

Public Document Pack

Mid Devon District Council

Standards Committee

Wednesday, 11 March 2015 at 6.00 pm
Exe Room, Phoenix House

Next ordinary meeting
Wednesday, 25 March 2015 at 6.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr R J Chesterton
Cllr Mrs F J Colthorpe
Cllr R M Deed
Cllr R Evans
Cllr Mrs L J Holloway
Cllr C R Slade
Cllr Mrs M E Squires
Cllr P F Williams
Cllr Mrs N Woollatt

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 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of Substitute Members (if any).

- 2 **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.

- 3 **MINUTES** (*Pages 5 - 8*)
To approve as a correct record the minutes of the last meeting of this Committee (attached).

- 4 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements the Chairman of the Committee may wish to make.

5 **CONSTITUTION WORKING GROUP** (Pages 9 - 16)
To receive updates to the revisions of the Constitution from the Constitution Working Group.

6 **COMPLAINTS**
To receive an update from the Monitoring Officer with regard to any on-going complaints being dealt with. During the discussion it may be necessary to consider passing the following resolution to protect the Members of Town and Parish Council's being discussed.

During discussion of this item it may be necessary 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 will 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.

ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC

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 of Part 1 of Schedule 12A of the Act, namely information relating to an individual

7 **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:

Constitution Working Group Updates

Kevin Finan
Chief Executive
Wednesday, 4 March 2015

Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so, as directed by the Chairman. Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film

proceedings is asked to advise the Chairman or the Member Services Officer in attendance so that all those present may be made aware that is happening.

Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

Tel: 01884 234209

Fax:

E-Mail: jstuckey@middevon.gov.uk

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 5 February 2015 at 6.00 pm

Present

Councillors

R M Deed (Chairman)
R J Chesterton, Mrs F J Colthorpe,
R Evans, C R Slade, Mrs L J Holloway and
P F Williams

Apologies

Councillors

Mrs M E Squires and Mrs N Woollatt

Also Present

Officers:

Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Julia Stuckey (Member Services Officer)

49 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Mrs M E Squires and Mrs N Woollatt who was substituted by Mrs J Roach.

50 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

51 **MINUTES**

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

52 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

53 **UPDATE FROM THE CONSTITUTION WORKING GROUP**

The Head of Communities and Governance and Monitoring Officer updated the Committee on the work of the Constitution Working Group. She informed them that the Group were currently looking at job descriptions for all Members, the Leader, the Deputy Leader, the Chairman of the Council and Chairmen of Committees. They would also be looking at the roles of Committee Members. They had also been working on Procedure Rules and the Scheme of Delegation. When this work had been completed it would be brought to the Standards Committee before being added to the draft Constitution. The draft Constitution as a whole document would be presented to the Standards Committee at the meeting scheduled for 8th April 2015.

The Committee had before it the draft Member/Officer Protocol. It was agreed to work through the Protocol page by page.

Discussion took place regarding:

- How Officers would ensure that Councillors always worked in a legal manner;
- Officers attending party meetings and whether information discussed at these meetings should always be regarded as confidential;
- Whether Officers should attend ward surgeries;
- If the permission of the Chief Executive or Head of Service should be sought if an Officer was asked to attend a public meeting;
- Whether the group of ungrouped Members should be referred to as a political party.

The Officer was currently awaiting confirmation from the Legal Service regarding some of the above.

It was **AGREED** that an annual statistical report regarding complaints should be submitted to the Standards Committee. The Chairman requested that the information be back dated to January 2015. This information would help to measure the success of the Member/Officer Protocol.

The Chairman thanked the Working Group for the tremendous amount of work they had undertaken.

54 COMPLAINTS

The Chairman requested that for future meetings the agenda heading for complaints include District Councillors. The Chairman explained that he had asked the Monitoring Officer to compile statistics for the numbers of complaints received.

She outlined the complaints received:

In 2013 14 complaints had been received, 6 regarding District Councillors, 3 regarding Parish Councillors and 5 regarding Town Councillors.

In 2014 36 complaints had been received, 11 regarding District Councillors, 12 regarding Town Councillors and 13 regarding Parish Councillors.

In 2015 to date 7 complaints had been received. One of these complaints related to a District Councillor and the further 6 were regarding Parish Councillors, all of whom represented the same Parish. These complaints had been received recently and were being addressed.

The Officer further explained that in 2013 a couple of the cases had not been simple and had gone to tribunals, the police had been involved in one case.

