

Public Document Pack

Mid Devon District Council

Standards Committee

Wednesday, 9 October 2019 at 6.00 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 5 February 2020 at 6.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs F J Colthorpe
Cllr C J Eginton
Cllr C R Slade
Cllr Mrs M E Squires
Cllr L D Taylor
Cllr A White
Cllr A Wilce
Cllr Mrs N Woollatt
Cllr A Wyer

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 4 **MINUTES** (*Pages 5 - 10*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 19 June 2019
- 5 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman of the Committee may wish to make.

- 6 **REGISTERS OF INTERESTS - PARISH COUNCILS** *(Pages 11 - 16)*
To consider a report from the Monitoring Officer setting out her concerns about the failure of a number of parish councillors to complete and return their registers of interests.
- 7 **STANDARDS WORKING GROUP REPORT - REVIEW OF THE JANUARY 2019 REPORT FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE** *(Pages 17 - 44)*
To consider a report from the Standards Working Group following its review of the recommendations and best practice set out in the January 2019 report of the Committee on Standards in Public Life.
- 8 **THE CHALLENGE OF SOCIAL MEDIA FOR MEMBERS** *(Pages 45 - 46)*
To consider whether either a policy on social media or a change to the Code of Conduct is required. Members are referred also to the recent open letter from the Committee on Standards in Public Life to all public office holders, which is reproduced in the reports pack.
- 9 **COMPLAINTS**
To receive an update from the Monitoring Officer with regard to any on-going complaints being dealt with. This will be in generic terms and will not provide any information that might identify the complainant, the relevant councillor or in any way set out the Monitoring Officer's views on the matter.
- 10 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**
To consider items for the next meeting of the committee.

Stephen Walford
Chief Executive
Tuesday, 1 October 2019

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 19 June 2019 at 6.00 pm

Present Councillors

Mrs F J Colthorpe, C R Slade,
Mrs M E Squires, L D Taylor, C J Eginton,
A White, Mrs N Woollatt, A Wyer and
R M Deed

**Apologies
Councillor(s)** A Wilce

**Also Present
Councillor(s)** R Evans and L J Cruwys

**Also Present
Officer(s):** Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN (THE CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr C J Eginton be elected Chairman of the Committee for the municipal year 2019/20.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr A Wilce (in his absence) be elected Vice-Chairman of the Committee for the municipal year 2019/20.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr A Wilce who was substituted by Cllr R M Deed.

4 PUBLIC QUESTION TIME

Mr Thompson referring to Item 8 (Annual Report of the Monitoring Officer) on the agenda stated that he would like to ask that the committee consider a form of inquiry based on his comments:

1. I assume you are aware that there is a Mid Devon Constitution that lays down correct procedure etc for investigation of complaints and who by?
2. I would like to make you aware that in the period April/May 2018 as a member of the Policy/Finance/Personnel/Committee of Cullompton Town Council, I was informed that a complaint was made against myself and a member of the public by 3 members of staff under the internal grievance procedure, this was

rejected and recommended consideration that the complaints go via the code of Conduct procedure - this was a year ago.

There was nothing further said to myself or the member of public until only about 3 to 4 months ago at a council meeting when I asked the clerk what was happening re the complaint, after some hesitation I was informed there was nothing further happening. I took this as the complaint(s) were not being taken any further. I retired from the Council just before elections in May this year owing to health issues and stress owing to a culture of a dysfunctional council — this can be described more fully as needed.

On 16th May 2019, I wrote to the Cullompton Town Clerk asking her to produce to me all documents of complaints which were made under the grievance procedures and not under the Code of Conduct, as this was effectively a year since the original complaints and I had not been made aware of the content or allegation against me.

I was informed that the Monitoring Officer was the person to ask as it was later referred to her under the Code of Conduct.

On 21st May 2019, I was informed by the Monitoring Officer “on discussion with the Independent Person and in light of the rights and freedoms of councillors, we concluded that they should not be taken any further for investigation. Unfortunately, due to intervening complaints, including those which took on a degree of urgency earlier this year, I did not turn those conclusions into a decision letter”. She later said “The Independent Person responded on 12 August 2018, which I subsequently discussed with him on 14 August 2018 and again briefly on 29 October along with other outstanding complaints.”

I was never informed officially of the complaint, progress of investigation, result of report by the Independent Person or given the opportunity to challenge comments made, I can show that they are inaccurate and questionable as to how they were written. I would also like to state that this is not the first time that the Monitoring Officer has taken a long time in responding to a complaint by myself, It should also be noted that the minutes recorded at previous Standards Committees have also had comments on delays by the Monitoring Officer. I find one year to deal with this complaint against myself is totally unacceptable and highly unprofessional for a person in the her role with a Deputy Monitoring Officer(s) to assist in her absence.

Mr Snow again referring to Item 8 on the agenda stated that Mr Thompson had highlighted the delays of investigating complaints, there had been little interaction and the rules were not being followed. Somethings had been dealt with incorrectly and there should be further inquiry into how complaints are dealt with.

