

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 7 July 2021 at 6.00 pm

### **Present**

#### **Councillors**

C J Eginton (Chairman)  
C R Slade, Mrs M E Squires, A White,  
Mrs N Woollatt, A Wyer and R M Deed

### **Apologies**

#### **Councillor(s)**

L D Taylor

### **Also Present**

#### **Councillor(s)**

Mrs F J Colthorpe, R F Radford and B G J Warren

### **Also Present**

#### **Officer(s):**

Maria De Leiburne (Operations Manager Legal and Monitoring), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

### **Also in**

#### **Attendance:**

John Smith (Independent Person)

## 1 **ELECTION OF CHAIRMAN (00-10-00) - CHAIRMAN OF THE COUNCIL IN THE CHAIR.**

The Chairman of the Council invited nominations for the election of a Chairman for the municipal year 2021/22.

Cllr R M Deed **MOVED**, seconded by Cllr C R Slade that Cllr C J Eginton be elected Chairman of the Committee for the municipal year 2021/22.

It was therefore:

**RESOLVED** that Cllr C J Eginton be elected Chairman of the Committee for the municipal year 2021/22.

## 2 **ELECTION OF VICE CHAIRMAN (00-04-52)**

Cllr C R Slade **MOVED**, seconded by Cllr Mrs M E Squires that Cllr R M Deed be elected Vice Chairman of the Committee for the municipal year 2021/22.

It was therefore:

**RESOLVED** that Cllr R M Deed be elected Vice Chairman of the Committee for the municipal year 2021/22.

3 **APOLOGIES AND SUBSTITUTE MEMBERS (00-05-45)**

Apologies were received from Cllr L D Taylor who was substituted by Cllr A White.

4 **PROTOCOL FOR HYBRID MEETINGS (00-06-04)**

The protocol for hybrid meetings was **NOTED**.

5 **PUBLIC QUESTION TIME (00-06-08)**

There were no questions from members of the public present.

6 **MINUTES (00-06-23)**

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

7 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-07-17)**

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

8 **CHAIRMAN'S ANNOUNCEMENTS (00-07-32)**

The Chairman had no announcements to make.

9 **TO CONSIDER ANY MATTERS OR MOTIONS REFERRED FROM COUNCIL (00-07-43)**

**i) MOTION 569 - (COUNCILLOR A WILCE – 8 FEBRUARY 2021)**

The Council at its meeting on 24 February 2021 agreed that the Standards Committee be asked to look into the following:

That this Council resolves to ask the Standards Committee to review Rule 14.4 (Automatic Reference to Committee) and to recommend whether this Council should either:

- a) completely remove rule 14.4 or
- b) amend the rule to re-enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion (and for any further discussion to take place on that Motion that the Chairman may see fit), before that Motion shall stand referred to a Committee or
- c) make no changes

The Chairman stated that although Cllr Wilce had been invited to attend the meeting, he had declined to do so but had emailed members of the committee..

The Monitoring Officer outlined the options within the Motion and that any rewording of a procedure rule within the constitution would require Council approval.

Consideration was given to:

- The need for the following wording to remain within the procedure rule: “unless an alternative proposition is put forward and accepted”.
- The opportunity for the mover and the seconder of a motion to be able explain the reasoning for the Motion, which was felt would be useful to Council.
- The number of times the mover and seconder would be allowed to speak and for how long and if the decision was made to consider the Motion at the meeting, the mover would have the ability to sum up.
- A proposal to reword procedure rule 14.4 to enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion before that Motion shall stand referred to a Committee.
- The fact that the Chairman had the discretion to allow further discussion prior to the item being referred to the appropriate place.

It was therefore:

**RECOMMENDED to Council** that option (b) be supported in part to enable the Member putting a Motion forward, and the Member seconding that Motion, to speak to that Motion, before that Motion shall stand referred to a Committee and that Procedure Rule 14.4 be reworded as follows:

If the subject matter of any Motion, of which notice has been duly given comes within the province of the Cabinet, Committee or Policy Development Group, it shall, upon being formally moved and seconded (with those moving and seconding the motion being invited to speak at this point) stand referred to the Cabinet, Committee or Policy Development Group as the Chairman may determine for consideration and report unless an alternative proposition is put forward and is accepted; and that the mover (or in his absence, the seconder) of the Motion should be invited to the meeting of the Cabinet, Committee or Policy Development Group to amplify the Motion, but without any right to vote except as a member of such Committee. Provided that the Chairman may if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.

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

**ii) MOTION 570 (COUNCILLOR A WILCE - 8 FEBRUARY 2021)**

This motion has been passed from Council (February 2021) to the Standards Committee for consideration and report:

That, to improve local planning consultation processes and to regularise current Planning Committee practises, this Council resolves to amend Rule 27.5 as follows:

After (Appendix J to the Constitution), is inserted: in addition, the Chair will also permit the following to speak for no more than 3 minutes, without prior notice being required:

1 Adjacent Ward Members

2 Any Member having previously submitted a comment to that application that permission to speak being limited solely to the raising of material planning considerations relating directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.

