

Standards Committee

Wednesday, 18 June 2025 at 5.15 pm
Phoenix Chambers, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 15 October 2025 at 5.15 pm

Please Note: This meeting will take place at Phoenix House and members of the public and press are able to attend via Teams. If you are intending to attend in person please contact the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

The meeting will be hybrid and an audio recording made and published on the website after the meeting.

[To join the meeting online, click here](#)

Meeting ID: 378 107 252 238

Passcode: vT97FN2a

Membership

Cllr E Buczkowski
Cllr F J Colthorpe
Cllr G Czapiewski
Cllr G Duchesne
Cllr M Fletcher
Cllr M Stratton
Cllr L Taylor
Cllr N Woollatt
Cllr D Wulff

AGENDA

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **ELECTION OF CHAIR**
To elect a Chair for the municipal year 2025/26.
- 2 **ELECTION OF VICE-CHAIR**
To elect a Vice-Chair for the municipal year 2025/26.
- 3 **START TIME OF MEETINGS**
To consider a start time for future meetings of the Committee.
- 4 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 5 **PUBLIC QUESTION TIME**
To receive any questions from members of the public.
- 6 **MINUTES** (*Pages 7 - 12*)
To consider whether to approve the minutes as a correct record of the meeting held on 5 February 2025.
- 7 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
To record any interests on agenda matters.
- 8 **CHAIR'S ANNOUNCEMENTS**
To receive any announcements the Chair of the Committee may wish to make.
- 9 **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL** (*Pages 13 - 14*)
To consider any amendments to the Constitution following Motions approved by Council in the period since the last meeting.
- 10 **ANNUAL REPORT OF THE MONITORING OFFICER 2024/2025**
(*Pages 15 - 20*)
To receive a report from the Director of Legal, People and Governance (Monitoring Officer) on the Annual report of the Monitoring Officer 2024/2025.
- 11 **UPDATE FROM THE GOVERNMENT CONSULTATION**
To receive a verbal update from the Director of Legal, People and Governance (Monitoring Officer) on the Government Consultant-Strengthening the Standards and Conduct Framework for Local Authorities in England.
- 12 **TERMS OF REFERENCES FOR COMMITTEES AND ADVISORY**

GROUPS

To agree and appoint three new Members to the Working Group to continue the work to review the Terms of Reference for the Advisory Groups.

13 **ADVISE TO ELECTED MEMBER WHO MAY BE VICTIMS OF CRIME**
(Pages 21 - 28)

To receive a report from Director of Legal, People and Governance on advise to Elected Members who may be Victims of Crime.

14 **ACCESS TO INFORMATION – EXCLUSION OF THE PRESS AND PUBLIC**

Discussion with regard to item 15, may require the Committee to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee would need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 respectively of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

15 **COMPLAINTS** (Pages 29 - 32)

To receive an update from the Monitoring Officer with regard to any on-going complaints being dealt with.

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

Members are asked to note that the following items are already identified in the work programme for the next meeting:

Guidance notes for Members of Mid Devon District Council

1. Inspection of Papers

Any person wishing to inspect minutes, reports, or the background papers for any item on the agenda should contact Democratic Services at Committee@middevon.gov.uk

They can also be accessed via the council's website [Click Here](#)

Printed agendas can also be viewed in reception at the Council offices at Phoenix House, Phoenix Lane, Tiverton, EX16 6PP.

2. Members' Code of Conduct requirements

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: Honesty; Integrity; Selflessness; Objectivity; Accountability; Openness; Leadership.

The Code of Conduct can be [viewed here](#):

3. Minutes of the Meeting

Details of the issues discussed, and recommendations made at the meeting will be set out in the minutes, which the Committee will be asked to approve as a correct record at its next meeting. Minutes of meetings are not verbatim.

4. Public Question Time

Residents, electors or business rate payers of the District wishing to raise a question and/or statement under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response can be provided at the meeting. You will be invited to ask your question and or statement at the meeting and will receive the answer prior to, or as part of, the debate on that item. Alternatively, if you are content to receive an answer after the item has been debated, you can register to speak by emailing your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. You will be invited to speak at the meeting and will receive a written response within 10 clear working days following the meeting. Notification in this way will ensure the meeting runs as smoothly as possible

5. Meeting Etiquette

- Only speak when invited to do so by the Chair.
- If you're referring to a specific page, mention the page number.
- Press your Microphone button and wait for the camera to position and then speak.

