

Public Document Pack

Mid Devon District Council

Standards Committee

Wednesday, 7 July 2021 at 6.00 pm
Phoenix Chamber, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 13 October 2021 at 6.00 pm

Important - this meeting will take place at Phoenix House, but members of the Public and Press can and should attend via Zoom only. Please do not attend Phoenix House without prior agreement. The attached Protocol for Hybrid Meetings explains how this will work.

Join Zoom Meeting

<https://zoom.us/j/92536641580?pwd=aWNTR01pS3N2Zmx4U2Mzd2hyS2xUQT09>

Meeting ID: 925 3664 1580

Passcode: 186151

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Passcode: 186151

Find your local number: <https://zoom.us/u/an8Lfl0nO>

Membership (as of 29 June 2021)

Cllr Mrs F J Colthorpe

Cllr R M Deed

Cllr C J Eginton

Cllr C R Slade

Cllr Mrs M E Squires

Cllr L D Taylor

Cllr A White

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 **ELECTION OF CHAIRMAN**
To elect a Chairman of the committee for the municipal year 2021/22.
- 2 **ELECTION OF VICE CHAIRMAN**
To elect a Vice Chairman of the Committee for the municipal year 2021/22.
- 3 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 4 **PROTOCOL FOR HYBRID MEETINGS** (*Pages 7 - 14*)
Members are requested to note the protocol for hybrid meetings.
- 5 **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.
- 6 **MINUTES** (*Pages 15 - 20*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 3 February 2021.
- 7 **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.
- 8 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman of the Committee may wish to make.
- 9 **TO CONSIDER ANY MATTERS OR MOTIONS REFERRED FROM COUNCIL**

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

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 to 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.

iii) Any other matters or motions referred from Council on 1st July 2021

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

iv) To consider and note the resolutions of Council 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.

10 **ANNUAL REPORT OF THE MONITORING OFFICER** (Pages 21 - 26)

To consider the annual report of the Monitoring Officer.

11 **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL**

To consider any amendments to the Constitution following Motions approved by Council in the period since the last meeting.

The Committee is requested to note **Motion 568** (Councillor A Wilce) which was approved by Council on 24 February 2021 and that amendments were 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**

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, however members may wish consider starting work in advance of the receipt of the guidance.

13 **START TIMES OF MEETINGS**

To consider a start time for future meetings of the Committee.

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

Members are asked to identify any items they would like brought forward to future meetings.

Stephen Walford
Chief Executive
Tuesday, 29 June 2021

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. For a short period -- the Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You **must not** attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You **must** follow any directions you are given.

Please read the new meeting protocol which is available here: <https://democracy.middevon.gov.uk/documents/s21866/aaaaHybridMeetingProtocolMay2021.pdf>

If you want to ask a question or speak, email your full name to **Committee@middevon.gov.uk** by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to

Speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

For assistance please contact Sally Gabriel on:

Tel: 01884 234229

E-Mail: sgabriel@middevon.gov.uk

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Mid Devon District Council – Hybrid Meeting Protocol

1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 to (and including) 30 June 2021, unless the Council decides to change, curtail or extend them. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid-19 pandemic may have further receded and/or the Council makes alternative arrangements.

2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

(a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

(b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

3. Zoom

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

4. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a meeting.

If any other Member wishes to have a paper copy, they must notify Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are open again.

5. Setting up the Meeting for Zoom attendance

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

6. Public Access and Participation

(a) Public Access:

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are exceptional circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

Committee@middevon.gov.uk

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

The meeting risk assessment may need to be updated. Member Services will liaise with the Chief Executive, Monitoring Officer and the Chairman of the meeting. A decision will be taken on whether attendance in person can be safely accommodated.

