

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 5 February 2025 at 5.15 pm

**Present**

**Councillors**

A Glover (Chair)  
E Buczkowski (Vice-Chair), J Buczkowski,  
F J Colthorpe, G Czapiewski, M Fletcher,  
L Taylor, N Woollatt and D Wulff

**Also Present**

**Councillors**

C Harrower and L Knight

**Also Present**

**Officer(s):**

Stephen Walford (Chief Executive), Maria De Leburne (Director of Legal, People & Governance (Monitoring Officer)) and Laura Woon (Democratic Services Manager)

**Councillor**

**Online**

J Lock

24 **APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies received.

25 **PUBLIC QUESTION TIME**

None received.

26 **MINUTES**

The minutes of the previous meeting were **APPROVED** as a true record and signed by the Chair.

27 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

Councillor J Buczkowski referred to item 8, Application for Dispensation and declared he was a Member of Cullompton Town Council.

28 **CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

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

The Committee **NOTED** that there were no amendments to the Constitution following motions approved by the Council in the period since the last meeting.

### 30 **STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK FOR LOCAL AUTHORITIES IN ENGLAND**

The Committee had before it, a report \* from the Director of Legal, People and Governance (Monitoring Officer) outlining the Government Consultation, Strengthening the Standards and Conduct framework for Local Authorities in England.

The Director of Legal, People & Governance (Monitoring Officer) outlined the content of the report with particular reference to the following:

- An overview of the Government consultation on proposed changes to the Local Government Standards Regime. The consultation, titled "Strengthening the Standards and Conduct Framework for Local Authorities in England," sought to gather views on a range of reforms aimed at enhancing the effectiveness and fairness of the standards system.
- For the Committee to consider the Government consultation and to provide feedback on the Council's position.

The following was discussed:

- The National Mandatory Code of Conduct would be necessary to ensure consistency and transparency across all levels of Local Government.
- The Code of Conduct to be rooted in the seven Nolan principles.
- The current process was managed well and would not see it necessary to have a Government wide Code of Conduct.
- There should be a national minimum standards for Local Authorities.
- The consistency across Town and Parishes that may use the same Code of Conduct as this Council.
- Individual's accountability relied on their cooperation and the importance of engaging with the process.
- Standards Committees were potentially open to be misused, therefore to have an independent external Local Government Ombudsman to deal with complaints would be of benefit?
- How was the Standards Committee dealt with years ago from a national level before all of the changes?
- Vexatious complaints that had no evidence should be triaged by the Monitoring Officer rather than all complaints going to a Standards Committee.
- The Code of Conduct had no power within it.
- If complaints were heard by the Standards Committee then it should not have to go to Full Council after, as the Standards Committee Members had the relevant training.
- Councillors should not be judging or policing other Councillors, the independent body should be dealing with this.
- Complaints were currently dealt with informally if possible.
- Only cases in which a Member would be found guilty of wrongdoing should it then be published. This would also depend on the seriousness of the conduct.

All investigations should be concluded even if the member resigned before the conclusion of the investigation.

- The average number of complaints against elected Members were 10 over a 12-month period.
- If Members had breached the rules within the Code of Conduct they should be suspended.
- If Members were to be suspended from duty, who would represent their ward and their casework? A form of recall mechanism should be in place, therefore if a Member had been suspended then it would trigger an election. The electorate should decide who they wished to stand as their Member to represent them.
- A discussion regarding suspension and the protocols and processes in place to represent their residents whilst absent from office would have to take place.
- The time limit on the maximum length of suspension would be 3 months.
- If a Member was under investigation for a serious matter and under police investigation would the 3 month period for suspension be long enough?
- Allowances should not be paid to those Members that were suspended.
- To implement a ban to the Council's premises and facilities for Members that were suspended. If there were to be a serious allegation in order to protect others, it must be a neutral act for a period of investigation.
- An interim suspension should be applied to investigate the complaint as swiftly as possible.
- Re Disqualification for 5 years - this would be depending upon the allegations and seriousness of the matter.
- If a Member was in prison would they still receive an allowance?
- If a Member had a suspended sentence would they be able to stand as an elected Member?
- Discussion around the right to appeal and processes in place and the timeframe that this may take.
- A review mechanism for a decision to be reviewed from an external body.

