

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on Wednesday 30 July 2014 at 6.00pm

**Present:**

**Councillors:** R M Deed (Chairman), R J Chesterton, Mrs F J Colthorpe, R Evans, Mrs L J Holloway, C Slade, P F Williams, Mrs N Woollatt and R Wright

**Also Present:**

**Councillor:** Mrs J Roach

**Officers**

**Present:** K Finan (Chief Executive), A Tregellas (Head of Communities and Governance, Monitoring Officer) and S Gabriel (Principal Member Services Officer).

**13. PUBLIC QUESTION TIME**

There were no members of the public present.

**14. MINUTES OF THE PREVIOUS MEETING**

The Minutes of the previous meeting on 4 June 2014 were approved as a true record and signed by the Chairman.

**15. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

**16. MOTION 480 (17 FEBRUARY 2014) CLLR MRS J ROACH (0-02-07)**

At the previous meeting it was requested that the Monitoring Officer draw up a briefing note/procedure regarding the issue raised by Cllr Mrs Roach's Motion 480:

"This Council resolves to clarify who has the authority to take disciplinary action against Councillors and under what circumstances such action can be taken".

The Monitoring Officer outlined the contents of the briefing note\* which proposed an addition to Section 15 of the Protocol on Member Officer Relations stipulating how the Chief Executive could deal with issues relating to the access to the staff areas of the Council offices if a Councillor was the subject of criminal prosecutions which was outside the remit of the Standards Committee.

The Chairman indicated that he had met with the Chief Executive and discussed a way forward with regard to this issue and that a compromise had been reached in that if any Member was the subject of criminal prosecutions then that Member would have to be accompanied by another Member when entering the staff areas of the Council offices with prior notification.

Discussion took place regarding:

- Research undertaken to find out whether any precedent had been set by other local authorities
- The period of prior notification
- Possible mediation between a certain Member and staff
- The need for Members to be able to access all parts of the Council offices to be able to do their job properly
- The possibility of drawing up a contract between officers and any particular Member
- The Chief Executive's duty of care to officers
- Issues relating to the timing of the intervention of the Monitoring Officer if a criminal case arose with any Member

It was therefore

**RESOLVED** that:

a) the recommendation to amend Section 15 of the Member/Officer protocol be rejected and that any matters arising with regard to Members discipline be dealt with via Article 6.13 (vii) of the Constitution and that mediation be offered to any member of staff with any Councillor that they have had issues with;

b) In the meantime the Members currently under discussion be accompanied into the staff areas of the Council Offices by another Member with prior notification.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr R Evans)

Note: Briefing Note\* previously circulated copy attached to signed minutes.

## 17 **AMENDMENTS TO THE CONSTITUTION (0-58-26)**

The Committee had before it for consideration a set of revised Articles\* proposed by the Constitution Working Group. The Monitoring Officer explained that the Committee would be receiving bite sized chunks of the Constitution from the Constitution Working Group for consideration, any views would be fed back to the Group and in time the complete document would be put before the Committee for recommendation to the Council.

Members perused the revised Articles before them and made the following comments:

- Article 3 - 3.1 (a) (i) - link to the current petition scheme
- Article 3.1 (a) (ii) - consider amendment by removing "for an elected mayor system (form of governance) and insert "where allowed by current legislation"

- That the Community Call for Action be inserted
- Article 4.1 - correct spelling mistake
- Article 6.5– Policy Development Groups composition to be inserted
- Article 6.9 – Remove (f)
- Article 7.1 – inserted lower case L instead of upper case
- Article 7.7 – legal advice being sought
- Article 11.3 – remove reference to the Audit Committee and insert Standards Committee
- Article 14.3 – remove reference to Legal Services Manager and insert Monitoring Officer

**RESOLVED** that the revised Articles be **NOTED** and that the Committee's comments be further considered by the Constitution Working Group.

(Proposed by the Chairman)

Note: Revised Articles\* previously circulated copy attached to signed minutes.

#### 18. **OFFICER CODE OF CONDUCT (1-34-05)**

The Committee had before it for consideration a revised Officer Code of Conduct\*. The Monitoring Officer stated that the Constitution Working Group required further time to consider the document and therefore it would be brought back to a future meeting of the Committee.

Note: Officer Code of Conduct\* previously circulated copy attached to signed minutes.

#### 19. **CONSTITUTION WORKING GROUP (1-35-49)**

The Monitoring Officer stated that the Group were making progress and that some of the revisions were now with the Legal Department, which would be brought before the Committee in the near future.

#### 20. **MEETING MANAGEMENT**

The Chairman indicated that he intended to take items 10 and 11 prior to item 9.

#### 21. **TRAINING (1-40-13)**

The Principal Member Services Officer stated that work was taking place with regard to the induction programme for the new Council in May 2015 and that this would be considered by the Member Development Group.

22      **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1-41-00)**

- Constitution
- Joint working with other authorities with regard to Standards Hearings
- To consider a list of sanctions open to the Committee following an Ethical Standards Hearing.

The next meeting would take place on a date to be agreed.

20.      **COMPLAINTS (1-42-44)**

The Monitoring Officer informed the Committee of the number of complaints against District and Parish Councillors that she was investigating.

During discussions regarding a particular Town/Parish Council it was necessary to pass the following resolution to protect the business affairs of the specific Council identified.

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority hold that information).

(Proposed by the Chairman)

Members **NOTED** the information shared with them.

(The meeting terminated at 19.53pm)

**CHAIRMAN**