- Please ensure your mobile phones are on silent and only used in emergencies.
- Please ensure only Council business is being conducted on your devices at all times.
- Please ensure as members you are presentable at all times.

For those joining the meeting virtually:

- Mute your microphone when you are not talking.
- Switch off your camera if you are not speaking. (Please ensure you are presentable at all times whilst on camera and positioned in presentable place)
- Speak clearly (if you are not using camera then please state your name)
- Switch off your camera and microphone after you have spoken.
- There is a facility in Microsoft Teams under the ellipsis button called “turn on live captions” which provides subtitles on the screen.

9. WIFI

An open, publicly available Wi-Fi network is normally available for meetings held in the Phoenix Chambers at Phoenix House.

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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

Changes from June 2025			
Page	Reference	Reason for amendment	Comment
72	Director of Place and Economy remove the word (H)	Formatting	Monitoring Officer – minor and consequential changes
73	Building control and Safety	To exercise all the Council’s powers under the Building Act 1984 or regulations and any subsequent legislation made such as:-	Monitoring Officer – minor and consequential changes
242	Appendix F- financial Regulations	New link embedded https://www.middevon.gov.uk/media/357429/financial-regulations.pdf	Monitoring Officer – minor and consequential changes

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Report for:	Standards Committee
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Date of Meeting:	18 June 2025
Subject:	Annual Report of the Monitoring Officer for 2024/25
Cabinet Member:	Cllr Matt Fletcher, Cabinet Member for People Development
Responsible Officer:	Maria De Leburne, Director of Legal, People, Governance & Monitoring Officer
Exempt:	NA
Wards Affected:	NA
Enclosures:	[any appendices – list here]

Section 1 – Summary and Recommendation(s)

This report provides the Standards Committee with an overview of the preceding year.

Recommendation(s):

That the report be noted and circulated to all Town and Parish Councils for information.

Section 2 – Report

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 municipal year, the Standards Committee had three scheduled meetings. 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 2024/25, the Standards Committee has 3 scheduled dates for meetings.

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.
- 3.3 In the past, the Committee agreed that it might be useful to ask the Independent Person to attend some meetings of the Council and to feedback their observations. The Committee may have noted that one of our Independent Person John Smith does try and attend most of the Councils Standards Committee meetings. The Committee may want to consider asking the Independent Person to observe meetings periodically as a litmus test of standards in meetings. Conflicts of interest will always be managed. The Committee may want to consider whether there are additional ways in which the Independent Persons might assist the work of the Committee - and the Monitoring Officer is happy to take any ideas to them for discussion/scoping.

4.0 The Monitoring and Deputy Monitoring Officer

- 4.1 The Monitoring Officer is Maria De Leburne and she has appointed a Deputy Monitoring Officer, Philip Langdon (Solicitor) who remain in post. 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, both officers work closely together in any event.

5.0 Complaints under the Code of Conduct

- 5.1 In the municipal year 2024/25, a total of 15 formal complaints have been made, 1 of which were withdrawn. In consultation with the Independent Person(s), none were referred for formal investigation. That is not to say that they were straightforward – many raised quite important and complex questions about what it is to be a councillor in terms of standards of behaviour.
- 5.2 In terms of the complaints which were not taken forward to investigation, the core themes were respect, bullying, harassment communication and reputational concerns including bringing the council into disrepute. The complaints were made against parish/town and district councillors.
- 5.3 A significant number of non-formal ‘concerns’ were raised by members of the public, fellow Councillors and Parish Clerks. These were discussed and, where appropriate, advice and guidance was given.

6.0 Social Media

- 6.1 Social media is a useful tool for councillors to engage with local residents. However, it has been at the heart of some of the complaints made. It can be a challenge for councillors to find a way to express personal and quite strong views without these being treated as them acting in their official capacity – particularly as many are well-known in their communities. I would encourage parish/town clerks to remind councillors of their social media guidance.

7.0 Parish and Town Councils

- 7.1 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.

- 7.2 There were a number of issues with regard to parish councillors' understanding of the requirements of their respective codes and the need to register and declare interests – as well as not fully understanding the nature of the interests they held and the consequences for their participation in meetings. This was handled by way of guidance and advice, rather than through any formal complaint process.

8.0 Gifts, hospitality and registers of interests

- 8.1 There were only 5 declarations of gifts and hospitality made by officers. One related to an offer of free entry to local government staff to a visitor attraction in the south-west. Two related to a box of chocolates and two related to flowers.
- 8.2 No members declared gifts and hospitality, but some members have previously chosen to do this via their registers of interests. It appeared to the Monitoring Officer that members were keeping their registers updated during the year.