(b) Public Participation (speaking):

Public questions will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will ask each registered person to speak at the appropriate time. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question. Unless they have registered, a member of the public may not be called to speak, except at the discretion of the Chairman.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

7. Arrangements for any person attending meetings at Phoenix House

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room, so that the meeting risk assessment can be updated.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Wear a mask at all times except when invited to speak by the Chairman of the meeting. If you have a medical exemption for wearing a mask, please attend via Zoom unless you are a Member who must attend to vote.
- (d) Use the hand sanitiser which is available in the building.
- (e) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (f) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (g) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (h) Bring your own water/refreshments, as these will not be available for the time being.
- (i) Maintain social distancing throughout – this is 2 metres apart, or 1 metre with additional safeguards (e.g. face masks).

8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public attending via Zoom that **all microphones must be muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use.

9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

10. The Meeting and Debate

- (a) For Members and Officers physically present

Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

(b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers in accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

11. Voting

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

12. Meeting Etiquette Reminder for Zoom attendees

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then (if attending via Zoom) they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

17. Technical issues – meeting management

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

18. Technical issues – Individual Responsibility (Members and Officers)

Many members, officers and the Public live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)
- Have to hand the telephone number of someone attending the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an ‘understudy’ or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 --- ----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press *6 to toggle between 'mute' and 'unmute' (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can 'raise your hand' by pressing *9. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 3 February 2021 at 6.00 pm

Present

Councillors

C J Eginton (Chairman)
C R Slade, Mrs M E Squires, L D Taylor,
Mrs F J Colthorpe, A White, Mrs N Woollatt,
R M Deed and G Barnell

Apologies

Councillor(s)

A Wyer

Also Present

Councillor(s)

Ms E J Wainwright, B G J Warren, N V Davey, A Wilce and
Miss J Norton

Also Present

Officer(s):

Stephen Walford (Chief Executive), Kathryn Tebbey (Head of Legal (Monitoring Officer)), Maria De Leburne (Legal Services Team Leader), Catherine Yandle (Group Manager for Performance, Governance and Data Security) and Sally Gabriel (Member Services Manager)

Also

In attendance

Mr R Jeanes (Independent Person)

13 **PUBLIC QUESTION TIME (00-02-55)**

There were no questions from members of the public present.

14 **PROTOCOL FOR REMOTE MEETINGS (00-03-03)**

The protocol for remote meetings was noted.

15 **APOLOGIES AND SUBSTITUTE MEMBERS (00-03-19)**

Apologies were received from Cllr A Wyer who was substituted by Cllr G Barnell.

16 **ELECTION OF VICE CHAIRMAN (00-03-32)**

As Cllr A Wilce was no longer a member of the committee, the Chairman indicated that was a need to elect a Vice Chairman for the Committee until the end of the current municipal year.

RESOLVED that Cllr R M Deed become Vice Chairman of the Committee for the rest of the municipal year.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr C R Slade)

The Chairman thanked Cllr Wilce (who was present) for his time on the committee.

17 **MINUTES (00-05-42)**

The minutes of the previous meeting were approved as a true and accurate record.

18 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-06-12)**

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

19 **CHAIRMAN'S ANNOUNCEMENTS (00-06-35)**

The Chairman had no announcements to make.

20 **MOTION 564 (COUNCILLORS: MISS E WAINWRIGHT AND MISS J NORTON - 15 OCTOBER 2020) (00-06-46)**

The following motion (minus Item 4 which was referred to the Scrutiny Committee) had been passed to the Standards Committee from Council for consideration and report.

Council resolves to:

1. Practice equality, fairness and inclusion, and to play its part in creating an equal society for all. There is no place for sexism, racism, bigotry, discrimination or intolerance of any form in our society.
2. Acknowledge that language is a powerful tool for change and inspiration, as well as ignorance, oppression and damaged relationships, and should be used thoughtfully and respectfully. Many people who do not have a voice in the public domain have to suffer the consequences of inaccurate or insulting language.
3. Review and, if needed, update member training, to equip all members with the language and tools needed to actively promote diversity and inclusivity.
5. Ask that the Chairs of the Equality Forum and Community PDG identify and discuss approaches to reaching hard-to-reach communities in Mid Devon.
6. Show leadership by creating a diversity and inclusion strategy, and seek input from residents and local organisations that have expertise, to ensure the council is inclusive towards diverse and hard-to-reach communities in its recruitment, member representation and service provision. As part of this, review and update the MDDC equalities policy.
7. Explore further opportunities to increase inclusivity, diversity and representation in Mid Devon District Council, including but not limited to amongst women, minority ethnic communities, young people, and carers.