The Monitoring Officer responded stating that she could not discuss the detail of the complaints in an open meeting, but she was happy to circulate her comments should that be required. There had been delays for which she apologised. There was a balance between speed and doing justice to the complaints. There had been delays with workload pressures. There appeared to have been a misunderstanding of the application of the Constitution and the procedures to be applied, none of the

complaints had proceeded to formal investigations. However detailed and reasoned decisions had been given and the Independent Person had been consulted.

Councillor Mrs Woollatt stated that when a complaint was made against someone, that could be a very stressful and traumatic thing. There was a need to put things in place so that things don't drag on. The Monitoring Officer should have adequate resources, the delay had been recognised and what could the Committee do to address the issue.

The Monitoring Officer responded stating that she did write to those complained of. There had been a misunderstanding from conversations with Mr Thompson, when it appeared to her that he was already aware of the complaint which was on the same subject as the grievance. However she would not make that assumption again.

In response to a question by Cllr Taylor, the Monitoring Officer explained that the complaints procedure for formal investigations had timescales as set out in the Constitution, but in relation to the pre-investigation stages, the legal Jurisdiction Test indicated that these stages would normally be dealt within 30 days, although it was not a fixed requirement.

5 MINUTES (00-16-53)

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

6 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-17-55)

Members were reminded of the need to make declarations of interest when necessary.

7 CHAIRMAN'S ANNOUNCEMENTS (00-18-10)

The Chairman had no announcements to make.

8 ANNUAL REPORT OF THE MONITORING OFFICER FOR 2018/19 (00-18-18)

The Committee had before it a * report of the Monitoring Officer providing a review of the preceding year.

She outlined the contents of the report stating that this provided evidence of the work that had taken place during the previous municipal year. She highlighted the following:

- There had been 3 scheduled meetings in the previous year with one being postponed and a further cancelled due to insufficient business. In previous years meetings had been held on an adhoc basis. The scheduled meetings would allow for a work programme to be developed.
- One Independent Person was required by law, if the need arose she could always call on another Independent Person from another authority, however she felt that an additional Independent Person would be of benefit to the authority in case of a conflict of interest.
- The role of the Monitoring Officer and that of her deputies.

- There had been 8 complaints in the municipal year 2018/19 which compared with 6 in the previous year. The majority had been related to town and parish Councils. She continued to support the clerks of the town and parish Councils.
- Issues arising from the use of social media.
- She had visited several parish councils and a number of parish clerks had sought advice in the previous year and she was working closely with a couple of parish councils.
- She referred to the Register of Gifts and Hospitality and that she would be reminding members of the need to register them.
- With regard to the redaction of sensitive interests from the register, she explained the process.

Consideration was given to: the Independent Person attending meetings of the Council and providing confidential feedback to the committee with regard to any additional training that may be required. It was **AGREED** that this be reviewed in the autumn.

RESOLVED that the report be **NOTED** and circulated to all Town and Parish Councils for information.

(Proposed by Cllr C R Slade and seconded by Cllr R M Deed)

Note: *Report previously circulated, copy attached to minutes.

9 **COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT (00-29.25)**

The Committee had before it a *report of the Committee on Standards in Public Life with regard to Local Government Ethical Standards.

The Monitoring Officer outlined the contents of the report stating that the document had been published in January 2019, a number of the recommendations required legislative change but no timetable was available to date. The Local Government Association had also been tasked with regard to creating an updated model Code of Conduct in consultation with all tiers of local government and the creation of peer reviews to consider local authorities processes for maintaining ethical standards. Within the document was a list of best practice which should be considered by the committee.

Consideration was given to:

- The formation of a working group to consider the best practice highlighted within the document.
- Whether parish clerks in Mid Devon held the appropriate qualifications
- A Devon code which would aid those members who served on town and parish councils or at County level
- The need for an updated code to be more robust
- The report's recommendation to Government on a rebuttable presumption that a councillors behaviour included comments on social media, should be in their official capacity

- Recommendations 3 and 4 in the report were seen to be contradictory and some clarity would be required, possibly through new legislation
- Whether a stronger code would impact of the number of local residents putting themselves forward for election
- Whether suspension for up to six months would impact on the six month rule
- Any proposals for new legislation would probably be the subject of consultation before implementation

It was therefore:

RESOLVED that a working group be formed to consider the findings of the report and in particular the suggested best practices. Members of the working group would be Cllrs: C J Eginton, L D Taylor, Mrs N Woollatt and A Wilce (with his agreement).

(Proposed by the Chairman)

Note: *Report previously circulated, copy attached to minutes.

10 **START TIMES OF MEETINGS (00-52-50)**

The Committee **AGREED** to continue to hold its meetings at 6.00pm for the remainder of the 2019/20 municipal year.

11 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-53-00)**

The following issues would be addressed at the next meeting:

A report from the working group with regard to the Standards in Public Life Report.

