the new Buckinghamshire Council will be the substantive Council considering all Standards matters going forward. Wycombe District Council's Standards Committee has continued to play a key part in the Council's support for and promotion of high ethical standards and probity, and has scheduled quarterly meetings to fulfil this role. In this way it provides a vital contribution towards the Council's governance arrangements. As well as 8 WDC elected members, appointed in accordance with political proportionality, the Committee also includes 3 Parish Council co-optees, and its two Independent Persons, in non-voting roles. Since 2017, all of the Parish Council places have been filled. Work has taken place during the past year to recruit to a vacancy for one of the Independent Person roles, and this has been successfully completed, with the appointment, by Full Council on 16 July 2018, of Mr Christopher Morley until 12 May 2023. The term of office of Mr Gilbert Houalla, the existing Independent Person, was also re-confirmed until the same date. The position of Independent Person roles will be reviewed going forward to the new authority in April 2020.

I would like to thank all Members who have served on the Standards Committee during the time of Wycombe District Council and those officers who have supported the work of the Committee in presenting and considering reports.

Standards Committee Membership 2018-19

The Standards Committee consists of 8 WDC elected members, politically balanced according to representation, and appointed by their respective groups; the three co-opted representatives drawn from members of the Parish Councils in the District; and two Independent Persons who have been appointed by the Council. In accordance with the requirements of legislation, the Independent Persons and Co-opted members are non-voting. Nonetheless, they have full speaking rights and the ability to influence the Committee's work.

Parish Councillor Cobden has been in the role since 2015; Parish Councillor Nolan and Parish Councillor Stearn were appointed in 2017.

Under the Localism Act 2011, the Council was required to appoint one or more Independent Persons to assist in the Standards process, and chose to appoint two. The functions of the Independent Persons within the work of Standards Committee include that they must be consulted by the Authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decide on action to be taken in respect of that member; they may be consulted in respect of a Standards complaint at any other stage; and they may be consulted by a member or a co-opted member of the Council against whom a complaint has been made.

Mr Gilbert Houalla was originally appointed in May 2013 to fulfil the role of Independent Person. Mr Chris Morley was appointed by Full Council as an Independent Person on 16 July 2018, until 12 May 2023, following recommendation from the Standards Committee; at the same time the tenure of Mr Houalla was also re-confirmed until 12 May 2023.

The Standards Committee is currently made up of the following membership:

- Cllr Carl Etholen (Chairman)
- Cllr Marten Clarke (Vice Chairman)
- Cllr Khalil Ahmed
- Cllr Suzanne Brown
- Cllr Tony Green
- Cllr Hugh McCarthy
- Cllr Graham Peart
- Cllr John Savage
- Cllr Alex Collingwood
- Cllr Richard Newman
- Cllr Richard Scott
- Cllr Rafiq Raja
- Parish Councillor Andy Cobden
- Parish Councillor Tim Nolan
- Parish Councillor Hilda Stearn
- Mr Gilbert Houalla (Independent Person)
- Mr Christopher Morley (Independent Person).

The Council's Monitoring Officer, together with the Deputy Monitoring Officers and other officers from Legal Services and Democratic Services, supports the Standards Committee in its work and Members to comply with the Code of Conduct. The Monitoring Officer has a statutory role to ensure that the Council's decisions through its members and officers are lawful and supporting the Standards Committee's work, and handling complaints about alleged Member misconduct, forms a key part of the role.

Standards Committee Terms of Reference

Wycombe District Council's Standards Committee in its present format was first set up in July 2012, following the coming into force of the Localism Act 2011.

Members of the Standards Committee have a common interest in championing high standards of conduct amongst local politicians.

Its Terms of Reference, as set out in the Council's Constitution, are:

- To promote and maintain high standards of conduct by the Members and co-opted Members of Wycombe District Council.
- To assist Members and co-opted Members of the District Council to observe the Council's Code of Conduct.
- To advise the District Council on the adoption or revision of a Code of Conduct.
- To monitor the operation of the District Council's Code of Conduct, having regard to any national or local guidance.
- To consider and grant dispensations in respect of Member interests as provided in the Localism Act 2011.
- To advise, train or arrange the training of Members and Co-opted Members of the District Council on matters relating to the authority's Code of Conduct.
- To consider any matters referred to it by the Monitoring Officer (delegated to ad hoc Hearings Panel).
- To discharge the first four functions above in relation to Parish Councils within the area of the Wycombe District.
- To advise the Council on the adoption or revision of Codes of Conduct.

Standards Committee's work during 2018-2019

The items of business dealt with by the Committee are summarised in Appendix 1.