These figures did not include general enquiries. It had become clear that changes to legislation had not been understood in some areas and it was therefore intended to provide training for Town and Parish Councils following the election. General tips and guidance were being issued via Parish Matters.

The Officer explained that problems were encountered when Parishes did not keep their records up to date and that there had been cases when they had not informed

the District Council about changes to the Clerk or Chairman. There were also varying standards of website and some Parishes did not yet have one. Mid Devon was therefore offering assistance with this and there would also be pages on the Councils new website for Parish information and for them to make links to their own websites. The Register of Interests for Town and Parish Councils was held by the District Council.

Discussion took place regarding Part II items and whether it was ever necessary to discuss complaints about Councillors in private:

The Committee discussed:

- Information regarding complaints could include personal information;
- The amount of detail that would need to be discussed in public
- The number of complaints that turn out to be vexatious;
- Even if a complaint was not upheld 'mud sticks'
- Local press may choose to publicise a complaint which might later be shown to be vexatious;
- Complaints did not have to be heard in Part II and the agenda text only referred to 'may be necessary';
- Looking at statistics in the future may help to identify patterns of behaviour and therefore identify training needs.

As there had not been any discussion during this agenda item, which would identify any individual Town or Parish Councillor, it had not been necessary for the meeting to go into Part II.

55 COUNCILLOR D F PUGSLEY HAS REQUESTED THAT THE COMMITTEE DISCUSS THE FOLLOWING:

Councillor Pugsley informed the Committee that he considered that the discussion that took place at the last meeting of the Committee where it was agreed that the 'Chairman should always act impartially, in a non-partisan manner and not convey any personal animosity' raised issues with the Chairman's casting vote.

The Councillor said that if a vote was tied this implied that a case had not been put forward that was strong enough and that therefore the status quo should remain until a stronger case could be put forward.

Discussion took place regarding;

- The need for a casting vote to ensure that decisions could be made;
- A recommendation could be amended to help prevent a tied vote;
- The Chairman should behave in a fair manner;
- The need for a chairman to vote with their party.

The Monitoring Officer referred the Committee to Section 99 of the Local Government Act 1972 Schedule 12 which stated that in the case of equality of votes the person presiding at the meeting shall have a second or casting vote. An attempt by the Council to lay down a rule that a casting vote should be in favour of the status quo would be found to be unlawful by the courts.

It was **AGREED** that the use of a casting vote be included in Chairman's training.

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

Updates from the Constitution Working Group

Meetings for this Committee had been scheduled for:

11 March 2015 at 6.00pm

25 March 2015 at 6.00pm

8 April 2015 at 6.00pm

(The meeting ended at 7.25 pm)

CHAIRMAN

Councillor Job Role

All Councillors must adhere to the code of conduct and the 7 Nolan Principles of Public Life

Councillors need to balance the needs and interests of their community, their political party or group (if they are a member) and the council as a whole.

As a councillor you would have an important role in the major decisions that affect people's lives. Local councils are responsible for a whole range of services; waste, recycling, environmental services, planning, housing, benefits, leisure facilities and many more. As a councillor you will help determine the way these services are provided, funded and prioritised.

All councillors are advocates for their communities and are 'case workers' for their individual constituents when advice or support is requested. Whilst councillors do spend time in council meetings, much of a councillor's time is spent within their communities speaking and working with members of the public and community groups.

All councillors are members of the full Council which sets the overall policies and budget.

A common role for all councillors however, irrespective of any formal position or membership of a committee is that of 'community leadership'. For the individual councillor, being a community leader can mean a number of things. Acting as an advocate for the best interests of one's ward; lobbying for local concerns; influencing partner organisations to work to a common vision; resolving conflict amongst community organisations; encouraging community organisations to develop solutions in their own communities; balancing competing demands for resources when making decisions in the best interests of the whole authority area.

In your role as a Mid Devon District Councillor you may be appointed to serve on outside bodies such as a partnership between the council and other organisations, or to the committee or board of a local voluntary organisation. These are important positions for the council to fulfil its community leadership role. Some of these positions can be very demanding and some may require you to build up new knowledge or develop specialist skills. Some positions have legal responsibilities and liabilities as you may be accepting the position of director of a company or trustee of a charity, depending on the legal structure of the organisation concerned. If in doubt, ask for full advice before being nominated for a position.

All Councillors:- Community Leader

Champion your Ward

To represent individual constituents and local organisations, undertaking casework and enquiries on their behalf

Represent the community within the Council and other agencies

Campaign on local issues
Able to engage with all groups within your Community
Keep in touch with community issues and be accessible to constituents

Decision maker and influencer

Make well informed decisions at Council meetings
To represent the Council (subject to appointment) on outside bodies
Liaise with Town and Parish Councils and Parish Meetings

To contribute actively to the scrutiny of the Council.