(The meeting ended at 6.55 pm)

CHAIRMAN

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STANDARDS COMMITTEE 9 OCTOBER 2019

REGISTERS OF INTERESTS – PARISH COUNCILS

Cabinet Member(s): Cllr Nikki Woollatt, Cabinet Member for the Working Environment and Support Services

Responsible Officer: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer

Reason for Report: to update the Standards Committee on the number of outstanding registers from parish councils in the district and to consider what should be done to remedy this.

RECOMMENDATION: that the Standards Committee considers the options in part 3 of this report and indicate to the Monitoring Officer their views on the action that should now be taken.

Financial Implications: There is no direct financial implication arising from this report, other than the costs associated with investigations, Members' expenses in attending any meetings of the Standards Sub-Committee and the time taken in any local or information resolution.

Legal Implications: The implications are set out in the report.

Risk Assessment: The risk is that public confidence in parish councils might be undermined and in the willingness of this Council to promote high standards.

Equality Impact Assessment: Any councillor who indicates that their protected characteristics impede their ability to comply with any obligation in the Localism Act 2011 will be offered advice and assistance to secure compliance.

Relationship to Corporate Plan: Community – Working with Town and Parish Councils. Aim 2 – Ensuring that town and parish councils have access to the advice they need to carry out their functions legally and efficiently.

Impact on Climate Change: None arising from this report.

1.0 Introduction

1.1 Members will be familiar with the requirements when it comes to the completion of registers of interests. In summary, Members are required to submit their completed registers to the Monitoring Officer within 28 days of taking office and within 28 days of any changes arising to those interests. The same rules apply to parish councillors. The Monitoring Officer of a district council is, by law, the Monitoring Officer of a parish council within the district.

1.2 Section 34 of the Localism Act 2011 provides that it is an offence without reasonable excuse to fail to comply with the obligation to submit a register of interests in the manner required by the legislation – this would include the 28-day rule. In addition to a fine, a person if convicted could be disqualified from

being a councillor for a period of up to 5 years. Alleged offences are to be investigated by the Police, as the cases are only to be instituted by or on behalf of the Director of Public Prosecutions. Councillors took office on 7 May 2019 and therefore had until 4 June 2019 to send in their registers.

- 1.3 In addition to the offence created by the Localism Act 2011, council codes of conduct will almost always include an obligation to complete and provide the register within the timescales described above.

2.0 Failure to comply with the obligation to provide registers

- 2.1 It is of great concern to the Monitoring Officer that, despite extensive chasing on her behalf by Member Services, a number of registers remain outstanding. The Monitoring Officer has also made the Clerks to the parish councils aware that she would be taking a report to this Standards Committee. Furthermore, the Monitoring Officer has also made the ward Members for the relevant parishes aware. To be clear, the obligation is on each and every individual member to comply with this obligation – it is not the responsibility of the Clerk and it is not the responsibility of the Monitoring Officer to stand over Members until the register is provided.
- 2.2 As at 30 September 2019, 21 councillors of the parishes listed in Appendix 1 had not completed and returned their registers. This information is exempt information and not for publication, as the Appendix is marked. It is exempt information at this stage because it (a) contains information likely to reveal the identity of an individual but also because it (b) relates to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

3.0 Options

- 3.1 The options are set out below. It is the Monitoring Officer's view that the approach in either option 3.1.2 or option 3.1.3 is equally valid, subject to the considerations set out in those paragraphs.
 - 3.1.1 Do nothing other than to continue to remind the councillors of their obligations. It is the view of the Monitoring Officer that this is not a viable option – it is in effect turning a blind eye to a clear obligation on parish councillors when they take office and will not be in line with the duty to uphold good standards. Given the amount of chasing to date, combined with previous training and personal visits to certain parish councils, the Monitoring Officer is not convinced that this will lead to compliance by all.
 - 3.1.2 The Monitoring Officer registers complaints against each and every councillor who has failed to comply with their obligations in breach of their respective codes of conduct. Whilst 21 investigations in one go would ordinarily be an excessive workload, these alleged breaches are relatively straightforward to consider. If necessary, a third party investigator could be commissioned to complete this work. Where evidence of a breach is found, the matter could be referred to the Standards Sub-Committee to hear the case. Again, this would be a significant burden on the Standards Sub-Committee and we would probably need to split any resulting cases over a number of sessions.

- 3.1.3 Refer all cases to the Police for investigation. This may seem somewhat heavy-handed, but the legislation is clear. The Monitoring Officer is seeking some information from the Police and will update Members of the Committee at the meeting. There is a fine balance of working with parishes in a constructive and collaborative way, yet ensuring that the highest standards are maintained. Of course, the Police may not consider such offences to be a priority in the absence of an aggravating factor e.g. failure to complete the register and participating in a matter with such an interest, for some form of gain.
- 3.1.4 Subject to investigation and a finding of breach and/or charges being laid, the breach and/or offence will have already occurred. Where a breach is remedied “after the event”, it is open to the Monitoring Officer at any stage to consider local or informal resolution. That might include a requirement to attend training. However, that would have to be reviewed at the time. In terms of any offence, any late remediation by the subject councillor could be taken into account, but it would not negate the fact that the offence had already been committed. It would be a matter for mitigation.