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.

10.0 Government Consultations

- 10.1 During the December 2024 Committee the consultation regarding 'Enabling remote attendance and proxy voting at Council Meetings' was discussed and the Monitoring Officer responded to the Government with the Councils feedback before the deadline.
- 10.2 During the February 2025 Committee the consultation regarding 'Strengthening the standards and conduct framework for local authorities in England' was discussed. The Monitoring Officer again responded to the Government with the Councils feedback before the deadline.
- 10.3 At the date of writing this report the Government has not yet responded to these consultations.

Financial Implications

None

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.

Impact on Climate Change

NA

Equalities Impact Assessment

No EIA required.

Relationship to Corporate Plan

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

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria De Leburne

Agreed on behalf of the Monitoring Officer

Date: 06/06/2025

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 06/06/2025

Cabinet member notified: (yes)

Section 4 - Contact Details and Background Papers

Contact: Maria De Leburne, mdeleiburne@middevon.gov.uk

Background papers: None

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Report for: Standards Committee

Date of Meeting:	18 June 2025
Subject:	Advice to Elected Members who may be Victims of Crime
Cabinet Member:	Cllr Matt Fletcher, Cabinet Member for People Development
Responsible Officer:	Maria De Leburne, Director of Legal, People, Governance & Monitoring Officer
Exempt:	NA
Wards Affected:	NA
Enclosures:	[any appendices – list here]

Section 1 – Summary and Recommendation(s)

This report provides the Standards Committee with advice from Devon & Cornwall Police.

Recommendation(s):

The Standards Committee recommend to Full Council that all members note the procedure and the option available to them in the event of an incident occurring.

Section 2 – Report

1.0 Introduction

- 1.1 The OPCC in conjunction with Devon and Cornwall Police have prepared a protocol whereby Local Authority Monitoring Officers can facilitate a third party crime report to Devon and Cornwall Police on behalf of their elected members if a Councillor is subject to a crime whilst undertaking their public duties. This was put in place in May 2024.

2.0 **Background**

2.1 It has sadly been reported that an increasing number of Councillors are being subjected to abuse, threats, and public intimidation which undermine the principles of free speech, democratic engagement and debate.

2.2 The purpose of the framework is twofold, firstly to enable the Monitoring Officer to provide advice to Councillors if they have been the victims of intimidating behaviour, and secondly to provide a framework to escalate issues of concern if elected members are subjected to intimidating behaviour.

2.3 **Advice to local elected members who may be victims of intimidating behaviour**

Elected members may be the victims of intimidation that can also amount to criminal conduct such as public order offences, criminal damage, communications offences, assaults, harassment, stalking offences or hate crime.

The guidance will apply in the following instances:-

- a) Where the elected member or their family are subjected to intimidation or harassment due to their role;
- b) There are criminal acts which target the elected member or their family in connection with their official position;
- c) A demonstration at their home address.

The protocol does not offer elected members preferential treatment, however, is designed so that the Monitoring Officer can be a conduit to report if required.

Examples of behaviour to report are communications, which contain excessively abusive or threatening language, repeated and unwanted contact, racial, homophobic or other discriminatory abuse and threats.

If any of the following indicators are present which may signal an escalation members are advised to bring to the immediate attention of the Police:-

- a) A threat of imminent violence;
- b) Fixation on the Elected Member;
- c) Access to weapons or weapons skills;
- d) The release of information about the member which isn't already in the public domain.

If members have reported to the Police either through 999 or 101 and they still remain concerned then they may escalate through their Monitoring Officer. This is only applicable if the crime has occurred due to their elected role.

3.0 Conclusion

It is important that Elected Members do not feel intimidated or threatened while undertaking their duties. This protocol recognises that and helps to put a mechanism in place whereby Monitoring Officers can escalate complaints in the event that Members are in fear for their safety.

Financial Implications

None

Legal Implications

None

Risk Assessment

No risks identified.

Impact on Climate Change

NA

Equalities Impact Assessment

No EIA required.

Relationship to Corporate Plan

No specific or relevant provision.

