

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 8 February 2023 at 6.00 pm

Present

Councillors C R Slade, Mrs E J Slade, Mrs M E Squires, A Wyer, S J Clist and B G J Warren

Apologies

Councillor(s) R M Deed, L D Taylor and Mrs N Woollatt

Present

Officer(s): Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer) and Andrew Seaman (Member Services Manager)

12 **Apologies and Substitute Members**

Apologies were received from Councillors RM Deed, LD Taylor (substituted by Councillor S J Clist) and Mrs N Woollatt (substituted by Councillor B G J Warren).

13 **Public Question Time**

Public questions were received from Ms Coffin:

1. Item 8 – motion 582, Why can't all public meetings be audio recorded and of course this one. To enable the working public and those unable to attend or zoom the opportunity to understand and progress, how local governance decisions are made.
2. Appendix A Document 2, Councillor Barnell. I strongly support all five points for following reasons:
 - a) I have been refused permission to ask a question because subject not on the agenda; even though it did relate to an ongoing scrutiny sub-committee investigation. Therefore, was unable to progress proposal November 2021 from Cllr Barnell into anaerobic digesters. I still have no clarity as to whether it's still ongoing or whether there was a conclusion.
 - b) Councillors on committees are not obligated to raise matters on behalf of non ward constituents.

Appendix A Document 3, Planning committee – 1,2 and 3 I support all italics in red fully, all committees – 1,2,3,4,5 support italics in red.

Specifically and absolutely: Number 3, it has been obvious at planning meetings that members have not understood complicated applications. Developers and officers obviously failing to present sufficient evidence and clarity to enable balanced decision making. Not all speakers are objectors or vexatious many are often requiring clarification and assurance that the council has identified all potential detriment and imposed all necessary and enforceable mitigating conditions.

Absolutely 5, I have attended other LPAs in other districts and counties where more consideration is given to members of the public. So, if this council wishes to hold any credibility as to democracy, then the public must be allowed to speak without any additional restrictions.

Item 9 on the agenda, public complaints. I understand that this is not actually relevant on this agenda but I would like to make my comments anyway.

- a) Given this council's insistence that it takes all complaints – I'm talking about public ones now – and enforcement matters very seriously – is the present procedure sufficiently robust and effective?
- b) How can public access and progress registered complaints? This need not require sensitive info only identify number, initial date and classification whether commercial or anti-social noise/odour.
- c) How does the Council monitor and assess the effectiveness of present complaints system and against what standards.
- d) What are projected timelines for progress from complaint to abatement notice and then to enforcement, if required?
- e) Standards committee minutes 19 October page 7 item 9 complaints. Monitoring Officer refers to three complaints requiring review by independent person. Does one of these three cases refer to crossparks.

The District Solicitor & Monitoring Officer responded to question 1 and explained that the Council recorded the audio of its public meetings. In addition, in answer to question 2 it was explained that as part of the constitution, there was a requirement for public questions to relate to an agenda item. Finally in response to a question on Complaints, it was explained that the Standards Committee reviewed code of conduct complaints as opposed to public complaints.

The District Solicitor & Monitor Officer acknowledged comments on the complaints process and noted that someone would be contact in order for the process to be explained.

14 **Minutes (0:9.25)**

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

15 **Declarations of Interest Under the Code of Conduct (0:9.48)**

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

16 **Chairman's Annoucments (0:10.33)**

The Chairman had no announcements to make.

17 Task and Finish Group (Council Procedure Rules Review) (0:10.52)

The Committee were presented a report* which outlined a task and finish group's recommendations on changes to the constitution with tracked changes provided. The Chair opened the floor to Members who raised the following points/questions:

The following was discussed:

- Under time, place and notice of meetings (4.3) it was suggested that the word approved be removed, to read "the Chief Executive will send a summons"
- Regarding recommendation G, rules regarding Substitute Members were discussed and how this might impact a committee politically, specifically the Planning Committee. It was clarified that an individual member could choose their substitute as per 3.1 under substitutes. It was noted that training was an important factor, particularly for planning which should not be political and ensured good attendance on committees.
- Quorum was highlighted and the conciseness of 6.1 was discussed. It was noted that there was an error in the wording under 6.1 and that it should not be a quarter of Members present but a quarter of the whole number of Members.
- Paragraph 9 (single issue debate) was discussed and clarification was sought as to why this had been removed. The District Solicitor & Monitoring Officer explained that it was unknown as to why this was the case and that this should be investigated.
- A typo was highlighted under 11.1.6 (b) as it read "within in" and discussion took place as to how this section should be worded.
- Regarding 12.1 it was sought as to why this had been removed. The District Solicitor and Monitoring Officer explained that it was uncertain as to why this was removed.
- Regarding 15, voting was discussed whether section 106 of the Local Government Finance Act 1992 should be included within the constitution. This section outlined the legal requirement that any Member who was 2 month or more in arrears with Council Tax payments must declare the fact and not vote at any meeting at which the budget or council tax matters would be discussed.