Contact for more Information: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer, (01884) 234204 ktebbey@middevon.gov.uk

Circulation of the Report: Cabinet Member for the Working Environment and Support Services

List of Background Papers: None.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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STANDARDS COMMITTEE 9 OCTOBER 2019

REPORT OF THE STANDARDS WORKING GROUP

Cabinet Member(s): Cllr Nikki Woollatt, Cabinet Member for the Working Environment and Support Services

Responsible Officer: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer

Reason for Report: to update members on the Standards Working Group's consideration of the report of the Committee on Standards in Public Life issued in January 2019.

RECOMMENDATION:

- 1** that the recommendations of the Standards Working Group be agreed and the action taken to date be noted.
- 2** the Council be recommended to approve the consequential revisions to the Code of Conduct set out in part 3 of this report and then to adopt the revised Code.

Financial Implications: Depending on the outcome on the proposed indemnity for the Independent Person, there may be a financial implication in covering the cost of such indemnity. That is not yet known as further discussions need to take place.

Legal Implications: These are set out in this report where appropriate.

Risk Assessment: Not keeping up to date with best practice in ethical standards.

Equality Impact Assessment: None directly arising from this report.

Relationship to Corporate Plan: Member development; working with town and parish councils.

Impact on Climate Change: None directly arising from this report.

1.0 Introduction/Background

- 1.1 On 29 July 2019, the Standards Working Group met to consider the report of the Committee on Standards in Public Life which was published in January 2019. The Working Group looked at those recommendations that might be actioned in advance of the Government's response and the advice on best practice. The minutes of the meeting are attached at Appendix 3.
- 1.2 The Monitoring Officer and two Deputy Monitoring Officers have worked through the recommendations made by the Working Group. The actions taken to date are set out in the table below. The Monitoring Officer can advise Members in the meeting of any further developments since the drafting of this report.

2.0 Recommendations made and action taken

- 2.1 Table 1 at Appendix 1 is taken from the minutes of the Working Group meeting and expanded to include a column of action taken following the meeting. The number and recommendation columns are a reference to the recommendations of the Committee on Standards in Public Life. Members therefore need to have access to their agenda papers from 19 June 2019, as this included the relevant report.
- 2.2 Table 2 at Appendix 1 shows the Working Group's consideration of the best practice put forward in the report – again the numbers and best practice are those taken from the report to which members should refer.

3.0 Consequential changes to the Code of Conduct

- 3.1 The Standards Working Group has recommended changes to the Code of Conduct by including harassment as an unacceptable behaviour, together with general definitions for bullying and harassment. Examples of such behaviour are not necessarily helpful – inevitably this is fact specific in any case. The revised Code of Conduct in draft form is appended at Appendix 2.
- 3.2 If the Standards Committee is happy with the draft revisions to the Code, it will need to recommend to Council that they be approved and that the Code be adopted.

Contact for more Information: Kathryn Tebbey, Group Manager for Legal Services and Monitoring Officer, (01884) 234210 ktebbey@middevon.gov.uk

Circulation of the Report: Cabinet Member seen and approved [yes/no – name of Cabinet Member], Leadership Team seen and approved [yes/no]

List of Background Papers:

Report of the Committee on Standards in Public Life, January 2019.
Minutes of Standards Committee 19 June 2019
Constitution of Mid Devon District Council

TABLE 1

Number	Recommendation	Outcome of discussion	Action/advice of the Monitoring Officer
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	<p>The Monitoring Officer was already reviewing the current indemnity for Members and officers. This could potentially include the Independent Person.</p> <p>Recommendation for action – MO to discuss with counterparts in other authorities and include in indemnity review.</p>	<p>Followed up with the Council's accountant responsible for insurance to see whether Independent Person already covered by existing insurance policy. Response from insurers indicates not.</p> <p>A request submitted for a quotation on how much it would cost to extend the cover to the IP.</p> <p>Insurers now indicate they will not cover this. MO will discuss with IP.</p>
19	Parish Council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	<p>Agreed that this could not be mandatory, but that the clerks should be notified of the recommendation.</p> <p>Recommendation for action - MO to write to Parish Clerks requesting that they note the recommendation.</p>	An email was sent to all clerks on 6 August 2019.
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules	<p>Formal Induction programme had taken place. Some Members did not attend all the training.</p> <p>Recommendation for action – MO and SG to identify those who may need further training, although responsibility also rests with the Members themselves.</p>	Further training for some key sessions is being organised with the relevant councillors e.g. Scrutiny, Standards. Some of the more generic sessions have to a large extent been superseded by experience and ad-hoc advice.