Day to Day Councillor

Adhere to the various codes of conduct and protocols that the Council may adopt and to act at all times with probity
Develop and maintain a general working knowledge of the Council and other organisations and services within the District
Develop good working relationships with Council officers
Prioritise and manage own workload, managing conflicting demands on your time.
Understand, challenge and interpret information
Maintain confidentiality in all relevant Council business and constituent casework
Communicate effectively with different audiences
Act as a facilitator.
Find a substitute for a meeting for which substitution is permissible, when personal attendance is not possible and to brief the substitute on the meeting to be attended

Participate in training and development provided for Councillors by the Council
Feedback information to the other Councillors from representation on an outside body or from any relevant training
Being prepared for meetings – reading agendas and if you have questions contact the relevant department

Chairman of non-regulatory Committees

The non-regulatory Committees are the Policy Development Groups, Audit Committee and Standards Committee

For information on the roles of Policy Development Groups, the Audit Committee and Standards Committee please see Article 6

The Policy Development Group (PDG)/Committee chairman will:

Provide leadership and direction to the PDG/Committee
Ensure that adequate resources (including officer support) are identified and sought from the Council
To chair the PDG/Committee meetings and ensure that the PDG/Committee achieves its terms of reference
Lead the PDG/committee in prioritising its work so as to ensure effectiveness

Endeavour to engage all members of the PDG/Committee within the work of the PDG/Committee
Develop a constructive relationship with relevant Cabinet Members and Heads of Service
To co-ordinate work with the Scrutiny Committee and PDGs/Audit Committee

Members on the PDG/Committee will:

Assist with the development of an effective work programme
Be responsible for the outputs and outcomes of the work of the PDG/Committee
Receive evidence in an impartial manner
Analyse and challenge information presented to the PDG/Committee
Make recommendations based on the PDG's/Committee's deliberations
Obtain necessary skills to carry out the role and to work with officers to provide specialist training if necessary
Find a suitable substitute and brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible
Ensure that they treat visitors, whether other members or officers or people from outside of the Council, with respect, courtesy and politeness

Chairman of regulatory Committees

The regulatory Committees are Planning Committee, Licensing Committee and the Licensing Regulatory Committee

For information on the roles of Policy Development Groups, the Audit Committee and Standards Committee please see Article 8

The Planning, Licensing or Regulatory Committee chairman will:

To provide leadership to the Committee
To demonstrate to the public, applicants, objectors etc, fair and open decision making by or on behalf of the Committee
To ensure that adequate resources are identified and sought from the Council
To chair and manage Committee meetings and ensure the Committee achieves its terms of reference.

To encourage Committee members to obtain necessary skills to contribute the work of the Committee and to work with officers to provide training if necessary
To endeavour to engage all members of the Committee in its activities
To lead the Committee, in consultation with officers, in prioritising its work
To develop a constructive relationship with the relevant Executive Director and their staff and where appropriate, with relevant portfolio holders
To be willing to learn about the professional disciplines and services relevant to the work of the Committee
To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible

To Chair the committee in a fair and open manner in accordance with the procedures of the committee, applicants and objectors to put their arguments to the committee
To guide, with the assistance of officers, the committee to reach decisions based on the information presented to it.

To chair all planning working groups and site visits in accordance with the specific procedures

Members on the Planning Committee will:

Undertake specialist planning committee

Have up to date knowledge of planning and development control, law and regulations

Have up to date knowledge of local and national planning policy (including Local Development Plans, Code of Good Practice for Planning and the National Planning and Policy Framework)

Have an understanding of case law

Have an understanding of the Mid Devon District Council Local Plan

Members on the Licensing & Regulatory Committees will:

Undertake specialist training

Have up to date knowledge of licensing regulations

Have up to date knowledge of the Licensing Act 2003 and the Gambling Act 2005

Have up to date knowledge of local and national licensing policy

Have an understanding of case law

Have an understanding of Community Plans and Crime and Disorder Strategies

Chairman of the Council

The Chairman of the Council is elected annually by Full Council at the Annual General Meeting

For information on the role of the Chairman of the Council please see Article 5

Chairman of the Council and in his/her absence, the Vice-Chairman will have the following roles and functions:

(a) Chairing the Council meeting, upholding and promoting the purposes of the Constitution, and interpreting the Constitution when necessary;

(b) Presiding over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;

(c) Ensuring that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet to account;

(d) The Chairman and/or the Leader to attend such civic and ceremonial functions as the Council, the Chairman or the Leader determines appropriate.