It was therefore **RESOLVED** that the Standards Committee **RECOMMENDED** to Full Council that:

1. The Council notes and provides feedback on the Government Consultation;
2. The Director of Legal, People & Governance (Monitoring Officer) be delegated to respond to the Government with the Council's response.

(Proposed by the Chair)

Note: \* Report previously circulated.

### 31 **APPLICATION FOR DISPENSATION**

The Committee had before it, a report \* from the Director of Legal, People and Governance (Monitoring Officer) outlining an application for dispensation.

The Director of Legal, People & Governance (Monitoring Officer) outlined the content of the report with particular reference to the following:

- To consider applications for dispensation from Members of this Council who were also Members of other Councils, along with Members who are or their partner/spouse employed by another council to enable them to take part in matters relating to devolution and/or local government reorganisation.

The following was discussed:

- The Leader had received the letter from Minister with an initial proposal for the 21 March 2025 and a final proposal to be submitted to Government by the end of November 2025.
- A proposal to include Unitary Councils within the recommendation.
- Whether Town and Parish Councillors should be included and potential candidates that would stand in the elections.

It was therefore **RESOLVED** that the Standards Committee:

1. Grant dispensations to the dual-hatted County and District Council, Unitary Council, County Council candidates and Town and Parish Councillors, outlined in this report to enable them to discuss and vote on any matter that related to devolution or Local Government reorganisation in Devon. Such dispensations to take effect immediately be **APPROVED**.
2. Grant dispensations to District Council Members who were employed by or were a spouse/partner of an employee of another District or County Council, Unitary Council in Devon to enable them to discuss and vote on any matter relating to devolution or Local Government re-organisation in Devon. Such dispensations to take effect immediately be **APPROVED**.
3. **APPROVED** the dispensations on the basis that granting the dispensations was in the interests of persons living in the authority's area.
4. Grant the dispensations **GRANTED** until the next District Council elections, or until such time as the District Council ceased to exist, whichever event came first.

(Proposed by the Chair)

Note: \* Report previously circulated.

Note:\* Abstained from voting: Cllr E Buczkowski and Cllr J Buczkowski.

## 32 **ACCESS TO INFORMATION – EXCLUSION OF THE PRESS AND PUBLIC**

The Chair stated that the Committee would remain in open session.

## 33 **COMPLAINTS**

The Committee **NOTED** a verbal update from the Director of Legal, People and Governance (Monitoring Officer) which provided an update on complaints received.

The following was highlighted:

- Since the last meeting, one complaint had been received in relation to a Town and Parish Councillor.
- The themes of this complaint were respect and social media.

The following was discussed:

- The statistics that were discussed within the consultation were interesting. Could they be reported to the Standards Committee from time to time?
- How many complaints and investigations were currently ongoing and the timescale of this?

### 34 **SCHEME OF DELEGATION FOR COMMITTEES AND ADVISORY GROUPS**

The Committee received a verbal update from the Director of Legal, People and Governance (Monitoring Officer) enquiring whether the Standards Committee would agree a Working Group to review the Scheme of Delegation for Committees and Advisory Groups.

The following was discussed:

- The need to recommend and review the terms of reference for Advisory Groups and Committees.
- To ask the Advisory Groups to look at their own terms of reference ahead of the Working Group and the Working Group would report back to the Standards Committee.
- Who would be part of the Working Group was it just Standards Committee Members?

It was therefore **RESOLVED** that:

A Member Working Group to be set up to review the Scheme of Delegation for Committees and Advisory Groups.

(Proposed by Cllr J Buczkowski and seconded by Cllr G Czapiewski)

The Members of the Working Group were **AGREED** to be Cllr J Buczkowski, Cllr G Czapiewski and Cllr A Glover.

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

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

- Annual Report of the Monitoring Officer 23/24.
- Updates from the Government Consultation.
- Update on the Disclosure Barring Service (DBS) action points.
- Examine the wording on Council Procedure rule 9, clarifying the wording within 9.1 was suggested - discussion with the Monitoring Officer was offered to the Cllr who requested this item.

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

(The meeting ended at 19.27)

**CHAIR**