TABLE 2

Number	Best Practice	Outcome of discussion	Action/advice of the Monitoring Officer
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	<p>There is a general obligation within the code with regard to bullying, but there is no mention of harassment nor a definition of either.</p> <p>Recommendation for action – MO to add in harassment and include definitions (ordinary meanings from dictionary).</p>	<p>This has been drafted. The revised Code of Conduct is shown at Appendix 2 with the changes tracked in.</p> <p>If agreed on 9 October, this would need to be a recommendation from the Standards Committee to Full Council</p>
2	Councils should include provision in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors	<p>Not thought necessary. If a member chooses not to participate in any formal standards investigation, they run the risk of not getting their views across. That is a matter for them. To create an additional scope for breach would seem excessive and not really be of benefit. Trivial and malicious allegations can already be rejected under the local assessment criteria already in place.</p> <p>No action required.</p>	

3.	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	<p>The code of conduct was available on the website and was amended when required.</p> <p>No action required.</p>	
4.	An authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	<p>The code of conduct was readily available on the website and upon request.</p> <p>No action required</p>	
5.	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format such as CSV	<p>Acknowledged that Members could either add gifts and hospitality to their ROI form or complete a separate form. Register kept by Member Services. Automated quarterly reminder to Members discussed. Consideration of how to publish in one format only.</p> <p>Recommendation for action - MO and SG to liaise and provide advice to Members.</p>	<p>There was section 7 in the ROI form and a separate form in Appendix H, leading to potential confusion. Updating ROI forms is often overlooked and there is no reason for gifts to remain on a Members' register indefinitely.</p> <p>The old section 7 has been removed from the ROI form in the Constitution using MO's powers of minor amendment, as has the reference to it in the Code of Conduct (pg. 146) - and also in the guidance on registrable interests (pg. 248). Members to be directed to use the separate form in Appendix H. Put guidance on WIS.</p>

			The MO will also need to contact the Clerks to parish councils as many have register of interest forms that are the same or similar to those used by Mid Devon DC. These currently include requiring the form to be sent to the MO, which is not necessary. This will be taken forward as a separate piece of work.
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Acknowledged that we already have the Jurisdiction Test and the Local Assessment Criteria which fulfil the purpose of the public interest test. No action required.	
7.	Local authorities should have access to at least 2 Independent Persons.	Following a previous resignation, the Council has only one IP, although MO has agreed with other authorities to share theirs if absolutely necessary. The MO had already signalled intent to recruit a further IP in the autumn 2019. Recommendation for action – MO to proceed with her proposed recruitment of a further IP in the autumn.	MO has recently looked to recruit an additional member for the Independent Remuneration Panel, which is currently inquorate, so cannot meet. A report will go to Full Council on 6 November. The appointment of a new IP will be followed up in October 2019. Although this will be advertised, the MO has written to a couple of neighbouring authorities to see whether their current IPs are interested in taking on another council. They could then be notified of the advert and apply if they wish to.

8.	An IP should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious or trivial.	<p>This already takes place and is set out in the Council's procedures.</p> <p>No action required.</p>	
9.	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the IP, the reasoning of the decision-maker and any sanction applied.	<p>The Council would publish such a decision as part of its standard reporting of formal meetings – decisions on a breach following formal investigation already go to the Standards Sub-Committee for a hearing.</p> <p>No action required.</p>	

10.	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints and estimated timescales for investigations and outcomes.	<p>Agreed that communication was key. Process states normally 30 days for Jurisdiction test and normally 30 days for Local Assessment criteria. Other timescales also given if it moves to formal investigation. All are indicative.</p> <p>Recommendation for action - Standard email acknowledgement of a complaint will outline timescales with further correspondence required should there be a delay (MO).</p>	MO has created standard emails to acknowledge a complaint, notify a councillor (although this requires addition of content) and also a standard template for consulting the Independent Person (headings only). These are now being used.
11.	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole rather than the clerk in all but exceptional circumstances	<p>Agreed that this was a matter for the town and parish councils and MDDC cannot insist on this. MO would not reject a complaint from a Clerk (rather than the Chairman) despite this recommendation</p> <p>Recommendation for action – MO to draw this to the attention of the parish councils.</p>	An email was sent to all clerks on 6 August 2019.
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of	The role of the MO was in the Constitution. She felt well supported by Leadership Team, but was aware of current financial challenges in terms of resources, so was looking to manage the workload as far as possible without adding to those challenges.	

	the principal authority. They should be provided with adequate training, corporate support and resources to undertake the work.	No further action required.	
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the MO from a different authority to undertake the investigation.	<p>No formal procedure in place.</p> <p>If there were to be a conflict of interest, then another authority or external investigator would be contacted as a matter of course.</p> <p>No action required</p>	
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual	<p>Acknowledged that 3 Rivers was considered within the Annual Governance Statement and by the Audit Committee.</p> <p>Consideration was given to how open the company should be. The Committee's report acknowledged the challenge of commercial and confidential information, so this needs to be handled with care before any decision is made.</p>	<p>In early August, the MO looked at the websites of local authority housing development companies around the country – although many such companies are barely off the ground and do not have websites. Of those that do, none examined were publishing these documents online. From a wider search, the MO selected the following for closer scrutiny:</p> <p>Big Sky Developments Limited Fortior Homes Bridge Homes Yorkshire Semptra Homes Limited Chapter Homes Durham Limited</p>