(1) *The Fawcett Society and Local Government Information Unit report, 'Does Local Government Work for Women?' found that structural and cultural barriers hold back women's participation in local government. The practices and protocols of local government create unnecessary barriers to participation particularly for women with caring responsibilities.* <https://www.fawcettsociety.org.uk/does-local-government-work-for-women-final-report-of-the-local-government-commission>

Cllr Miss E Wainwright was invited to address the committee. She outlined the reasons for bringing the motion to Council and following discussions with the Equality Forum and other members, she wanted to explore how Mid Devon could be more open, accountable and inclusive and had suggested ways to progress this within the motion.

Cllr Miss J Norton was also invited to address the committee; she stated that there was a need to listen to each other and create a culture and that the main goal was to work together as a Council and that no accusations were being made.

Consideration was given to:

- What was meant by hard to reach communities and whether the Council was going everything it could to reach those people
- Whether the motion had been inspired by a national campaign or a local experience and if this was a local experience whether some of the issues raised had been reported
- How the Council could not influence who stood for election but that local residents could be encouraged to attend through conversation groups and asset based community development
- How behaviours could be outlined within the Code of Conduct
- Under (3) staff should be included in diversity training
- A request to include all of the Equality Forum and Community Policy Development Group and not just the chairmen.
- The fact that the Equalities Policy was reviewed annually
- How the Council addressed female members and whether that was seen as equal
- How the motion could be implemented
- Whether the motion was necessary as it was felt by some that although well intentioned most of this was taking place
- The need for a re-run of the equality training to be arranged

RECOMMENDED to Council that:

- a) Motion 564 (1-3 and 5-7) be supported; and
- b) In addition, that point (3) of the motion should include members and officers and the review should include all Council conventions and that in relation to point (5) the Equality Forum and the Community Policy Development Group should be consulted as a whole and not just the Chairs.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr L D Taylor)

Note: Tables of policies previously circulated, copy attached to minutes.

21 **MODEL CODE OF CONDUCT (00-56-47)**

The Committee had before it the * Model Councillor Code of Conduct 2020 which had recently been developed by the Local Government Association.

The Monitoring Officer informed the meeting that following the publication of a report from the Committee for Standards in Public Life in which thoughts for best practice and recommendations had been included, part of that report had included an invitation for the Local Government Association to revise/rethink the Model Code of Conduct. The model was not statutory and local authorities could take what they wanted from the document. She added that detailed guidance would be forthcoming and that it may be best to wait for that guidance before the committee considered the model code. At the same time a working group of the committee may wish to consider the contents of Appendix K (complaints and investigations into members conduct – protocols and procedures) of the Constitution.

It was **AGREED** that a working group be formed consisting of Cllrs Mrs F J Colthorpe, C J Eginton and L D Taylor (the Independent Members also be requested to attend) to consider the model code once the detailed guidance had been received along with Appendix K of the Constitution.

Note: Model Code previously circulated, copy attached to minutes.

22 **GOVERNANCE REVIEW (1-03-11)**

The Monitoring Officer informed the meeting that Council had resolved to set up a Governance Working Group in January 2020 and that any specific changes to the Constitution recommended from the review be passed to the Standards Committee for consideration. At the present time the Governance Working Group were looking at issues with regard to scrutiny and various options around this. It was suggested that once Council had considered the recommendations from the Governance Working Group then that was the time for the committee to be involved in the review of parts of the Constitution as necessary.

The Committee **AGREED** that this was appropriate.

23 **COMPLAINTS AND TRAINING UPDATE (1-07-59)**

The Monitoring Officer informed the meeting that there were currently no complaints in the system. She would provide a detailed account within her annual report to the committee in June, however in the past few months she had dealt with 2 complaints at parish level and 2 complaints at district level. Following review of those and after consultation with the Independent Persons, the decisions had been that there was no requirement for further action or no breach or that it was a minor matter.