The Chief Executive reassured Members that officers conducted checks months prior to the vote on the budget in order to be compliant with this legislation.

RESOLVED to RECOMMEND: To Council that

- a) The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.

- b) Subject to any further changes to recommendations (c), (d) and (g) below, the Council Procedure Rules be amended as outlined in Appendix B to this report subject to the following:
- i. Under 4.3 word approved be removed, to read “the Chief Executive will send a summons”.
 - ii. With the removal of “present at the meeting where physical presence is required (or in attendance including remotely where such physical presence is not required)” from 6.1.
 - iii. That point 9 to 9.2, single issue debate be kept, pending an investigation by the Monitoring Officer as to whether it could be removed.
 - iv. That 11.1.6 (b) be kept unchanged, but with proposition changed to motion.
 - v. That 12.1 (b) (rules of debate) and the paragraph below, not be removed, pending an investigation by the Monitoring Officer as to whether it could be removed.
 - vi. That section 106 of the Local Government Finance Act 1992 be added to the constitution under section 15.7, voting.
- c) The Council Procedure Rules regarding Member Questions be amended as set out in Appendix B Rule 10.
- d) The Council Procedure Rules regarding Public Questions be amended as set out in Appendix B Rule 8.
- e) Members’ Business remain on full Council but Members be asked to take account of the guidance on its use set out in this report at paragraph 4.4.
- f) The requirement for the Planning Committee to consider an Implications Report (if it proposes to determine an application contrary to policy and officer recommendation) before decision confirmed, be removed.
- g) The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members’ political group.
- h) The practice at full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be stopped.

(Proposed by Cllr C Slade, seconded by Cllr B G J Warren)

The meeting continued and the Committee considered the task and finish group's recommendation that motion 577 not be supported.

It was also **RECOMMENDED** to Council that Motion 577 not be supported.

(Proposed by Cllr C Slade, seconded by Cllr Mrs M Squires)
(Cllr B G J Warren voted against)

18 **Update from the District Solicitor & Monitoring Officer (1:06.25)**

The Committee noted an update from the District Solicitor & Monitoring Officer which highlighted to Members that the Constitution was due to be updated with changes to the following: That the number of Audit Committee seat read nine instead of seven as well as the relevant amendment following motion 580.

19 **Motion 582 (Councillor A Wilce - 10 October 2022) (1:07.48)**

The Committee had before it a motion that has been passed to this Committee from Council for consideration.

The District Solicitor & Monitoring Officer advised that the Motion was in 2 parts, firstly whether the hybrid meeting protocol should be part of the constitution. It was explained that Council already had a hybrid meeting protocol which had last been updated in January 2022.

Consideration was given to whether it should be part of the Constitution.

It was therefore **RECOMMENDED** to Council that the Hybrid Meeting Protocol should not be included in the constitution.

(Moved from the Chair)

The Committee then considered the second part of Motion 582, which asked the Standards Committee to consider whether any formal proceedings of the Council should be held online: that are required to be 'open to the public' or 'held in public; or, where Members are required to attend or be 'present'; or, where any notice that is required to be given that must specify the 'place' where those proceedings are to be conducted.

The District Solicitor & Monitoring Officer explained that the only meetings that were permitted by law to proceed remotely were licensing act hearings and that other meetings could not legally be held remotely.

Consideration was given to:

- It was felt that if a place had been referenced for a meeting it should not be held remotely and that this should be made clear.

It was therefore **RECOMMENDED** to Council that no changes be made in relation to Motion 582.

(Proposed by Cllr A Wyre, seconded by Cllr C J Clist)

20 **Complaints (1:17.34)**

The Committee noted the District Solicitor & Monitoring Officer's verbal update which highlighted that there were 2 district complaints that had been closed, 3 Town and Parish Council complaints had been completed, and 6 complaints that were under review.

A Committee Member asked if this was a normal volume of complaints, to which the District Solicitor & Monitoring Officer confirmed that this was an average amount of complaints.

21 **Identification of items for the next meeting (1:19.15)**

Noted that the Annual report of the Monitoring Officer would be on the next Agenda.

(The meeting ended at 7.22 pm)

CHAIRMAN