Section 3 – Statutory Officer sign-off/mandatory checks

Statutory Officer: Maria De Leiburne

Agreed on behalf of the Monitoring Officer

Date: 06/06/2025

Chief Officer: Stephen Walford

Agreed by or on behalf of the Chief Executive/Corporate Director

Date: 06/06/2025

Cabinet member notified: (yes/no)

Section 4 - Contact Details and Background Papers

Contact: Maria De Leiburne, mdeleiburne@middevon.gov.uk

Background papers: None

Appendix 1 – General advice to Elected Members

Below are a suggested set of actions that you could undertake if you consider you are being subjected to Intimidation:

- Make sure that your immediate safety is not at risk. Make sure you are safe.
- If possible, record or diarise the encounter or communication. In the case of an email or letter, you can copy or save it. A telephone call or face-to-face discussion and social media incident should be written in a diary as soon as possible after the event, recorded, screen-shot or saved. You can also take photos of damage or even a computer screen. Even if this is the first or only incident, others may also have been subjected to intimidation. A collective record is important if future action is going to be taken. It is also important that incidents relating to the same individual or individuals should be recorded as such evidence could be critical should the matter give rise to a criminal prosecution.
- Raise the incident with a view to discussing it or obtaining support from a nominated council officer and/or political group nominated person. This will also help you establish if others have been subjected to the same or similar intimidation.
- If a serious potential crime has occurred, it is advisable to formally report it to the council and/or to the police, particularly in the context of a serious threat to life or anticipated violence.
- If you are concerned about your personal safety, raise this with the council and the police so that there is a record of the impact the incident is having and review your own security and personal safety. This could include your personal or work activities and those of your family.
- Under the Health and Safety at Work Act, councils have a duty to safeguard their staff against potentially violent persons and will generally maintain a Caution list with names of such parties. This will enable you to ascertain if the individual or individuals who have intimidated them are on the Caution List, if not; ensure that that their name is added using the appropriate processes.
- Every situation will be different, and it will need a personal judgement about whether it is worthwhile to pursue the incident, ignore it or politely acknowledge.
- If the letters or emails continue further steps may need to be considered such as advising the individual that such abuse will result in a referral to the police and the stopping of further correspondence.

Shield Principles

In addressing public intimidation, the LGA has developed the following SHIELD principles:

Safeguard – where possible, protect yourself online and in person. For example, set out in any online biography or page that abusive, threatening or intimidatory communication or actions will be reported, utilise security features, take personal safety precautions and have a point of contact in the local police for any incidents.

Help – in any situation ensure you are safe before you take further action and get help if needed. If the threat is not immediate, you can contact officers at the council who have been given the responsibility to support you or someone with that role from your political group.

Inform – you can inform the individual or group that you consider their communication or action as intimidating, threatening or abusive. There is a growing movement of ‘digital citizenship’, which encourages the labelling of poor online conduct as a way of challenging such behaviour.

Evidence – if you consider that a communication or action is intimidatory, threatening or abusive, gather evidence. For example, photos, recordings, screen-shots, letters, emails, details of witnesses, etc. Let people know – report the incident to your social media platform/officers/party contact/lead member/the police, depending on the nature and severity of the incident(s). Be prepared that the police and courts will look to determine if the incident is intimidation based on the theoretical opinion of the average person.

Decide – determine whether you want to continue receiving communications from the individual or group and block or mute if on social media where appropriate. Decide if you want to pursue any action to inhibit the ability of the individual or group to approach you.

Incident reporting - If you are involved in an incident or have concerns around an individual’s behaviour after you have made an initial report to the police then you should consider escalating this to the Councils Monitoring Officer. An incident report must be completed as soon as possible after an event, whilst memories are fresh and so that issues can be investigated, and appropriate action taken. This should be forwarded to the Councils Health and Wellbeing team. If the incident involves acts of a potential criminal nature, then there is a helpful guide to understanding what constitutes criminal acts (appendix 2) and how you can report this. You can access this information by clicking the link below:

[Guidance about harassment and intimidation | Electoral Commission](#)

If you are working alone, your local council may have lone working protocols which apply to you. Even if there is no specific protocol the local authority has a duty of care to their elected members under the Health and Safety at work etc Act 1974.

Likewise, as elected members you have a duty to act responsibly and take reasonable steps for your own health and safety.

Below is a checklist which you may find useful in considering your personal safety: If you are meeting a member of the public alone:

- Opt for a busy location with a venue that is well lit;
- Use a venue that has more than one entrance or exit
- Choose somewhere with a lobby area where there will be other people around to support you if required.
- Keep your mobile phone with you and charged up;
- Think about where you will park your vehicle, and have your keys readily accessible
- Remain vigilant and do not get distracted e.g. do not walk alone with your headphones on
- If you have been supplied with a lone worker device then remember to carry it with you.
- Wherever possible take the details of the member of the public you are meeting and ensure that someone else knows who you are meeting with, when and where
- If you are subject to inappropriate behaviour then make sure you take a note of it, including the date and time of its occurrence and whether there were any witnesses;
- If you are in a separate room, then try and keep the door ajar and make sure that you are positioned nearest the door. Never lock yourself in the room with a stranger.
- Position a table between you and the member of the public.