With regard to training, due to the current climate there had been very few requests for training, although she had been invited to provide training to Cullompton Town Council which had been well attended and well received.

She reported that following the elections in 2019, the correlation of the Register of Interest Forms had been time consuming and it had been reported at a previous meeting that 2 Register of Interest Forms had not been returned and that the

committee had agreed to refer this to the Police; she could now report that those 2 registers had now been provided.

24 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (1-12-43)**

The following items were identified for the next meeting of the Committee:

- The Monitoring Officer's annual report
- Feedback for the working group on the Model Code of Conduct.

Members were requested to contact either the Monitoring Officer or the Chairman with any additional items.

(The meeting ended at 7.15 pm)

CHAIRMAN

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STANDARDS COMMITTEE 7TH JULY 2021

ANNUAL REPORT OF THE MONITORING OFFICER FOR 2020/21

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

Responsible Officer: Maria de Leiburne, Deputy Monitoring Officer

Reason for Report: to provide the Standards Committee with an overview of the preceding year

RECOMMENDATION: that the report be noted and circulated to all Town and Parish Councils for information.

Relationship to Corporate Plan: No specific or relevant provision, but promoting high standards is part of running a well-managed local authority.

Financial Implications: None

Budget and Policy Framework: Nothing undertaken outside the budget and policy framework.

Legal Implications: The Council has a statutory duty to promote and maintain high standards of conduct. A review of the previous year may assist the Committee in identifying the extent to which the duty is being complied with and in setting a future work programme (if desired).

Risk Assessment: No risks identified.

Equality Impact Assessment: No EqIA required.

Climate Change: No impact identified.

1.0 Introduction

1.1 The Monitoring Officer considers it to be good practice to review the preceding year. In that way, she and the Committee can consider whether the Council is fulfilling its statutory duty and evidence the work it has done or is planning to undertake.

2.0 The Standards Committee

2.1 In the past year, the Standards Committee had 2 scheduled meetings (one less due to the pandemic). A schedule of meetings enables the Committee to develop a work programme, but this does rely on members of the Committee bringing forward ideas and suggestions to explore. For the municipal year 2021/22, the Standards Committee again has 3 scheduled dates for meetings, albeit with a slight delay to the first meeting.

3.0 The Independent Person

3.1 The Council has two Independent Persons, Mr John Smith and Mr Rob Jeanes.

3.2 The Independent Person is appointed by the Council to fulfil the statutory role set out in the Localism Act 2011. They receive a small annual allowance, but are not employees. The role of the Independent Person is familiar to the Committee, but in summary, the prime duty is to provide impartial and independent advice and support to the Monitoring Officer in considering code of conduct complaints and, where required, to those making complaints and those complained about during the course of an investigation.

4.0 The Monitoring and Deputy Monitoring Officers

4.1 Kathryn Tebbey, formerly Head of Legal (Monitoring Officer) left the Council at the end of June 2021. Maria de Leiburne will act as Monitoring Officer on an interim basis until Karen Trickey joins the Council later in the year (subject to agreement by Council on 1 July 2021). Maria, a solicitor who leads the legal service, has been a deputy monitoring officer since 2016, alongside Sally Gabriel (Member Services Manager). The law requires the Monitoring Officer to perform the duties personally - Deputy Monitoring Officers only act when the Monitoring Officer is "*unable to act owing to absence or illness*". However, all three officers work closely together in any event.

5.0 Complaints under the Code of Conduct

5.1 In the municipal year 2020/21, a difficult year for all, a total of 8 formal complaints were made – slightly down on the previous year (10). Of these, one complaint has yet to be determined and two further complaints have recently been received.

5.2 In consultation with the Independent Person(s), the Monitoring Officer concluded that none of the other complaints passed both the legal jurisdiction test and the local assessment criteria, although words of advice were given in 4 of those cases and training provided in another. Accordingly, no complaints were referred for formal investigation and subsequent hearing.