Some particular areas of importance covered in 2018-19 have been the appointment of a new Independent Person, with a number of update reports being required after the initial advertisement failed to yield any suitable candidates, although a second round was much more successful and resulted in a new appointment being successfully made; comment and update on two key pieces of work being done by the Committee on Standards in Public Life on intimidation of people in public life, and a review of local government ethical standards. Additionally, members have received a detailed update on a key Standards court case which involved a judicial review of the process a council used to attempt to resolve a complaint, and confirmation of training provided to town and parish council members through B&MKALC. Quarterly updates on current complaints have also been provided at each meeting. Whilst not mentioned in any Standards Committee report, additional refresher training for members on the topics of respect, and particularly conduct at meetings, was also provided by Hoey Ainscough, on 14 May 2019.

In 2012, following the implementation of the Localism Act 2011 and associated changes to the Standards regime, the Monitoring Officer was appointed to receive complaints of failure to comply with the Code of Conduct. The Monitoring Officer has delegated power, after consultation with an Independent Person, if appropriate, to determine whether or not a complaint merits formal investigation. Wherever practicable, the Monitoring Officer is able to encourage resolution of complaints without formal investigation.

The Standards Committee receives a regular report at each meeting on the discharge of this function. A list of all matters reported to Standards Committee in 2018-19 is at Appendix 2. The direction for future annual reports will be decided by the new Unitary Authority.

Under the provisions of the Localism Act 2011, the Standards Committee and in some circumstances the Monitoring Officer have power to grant dispensations. The grounds for granting a dispensation are:

- without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- granting the dispensation is in the interests of persons living in the authority's area;
- without the dispensation each member of the Council's Cabinet would be prohibited from participating in any particular business to be transacted by the Cabinet;
- It is otherwise appropriate to grant a dispensation.

In 2018-19, no dispensations have been either applied for or granted.

Conclusion

The Standards Committee has continued to promote the principles and values of high standards of conduct and good governance across the Council. As the Shadow Buckinghamshire Council has now commenced its work, and will become the substantive Council which from 1 April 2020 will replace the existing county and district councils in Buckinghamshire, its work will continue until 31 March 2020. The Shadow Authority will consider a report on Standards on 27th February. From 1 April, its role will transfer to the new Buckinghamshire Council which will determine arrangement and processes to support standards in the future.

Appendix 1

Standards Committee agenda items 2018-19

5 June 2018

- Update on Independent Person vacancy/appointment
- Modern Slavery statement – annual review
- Update on role of the MO/Code of Conduct training to B&MKALC
- Quarterly update

9 October 2018

- Committee on Standards in Public Life – Government Consultation on Intimidation in Public Life
- Case law update Harvey v Ledbury Town Council 2018
- Quarterly update

19 February 2019

- Committee on Standards in Public Life – Local Government Ethical Standards Stakeholder Consultation and Report
- Quarterly Update
- July and December 2019 meetings postponed

28 January 2020

- Standards Committee Final Annual Report
- Modern Slavery Statement Annual Review
- Quarterly update

Appendix 2

Standards Complaints						
Complaints submitted under Localism Act procedure						
Ref No	Date Rec'd	Complainant	Against Councillor	Council	Outcome	Date completed
SC45	24/05/18	Mr C Leadbetter	Cllr M Detsiny	Lane End PC	Complaint not referred for investigation. Public benefit not served by further investigation.	13/07/18
SC46	11/12/18	Mr P Crotty	Cllr T Green	Wycombe District Council	Not referred for investigation	01/02/19
SC47	11/12/18	Cllr K Ahmed	Cllr T Green	Wycombe District Council	Not referred for investigation	01/02/19
SC48	11/12/18	Mr J Bajina	Cllr T Green	Wycombe District Council	Not referred for investigation	01/02/19
SC49	12/04/19	Ms T Betteridge	Cllr N Watson Cllr M Chadwick	Stokenchurch	Not Referred for investigation	05/07/19
SC50	31/05/19	Mr A Snowball	Cllr L Clarke	Buckinghamshire County Council	Matter referred to Sarah Ashmead MO at BCC	13/07/19
SC51	31/05/19	Mrs P Baron	Cllr M Marshall	Wooburn Parish Council	Complaint referred to Stage 2, investigated with Independent Person and guidance provided. Public benefit not served by further investigation	29/10/19
SC52	26/07/2019	Mr J Galatin	Cllr Walker	Longwick Parish Council	Complaint referred to Stage 2, investigated with Independent Person and guidance provided. Public benefit not served by further investigation	17/10/19
SC53	22/08/19	Mr J Gould	Cllr G Hall	Princes Risborough Town Council	Not referred for investigation	11/11/19

SC54	17/10/19	Mrs M Harris	Cllr T Nolan	Lane End Parish Council	Not referred for investigation	04/12/19
Ombudsman Complaint	04/03/19	Miss A Yearwood	WDC (Housing)	Wycombe District Council	Final Decision from the Ombudsman Office closing the case and upheld maladministration, no injustice. As recommended by the investigator, within two months of the date of the final decision, the Council agreed to review its procedures to ensure applications are informed of their rights for review of decisions made in relation to housing decisions. This has now been done.	11/09/19