When you are out and about

- Don't advertise your movements in advance on social media unless there is a specific reason for doing so.
- Be conscious of the information you share online about yourself and your family members;
- If you feel uneasy about a situation, then trust your instincts and head towards a safe place such as a shop or other public space.
- If you think you are being followed, then take sensible steps such as remain calm; keep to well populated areas; cross and recross the road to see if you are still followed; keep moving and head to the nearest safe place; call the police when you can.

Agenda Item 15

MDDC Standards Complaints – January 2024 -18 June 2025

Reference	Date of Complaint	Subject Councillor (and Council)	Summary of alleged breach	Area of Code alleged breached	Status of Complaint	Date of Decision	Outcome and Decision
2024/1	22.1.24	District Councillor	Bullying of Council Officer	Bullying Harassment	Decision issued	31.7.24	Informal resolution. -Apology requested -Further training on code of conduct and behaviour expected of a Councillor
2024/2	3.4.24	District Councillor and Parish/Town Councillor	Disrespect at a council meeting, misrepresentation, not impartial, defamation	Respect	Decision issued	31.7.24	NFA – re Parish/Town Councillor as re procedure and should be redirected to the council Re District Councillor NFA – rel minor
2024/3	10.4.24	District Councillor	Not Impartial Postings on social media	Respect	Decision issued	31.7.24	NFA – comments made in personal capacity and not acting as a Councillor but reminder to show respect and ensure if their views as personal capacity or as a councillor
2024/4	15.7.24	Parish/Town Councillor	Respect – apology not given	Respect	Decision issued	8.1.25	NFA – comments made in 2018/rel minor
2024/5	26.7.24	District Councillor	Honesty in council minutes	Honesty	Decision issued	4.9.24	NFA – failed the legal jurisdiction test. Reminder to be clear in any language used
2024/6-11 (x6 complaints)	5.8.24	Parish/Town who is District Councillor	Behaviour in emails re a council meeting	Used position to secure for someone an	Decision issued	2.1.25	Informal resolution – apology to all 6 Councillors &

all sent together)				<p>advantage/dis advantage</p> <p>Brought your office or the council into disrepute</p>			further training on the code of conduct and behaviour expected of a Councillor
2024/12	5.8.24	2 Parish/Town Councillors	Harassment of council employees verbally, in person and on social media and in council meetings	Respect, Treat employees with respect, Bullying and Harassment	Decision issued	9.1.25	<p>Informal resolution- Clerk and employees receive written apology</p> <p>-Receive Code of Conduct training re behaviour is or is not acceptable</p> <p>-Training on social media</p> <p>-Independent mediation with the clerk</p>
2024/13	13.9.24	District Councillors x3	Disrespect – not respond to emails	Disrespect	Decision issued	2.1.25	NFA – as not a breach of the code of conduct
2024/14	22.11.24	Parish/Town Councillor	Comments on Social media re office staff	Bringing office into disrepute			Complaint withdrawn as apology given by councillor
2025/1	20.1.25	Parish/Town Councillor	Respect in person and on communication in social media	Respect Social media	Decision issued	29.4.25	NFA – not acting in capacity as a councillor but in personal capacity.
2025/2	3.3.25	Parish/Town Councillor who is a District Councillor	Bullying, intimidation and falsehoods	Bullying			Outstanding
2025/3	18.3.25	Parish/Town Councillor	Bullying and Harassment	Bullying and Harassment	Decision issued	30.4.25	NFA – not amounted to bullying and harassment – reminder to Councillor re tone and words in emails and treat others with courtesy and respect. Listen to clerk advice.

2025/4	24.3.25	Parish/Town Councillor	Bullying and Harassment	Bullying and Harassment	Decision issued	30.4.25	NFA – not amounted to bullying and harassment – reminder to Councillor re tone and words in emails and treat others courtesy and respect
2025/5	6.5.25	Parish/Town Councillor	Disrespect, bullying etc to council staff	Bullying, Respect, Honesty and Integrity			Outstanding
2025/6-7	3.6.25	Parish/Town Councillor	Disrespect, bullying at a Council meeting	Respect, Bullying Brought office/council into disrepute			Outstanding

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