5.3 As ever, the common themes through most of the complaints were respect, bullying and reputational concerns – with some political and probity undertones. Four complaints were made against district councillors and four complaints were made against parish councillors. Whilst the circumstances varied considerably between each complaint, an underlying theme for almost all of the complaints would be communication – getting the tone right, timely communication and indeed, whether to communicate at all. A summary of the complaints appears in the table at Annex 1.

5.4 A significant number of non-formal ‘concerns’ were raised by members of the public, fellow councillors and, in particular, Parish Clerks. These were

discussed via telephone and email - and, where appropriate, advice and guidance was given.

6.0 New model code of conduct

6.1 In December 2020, the Local Government Association published a new model code of conduct. The Standards Committee agreed to set up a standards working group to consider the model code when the guidance was also made available. That guidance has yet to be made available – it is a matter for Members to consider whether they wish to continue waiting for it, or start work in anticipation.

7.0 Parish and Town Councils

7.1 The Member Services team continue to send out a monthly newsletter to the parish clerks. As mentioned previously, a number of parish clerks across the district have sought advice from time to time – not just on pure standards issues, but also governance and other procedural matters.

8.0 Gifts, hospitality and registers of interests

8.1 There were 2 declaration of gifts and hospitality made by officers. Members have been instructed to use a specific form for registering gifts and hospitality, there have been no declarations made to date.

9.0 Sensitive interests

9.1 There is a statutory requirement to publish the register of interests on the Council's website – this includes the parish council registers, although those parishes with their own websites are required to publish them as well (if necessary by a link to this Council's website). Sensitive interests can be removed from the website version if the Monitoring Officer receives a request and agrees that the publication of such information might lead to violence or intimidation. The Monitoring Officer received no requests regarding sensitive interests in 2020/21.

10.0 Governance

10.1 As Members will be fully aware, a governance review was carried out in 2020/21. During the course of that review, alternative arrangements for scrutiny and policy development were debated. Whilst Members decided to continue with the existing policy development groups, the current procedural rules for Audit, Scrutiny and the PDGs are ripe for a review to ensure that they are as clear and proportionate as they can be. Further, it is suggested consideration should be given at some point to increasing the numbers on Audit Committee.

Contact for more Information: Maria de Leiburne (01884) 234210
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Circulation of the Report: Cabinet Member for the Working Environment and Support Services

List of Background Papers: None

Reference	Parish or District	Allegation	Decision
CCOC.31	Parish	Comments and attitude amounting to bullying of the clerk	No clear evidence of a breach of a code of conduct. Comments made were intended to be helpful, but perhaps given in a way which was perceived as criticism. Words of advice given.
CCOC.32	District	Failure to show respect to a fellow councillor in a public article	In all circumstances, not reasonable to read article in the manner suggested. Fellow councillor not concerned. No further action taken.
CCOC.33	Parish	Concern about private conversations between a councillor and a potential bidder for a property of interest in the town	The complaint was more of a request for assistance and advice from the parish council. Formal advice was given and subsequent standards training provided via Zoom (well received). No further action.
CCOC.34	District	Complaint about behaviour of a councillor in private life	Not within scope of code of conduct i.e. not acting in an official capacity. Words of advice given.
CCOC.35	District	Complaint that a councillor may have misled the wider council	Not supported by the evidence and no further action given.
CCOC.36	Parish	Complaint that conduct of a chairman and fellow councillor (various complaints) displayed behaviour which fell short of the standards required, including bullying and conflicts of interest	Some matters outside the scope of the code of conduct complaints process i.e. private life, collective decisions etc. Other complaints not substantiated by evidence, but words of advice given in one aspect.
CCOC.37	Parish	Complaint about use of parish resources for election/political purposes	Minor matter not justifying investigation and full process. Words of advice given and assurance received as to the future.

CCOC.38	Parish	Complaint about conduct of a councillor on social media and attitude/ behaviour towards employees.	Not yet determined at the date of this report.
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