Leader of the Council

Provide an overall cohesive, corporate and strategic leadership and direction for the Council

Appoint, manage and remove the Deputy Leader and Cabinet Members

Lead and chair the Cabinet and ensure its overall effectiveness

Work with Cabinet Members to ensure effective delivery of services

Ensure effective communication and explanation of all Cabinet's decisions and recommendations to Council and the public

Ensure that the Cabinet manages the business of the Council within the financial limits set by the Council

Line manage the Chief Executive Officer

Communicate the Administration's policies and priorities to the Management Team and to receive their advice

Be the main representative of the Council, with others as appropriate, in dealing with the Community, business, voluntary sector and other local and national organisations

Ensure effective liaison with other political groups within the Council

Call the annual State of the District debate

The Leader and/or the Chairman to attend such civic and ceremonial functions as the Council, the Chairman or the Leader determines appropriate

Note: The above duties and responsibilities are in addition to the member's role as a Councillor and as a Cabinet Member (see separate job profile)

Deputy Leader

Assist and work with the Leader of the Council in delivering his/her responsibilities to the Council

Deputise for the Leader of the Council in his/her absence from Cabinet meetings and all other responsibilities

Carry out the requirements of his/her role so far as legally possible in the absence of the Leader of the Council

Carry out such other duties and undertake portfolio responsibility as delegated by the Leader of the Council

Note: The above duties and responsibilities are in addition to the member's role as a Councillor and as a Cabinet Member (see separate job profile)

Cabinet Member

The Cabinet is responsible for all local authority functions which are not the responsibility of any other part of the Council, provided the decisions made are within the Council's agreed policy and budget framework.

Act as the Lead Member for a particular portfolio as may be determined by the Leader of the Council, but in doing so, have regard to the overall collective responsibilities of the Cabinet and the Council's corporate policy objectives.

Champion the portfolio concerned with that strategic context

Participate effectively as a Cabinet Member at Cabinet Meetings taking joint responsibility for all actions and be collectively accountable
Make delegated decisions within the portfolio
Build good relationships with appropriate officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level
Take a proactive approach to the early engagement of overview through Policy Development Groups to help in policy development
Give political direction to Officers working within the portfolio

Ensure up to date knowledge of related developments and policies at national, regional and local level
Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks
Attend Scrutiny Committee meetings in relation to Portfolio responsibilities and decision making
Have an overview of performance management, efficiency and effectiveness of the portfolio
Act as a strong, competent and persuasive figure to represent the portfolio and be a figurehead in meetings with stakeholders
Be prepared to take part in learning and development opportunities to ensure that the role is undertaken as effectively as possible
Represent the Council on external bodies and feed back to Cabinet or Council any issues of relevance and importance.
Influence operational decisions relating to the Portfolio.
Deal with the media on issues relating to the Portfolio.

With colleague Cabinet Members and the Management Team be available and accessible to other Members to discuss queries or matters of concern
Communicate with ward members any issues taking place in their area and of any visits or meetings that are taking place in their ward area

Scrutiny Committee

For information on the roles of Policy Development Groups, the Audit Committee and Standards Committee please see Article 6

Scrutiny Committee Chairman

The Chairman of Scrutiny is elected annually by Full Council at the Annual General Meeting

The Scrutiny Committee chairman will:

Provide leadership and direction to the Committee
Ensure that adequate resources (including officer support) are identified and sought from the Council
To chair the Scrutiny Committee meetings and ensure that the Committee achieves its terms of reference

Lead the committee in prioritising its work so as to ensure effective scrutiny
Endeavour to engage all members of the Committee within the Scrutiny process
Develop a constructive relationship with Cabinet, especially with relevant Cabinet Members
Develop a constructive relationship with Management Team
To co-ordinate work with the Policy Development Groups and Audit Committee

Scrutiny Committee Member

Members on the Scrutiny Committee will:

Assist with the development of an effective work programme
Engage with all stages of the scrutiny process
Be responsible for the outputs and outcomes of scrutiny
Receive evidence in an impartial manner
Analyse and challenge information presented to the Committee
Make recommendations based on the Committee's deliberations
Obtain necessary skills to carry out the Scrutiny role and to work with officers to provide training if necessary
Find a suitable substitute and brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible
Ensure that they treat visitors, whether other members or officers or people from outside of the Council, with respect, courtesy and politeness

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