

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 5 February 2020 at 6.00 pm

Present

Councillors

C J Eginton (Chairman)
Mrs F J Colthorpe, L J Cruwys, R M Deed,
Mrs I Hill, C R Slade, Mrs M E Squires and
Mrs N Woollatt

Apologies

Councillor(s)

L D Taylor, A White, A Wilce and A Wyer

Also Present

Officer(s):

Kathryn Tebbey (Head of Legal (Monitoring Officer)) and
Sally Gabriel (Member Services Manager)

22 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs: L D Taylor, A White, A Wilce and A Wyer

Cllr A White was substituted by Cllr L J Cruwys, Cllr A Wilce was substituted by Cllr R M Deed and Cllr Wyer was substituted by Cllr Mrs I Hill.

23 PUBLIC QUESTION TIME

There were no members of the public present.

24 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-01-44)

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

25 MINUTES (00-01-50)

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

26 CHAIRMAN'S ANNOUNCEMENTS (00-03-01)

The Chairman reminded members that at the last meeting the committee had resolved that the Monitoring Officer issue a final warning to those councillors who had not returned their Register of Interest forms and that if they failed to comply then the police would be informed. He informed those present that the majority of those contacted had rectified the situation with the exception of 2 who were being investigated by the police.

27 GOVERNANCE ARRANGEMENTS (00-03-47)

The Committee had been requested to consider the following recommendation from the Cabinet:

The Standards Committee be asked to recommend to Council that the changes to the current arrangements set out in part 3 of the report be agreed and the Constitution amended accordingly and that the Monitoring Officer be asked to draft the changes to the Constitution required to implement those changes for consideration by the Standards Committee.

The Committee had before it the original report* of the Head of Legal (Monitoring Officer) to the Cabinet meeting (19 December 2019), a **paper outlining proposed changes to Cabinet Procedure Rules and Access to Information Rules.

The Head of Legal (Monitoring Officer) highlighted the options within the Cabinet report and the tracked changes documents which identified how those changes would translate into the constitution.

Consideration was given to:

- The Governance review taking place
- The option for the Cabinet to self-refer to the Council for a view on an issue before a decision was taken by the Cabinet
- Pre-decision scrutiny
- Whether reports to Cabinet should include a section setting out whether the decision was in the Budget and the Policy Framework which would clearly identify whether a decision was one to be made by the Cabinet or to be taken by Full Council

It was therefore

RECOMMENDED to Council that:

- i) The changes as set out in Part 3 of the report be agreed; and that
- ii) The following paragraphs be added to the Cabinet Procedure Rules within the Constitution:

3.0 Cabinet may consult Council

3.1 Where it appears to the Cabinet that a decision involves matters on which it would like to receive the views of members at a meeting of the Council, the Cabinet may resolve so to do.

3.2 The effect of a resolution under Rule 3.1, is that the decision will stand deferred to the next meeting of the Cabinet which follows the Council's consideration of the matter in question.

3.3 For the avoidance of doubt,

- (a) a resolution under Rule 3.1 is entirely a matter for the Cabinet at its absolute discretion;
 - (b) the views of the Council are not binding on the Cabinet; and
 - (c) nothing in this Rule 3 (or a decision or resolution under it) transfers responsibility for any function or matter to the Council where, under this Constitution and the Local Authorities (Functions and Responsibilities) Regulations 2000, such function or matter is the responsibility of the Cabinet.
- iii) Rule 16.4 within Access to Information Procedure Rules be amended to read: As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.3 (and in any event by no later than the next working day), a notice of the decision must be published setting out the reasons why the decision is urgent and has been taken under this Rule 16.
- iv) Rule 17.3 – Report to Council be amended to read: The Leader will report all Cabinet decisions taken under Rule 16 (special urgency) to the next meeting of the Council, such report to include a summary of the decision(s) taken. The report may be given verbally where the decision is taken after the publication of the agenda for the Council meeting.

(Proposed by Cllr R M Deed and seconded by Cllr Mrs N Woollatt)

It was further **RESOLVED** that: reports to Cabinet include a section setting out whether the decision is within the Policy Framework and the Budget.

(Proposed by Cllr R M Deed and seconded by Cllr Mrs N Woollatt)

Notes:

- i) Cllr Mrs F J Colthorpe requested that her abstention from voting be recorded;
- ii) * Previous report and ** papers previously circulated, copy attached to minutes.

28 **STANDARDS WORKING GROUP (00-14-51)**

The Committee had before it and **NOTED** the * notes of the recent Standards Working Group.

The Chairman informed the meeting that the working group had met on 21 January to consider whether there was a need for a policy on the use of social media by members at the current time. It had been agreed that no further action be taken at the current time due to actions being taken nationally with regard to a proposed new model code of conduct.

Note: *Notes previously circulated copy attached to minutes.

29 **COMPLAINTS (00-15-55)**

The Head of Legal (Monitoring Officer) provided an update regarding the number of complaints received since the previous meeting.

30 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-21-22)**

It was **AGREED** that the following be considered at a future meeting of the committee:

- Update from the Governance Working Group
- Complaints update
- The LGA were preparing a draft model Code of Conduct which would be considered when it was available
- Update on the outcome of the Register of Interests issue.

(The meeting ended at 6.24 pm)

CHAIRMAN