	reports in an accessible place.	<p>Recommendation for action – MO to consider further the suggestion of publication of board minutes etc. and report back.</p>	<p>The MO posted a question about this on a forum for local government lawyers, which is also viewed by some private sector consultants.</p> <p>The MO is concerned about commercial confidentiality and sensitivity. Allied to that is the risk that, were the Council (as shareholder) to seek to impose such a requirement, the board meetings may become fairly bland and light on detail.</p> <p>Unless a particular decision or resolution were required (for Companies House, HMRC or other purposes) by a properly convened board meeting, more business may be transacted informally to preserve commercial confidentiality. This would be a risk due to a reduced audit trail – for the company and for the Council as shareholder.</p> <p>The MO has looked at some board agendas and minutes to see the level of detail currently contained within them. The MO finds that these documents, particularly the minutes, contain personal data and commercially sensitive information for both 3 Rivers and third party owners, developers and contractors. This should not be in the public domain.</p>
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15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	<p>Agreed that the Group Leaders' (collective) meetings with the Chief Executive should be re-established as a useful forum for raising any issues.</p> <p>Recommendation for action – Group Leaders to take this forward, although Members of the working group thought it was a good idea.</p>	MO understands that the CExec is looking to do this shortly.
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CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

1. Introduction and Interpretation

1.1 This Code came into effect on February 2016 and applies to you only when acting in your capacity either as a Councillor or Co-opted (voting) Member of the Council or its Committees and Sub-committees.

1.2 The Nolan Principles

It is your responsibility to comply with the provisions of this Code which will assist the Council in meeting its statutory obligation to promote and maintain high standards of conduct by its Councillors and Co-opted Members in accordance with the following principles:

- **Selflessness.** Holders of public office should act solely in terms of the public interest.
- **Integrity.** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.
- **Objectivity.** Holders of public office must act and take decisions impartially fairly and on merit using the best evidence and without discrimination or bias.
- **Accountability.** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- **Openness.** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- **Honesty.** Holders of public office should be truthful.
- **Leadership.** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. DPIs

2.1 In this Code:-

A “disclosable pecuniary interest” is an interest within the prescribed descriptions set out below that you have personally, or is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and you are aware that that other person has the interest:

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M’s knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the Committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a Member of a relevant authority;

“Member” includes a Co-opted Member;

“relevant authority” means the authority of which M is a Member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31 (7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

“meeting” means any meeting of:-

- (a) the Council;
- (b) the Executive of the Council;
- (c) any of the Council's or its Executive's Committees, Sub-committees, joint committees, joint Sub-committees or area committees, including any site visit authorised by the Council, the Executive or any of the aforementioned Committees.

- 2.2 This Code does not cover matters in respect of which the Localism Act 2011 specifically provides that criminal sanctions will apply.

- 2.3 A failure of a Councillor or Co-opted Member to comply with this Code is not to be dealt with otherwise than in accordance with arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations can be made. In particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a failure by a Councillor or Co-opted Member to comply with the Code.

3. General Obligations

- 3.1 You must treat others with respect.

- 3.2 You must not -

(a) do anything which may cause the Council to breach any of the equality enactments;

(b) bully or harass any person;

“bully” (and bullying) may be characterised as:

- offensive, intimidating, malicious or insulting behaviour; or
- an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

“harass” (and harassment) may be characterised as: unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(c) intimidate or attempt to intimidate any person who is, or is likely to be:-

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a Councillor or Co-opted Member (including yourself) has failed to comply with this code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

- 3.3 You must not:-

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:-
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute, or in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Councillors and Co-opted Members.
- 3.5 You:-
- (a) must not use or attempt to use your position as a Councillor or Co-opted Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the Council's resources:-
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 3.6 When reaching decisions on any matter you must have regard to any relevant advice provided to you by the Council's Chief Finance Officer or Monitoring Officer where that Officer is acting pursuant to their statutory duties.
- 3.7 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Council.

4. Predetermination

- 4.1 Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as a Councillor.
- 4.2 However you should not place yourself under any financial or other obligation to outside organisations that might seek to influence you in the performance of your official duties.
- 4.3 When making decisions you must consider the matter with an open mind and on the facts before the meeting at which the decision is to be made.
- 4.4 If a Councillor considers that they could be biased or they have predetermined their position to a decision, he or she should disclose this and should not take part in the decision making process whenever it becomes apparent that the matter is being considered.

5. Registration

- 5.1 The Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on our website:

<https://democracy.middevon.gov.uk/mgMemberIndex.aspx?bcr=1>

- 5.2 You must, before the end of 28 days beginning with the day on which you became a Councillor or Co-opted Member of the Council, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given. You should be aware that these interests include those of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner so far as you are aware of the interests of that person. These interests will then be entered on the register of interests.
- 5.3 Where you become a Councillor or Co-opted Member of the Council as a result of re-election or re-appointment, paragraph 5.2 applies only as regards disclosable pecuniary interests not entered in the register when the notification is given.