So as to read:

27.5 Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution); *in addition, the Chairman will also permit the following to speak for no more than 3 minutes, without prior notice being required:*

*1 Adjacent Ward members*

*2 Any Member having previously submitted a comment to that Application that permission to speak being limited solely to the raising of material planning considerations relating to directly their Ward, or else to any relevant planning policy or plan appertaining to this Council.*

The Monitoring Officer outlined the contents of the motion.

Consideration was given to:

- What would qualify an adjacent ward member to speak to an application and whether it was just the impact of the application on an adjacent ward
- The history behind the motion and the use of the Chairman of the Planning Committee's discretion to allow an adjacent ward member to speak if it was felt that an application did impact on an adjacent ward and that this already happened if an adjacent ward member notified the Chairman of the committee of their wish to speak.
- The number of occasions that this had already taken place.
- The Chairman of the committee was usually amenable to any request
- Whether the motion removed the Chairman's discretion.
- The implications of the second part of the motion which would allow any member to speak to any application within the district, even if it did not impact on their ward.

It was therefore

**RECOMMENDED** to Council that Motion 570 not be supported.

(Proposed by the Chairman)

**iii) Any other matters or motions referred from Council on 1<sup>st</sup> July 2021**

To consider items passed to the Standards Committee from the Council meeting held on 1 July 2021.

There had not been any items referred to the committee from Council.

**iv) To consider and note the resolutions of Council with regard to the Governance Review**

The committee were requested to consider the resolution of the Council on 17 March 2021 with regard to the Governance Review:

Councillor C R Slade **MOVED**, seconded by Councillor R L Stanley that: the Council asks the Standards Committee to review any proposals for constitutional change which the Head of Legal (Monitoring Officer), the Chairman of the Scrutiny and Audit Committees and/or the Chairmen of the Policy Development Groups put forward in support of the working arrangements for those committees and groups.

The Chairman indicated that no official proposals had been put forward to the committee following the Governance Review and suggested that an item be added to the agenda for the next meeting to consider any requests for constitutional change, to include the number of members on the Audit Committee and the outcome of any discussions following the meeting of the Programming Panel.

**RESOLVED** that this item be deferred to the next meeting.

(Proposed by the Chairman)

**10 ANNUAL REPORT OF THE MONITORING OFFICER (00-50-20)**

The Committee had before it the annual \*report of the Monitoring Officer providing it with an overview of the preceding year.

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

(Proposed by the Chairman)

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

**11 AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL (00-51-50)**

Members were requested to consider the amendments to the Constitution approved by Council in the period since the last meeting.

The meeting **NOTED** that the following Motion 568 (Councillor A Wilce) was approved by Council on 24 February 2021 and that amendments had been made to the Constitution accordingly.

*That, to prevent further ambiguity by making the wording more concise, this Council resolves to amend Rule 14.4 (Automatic reference to Committee) by removing the reference to 'Council' and replace it with 'Chairman' and to insert after 'report' 'unless an alternative proposition is put forward and is accepted'*

So as to read:

*14.4 Automatic Reference to Committee*

*If the subject matter of any Motion, of which notice has been duly given, comes within the province of the Cabinet or any Committee or Committees it shall, upon being formally moved and seconded, shall stand referred, without the mover or seconder of the Motion speaking on the substance of the Motion and without any other discussion, to the Cabinet or such Committee or Committees, or to such other Committee or Committees as the **Chairman** may determine, for consideration and report, **unless an alternative proposition is put forward and is accepted**; and that the mover (or in his absence, the seconder) of the Motion should be invited to the Meeting of the Cabinet, Committee or Committees to amplify the Motion, but without any right to vote except as a Member of such Committee. Provided that the Chairman may, if he considers it convenient and conducive to the despatch of business allow the Motion to be dealt with at the meeting, at which it is brought forward.*

## 12 **MODEL CODE OF CONDUCT (00-52-06)**

At the previous meeting the Committee resolved that a working group be formed consisting of Cllrs Mrs F J Colthorpe, C J Eginton and L D Taylor (the Independent Persons also be requested to attend) to consider the model code once the detailed guidance had been received along with Appendix K of the Constitution. To date the guidance has not been received, but members were asked if they wished to consider starting work in advance of the receipt of the guidance.

The Chairman indicated that detailed guidance had still not been received and therefore suggested that any discussion on the model code be deferred until the guidance was available. This was **AGREED**.

## 13 **START TIMES OF MEETINGS**

There was a need for the committee to consider the start times of meetings, it was **AGREED** that the committee continue to meet at 6.00pm for the remainder of the municipal year.

## 14 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

It was suggested that the following items be added to the agenda for the next meeting of the committee to be held on 13 October 2021:

- To consider the Governance Review - in particular the membership of the Audit Committee and the outcome of any discussions from the Programming Panel meeting to be held in the near future.
- Complaints.
- The Model Code of Conduct and any work that had taken place by the working group, once the detailed guidance had been received.

(The meeting ended at 6.55 pm)

**CHAIRMAN**