6. Participation with a DPI

- 6.1 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are present at any meeting and you are aware that you have a disclosable pecuniary interest in any matter that will be, or is being, considered at that meeting, you must, irrespective of whether that interest has been registered:
 - (a) disclose the nature of the interest to the meeting (or, if it is a sensitive interest as described in paragraph 9 below, disclose merely the fact that it is a disclosable pecuniary interest);

- (b) not participate in any discussion or vote regarding that matter; and
- (c) withdraw immediately from the room or chamber (including the public gallery) where the meeting considering that matter is being held.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date of the meeting at which it became apparent.

6.2 Subject to paragraphs 8.1 to 8.4 (*dispensations*), if you are aware that you have a disclosable pecuniary interest in any matter on which either:

- (a) you are authorised to make decisions, or
- (b) you are consulted by an Officer discharging powers delegated to them,

you must not, in relation to (a) above, take any decision on that matter or, in relation to (b) above, participate in any consultation with such Officer in respect of that matter.

Where you have not previously notified the Monitoring Officer of that disclosable pecuniary interest you must do so within 28 days of the date on which it became apparent.

6.3 You may participate in any business of the Council where that business relates to the Council's functions in respect of:-

- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
- (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to Councillors or Co-opted Members
- (e) any ceremonial honour given to Councillors; and
- (f) setting Council Tax or a precept under the Local Government Finance Act 1992.

7. Gifts and Hospitality

- 7.1 As a Councillor or Co-opted Member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. In particular, you
- (a) should avoid any behaviour which might reasonably be seen as motivated by personal gain;
 - (b) should exercise caution in accepting any gifts or hospitality which are (or which you might reasonably believe to be) offered to you because you are a Councillor or Co-opted Member;
 - (c) should never accept significant gifts or hospitality (i.e. anything with a value of £25 or more) from suppliers or contractors seeking to acquire or develop business with the Council; and
 - (d) must, within 28 days of receipt or acceptance, notify the Monitoring Officer of any gift you receive or hospitality you accept (of a value of £25 or more)..

8. Dispensations

- 8.1 A Councillor or Co-opted Member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant of a dispensation allowing that Councillor or Co-opted Member to participate in any discussion and/or vote on that matter at a meeting.
- 8.2 The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, he considers that without the dispensation:
- (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - (b) considers that without the dispensation each Member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
- 8.3 The Standards Committee may, after having had regard to all relevant circumstances, grant a dispensation to the Councillor or Co-opted Member only if, the Committee considers that:
- (a) without the dispensation the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
 - (b) granting the dispensation is in the interests of persons living in the District, or

(c) it is otherwise appropriate to grant the dispensation.

8.4 Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

9. Sensitive Information

9.1 Paragraphs 9.2 and 9.3 apply where:

(a) a Councillor or Co-opted Member of the Council has an interest (whether or not a disclosable pecuniary interest), and

(b) the nature of the interest is such that the Councillor or Co-opted Member, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Councillor or Co-opted Member, or a person connected with that Councillor or Co-opted Member, being subject to violence or intimidation.

9.2 If the interest is entered in the register of interests, copies of the register that are made available for inspection, and any version of the register published on the Council's website, must not include details of the interest (but may state that the Councillor or Co-opted Member has an interest the details of which are withheld under this provision of the Code).

9.3 Where a disclosable pecuniary interest is not entered on the register of interests and would otherwise require disclosure at a meeting, the Councillor or Co-opted Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.

10. Removal of entries in the register

10.1 An entry in the register of interests will be removed once the person concerned:

(a) no longer has the interest, or

(b) is (otherwise than transitorily on re-election or re-appointment) neither a Councillor nor a Co-opted Member of the Council.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS WORKING GROUP** held on 29 July 2019 at 6.00 pm

Present Councillors

C J Eginton, L D Taylor, A Wilce and
Mrs N Woollatt

Also Present Officer(s):

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Maria De Leburne (Solicitor) and Sally Gabriel (Member Services Manager)

1 **ELECTION OF CHAIRMAN**

It was **AGREED** that Cllr C J Eginton would chair the meeting of the working group.

2 **APOLOGIES**

There were no apologies.

3 **LOCAL GOVERNMENT ETHICAL STANDARDS - A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE**

The Group considered the list of recommendations (outside of the Government's remit) and the list of best practice.

Recommendations

Number	Recommendation	Outcome of discussion
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	The Monitoring Officer was already reviewing the current indemnity for members and officers. This could potentially include the Independent Person. Recommendation for action – MO to discuss with counterparts in other authorities and include in indemnity review.
19	Parish Council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Agreed that this could not be mandatory, but that the clerks should be notified of the recommendation. Recommendation for action - MO to write to Parish Clerks requesting that they note the

		recommendation.
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules	Formal Induction programme had taken place. Some members did not attend all the training. Recommendation for action – MO and SG to identify those who may need further training, although responsibility also rests with the members themselves.

Best Practice

Number	Best Practice	Outcome of discussion
1	Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.	There is a general obligation within the code with regard to bullying, but there is no mention of harassment nor a definition of either. Recommendation for action – MO to add in harassment and include definitions (ordinary meanings from dictionary).
2	Councils should include provision in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors	Not thought necessary. If a member chooses not to participate in any formal standards investigation, they run the risk of not getting their views across. That is a matter for them. To create an additional scope for breach would seem excessive and not really be of benefit. Trivial and malicious allegations can already be rejected under the local assessment criteria already in place. No action required.
3.	Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.	The code of conduct was available on the website and was amended when required. No action required.
4.	An authority's code should	The code of conduct was readily

	be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	available on the website and upon request. No action required
5.	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format such as CSV	Acknowledged that Members could either add gifts and hospitality to either their ROI form or a complete a separate form. Register kept by Member Services. Automated quarterly reminder to Members discussed Consideration of how to publish in one format only. Recommendation for action - MO and SG to liaise and provide advice to Members.
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Acknowledged that we already have the Jurisdiction Test and the Local Assessment Criteria which fulfil the purpose of the public interest test. No action required.
7.	Local authorities should have access to at least 2 Independent Persons.	Following a previous resignation, the Council has only one IP, although MO has agreed with other authorities to share theirs if absolutely necessary. The MO had already signalled intent to recruit a further IP in the autumn 2019. Recommendation for action – MO to proceed with her proposed recruitment of a further IP in the autumn.
8.	An IP should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit vexatious or trivial.	This already takes place and is set out in the Council's procedures. No action required

9.	Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the IP, the reasoning of the decision-maker and any sanction applied.	<p>The Council would publish such a decision as part of its standard reporting of formal meetings – decisions on a breach following formal investigation already go to the Standards Sub-Committee for a hearing.</p> <p>No action required.</p>
10.	A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints and estimated timescales for investigations and outcomes.	<p>Agreed that communication was key. Process states normally 30 days for Jurisdiction test and normally 30 days for Local Assessment criteria. Other timescales also given if it moves to formal investigation. All are indicative.</p> <p>Recommendation for action - Standard email acknowledgement of a complaint will outline timescales with further correspondence required should there be a delay (MO).</p>
11.	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole rather than the clerk in all but exceptional circumstances	<p>Agreed that this was a matter for the town and parish councils and MDDC cannot insist on this. MO would not reject a complaint from a Clerk (rather than the Chairman) despite this recommendation</p> <p>Recommendation for action – MO to draw this to the attention of the parish councils.</p>
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils	The role of the MO was in the Constitution. She felt well supported by Leadership Team, but was aware of current financial challenges in terms of resources, so was looking to manage the workload as far as possible without adding to those

	within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake the work.	challenges. No further action required.
13	A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the MO from a different authority to undertake the investigation.	No formal procedure in place. If there were to be a conflict of interest, then another authority or external investigator would be contacted as a matter of course. No action required
14	Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.	Acknowledged that 3 Rivers was considered within the Annual Governance Statement and by the Audit Committee. Consideration was given to how open the company should be. The Committee's report acknowledged the challenge of commercial and confidential information, so this needs to be handled with care before any decision is made. Recommendation for action – MO to consider further the suggestion of publication of board minutes etc. and report back.
15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Agreed that the Group Leaders' (collective) meetings with the Chief Executive should be re-established as a useful forum for raising any issues. Recommendation for action – Group Leaders to take this forward, although members of the working group thought it was a good idea.

4 **NEXT STEPS**

It was agreed that the issues raised would be actioned and that the Monitoring officer would report back to the Group informally by mid September. A report of the working group would be put before the Standards Committee on 9 October.

(The meeting ended at 7.28 pm)

CHAIRMAN

Open letter from the Committee on Standards in Public Life to all public office holders

Open letter from Jonathan Evans, Chair of the Committee on Standards in Public Life, to all public office holders on the importance of upholding public standards.

Published 20 September 2019

From:

[Committee on Standards in Public Life](#)



The Committee has published an open letter to all public office holders on the importance of maintaining high standards and implementing the Nolan Principles.

OPEN LETTER FROM JONATHAN EVANS, CHAIR OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE, TO ALL PUBLIC OFFICE HOLDERS

Standards in public life have rarely been more in the spotlight than they are today. Both as a Committee and as individual members we are frequently asked what can be done to maintain high standards and implement the Nolan Principles in the current political situation, which is causing real concern to many people who care about how our public life is conducted.

At one level, the key institutions of our democracy are doing their job providing important constitutional checks and balances. The long running and fierce dispute over Brexit is being played out largely in Parliament, the courts and the media, including social media. Such openness is itself a key principle in our public life.

But behaviour matters as much as formal structures. Leadership of standards needs to come from the top: from Government and from Parliament. In the current political situation, it is the view of our Committee that it is even more important that high standards are not only consistently observed but also demonstrably valued.

It is also vital that the tone of public debate should avoid abuse and intimidation, which have become increasingly widespread. Parliamentary democracy is under threat if those in public life and public office cannot express their views freely and without fear.

These long-established principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership are a personal responsibility and set the tone for leadership across the whole of public service. They are what the public expect of us.

Lord (Jonathan) Evans of Weardale Chair, Committee on Standards in Public Life

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