

Public Document Pack

Mid Devon District Council

Standards Committee

Tuesday, 28 April 2015 at 6.00 pm
Members Room, Phoenix House

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 **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 District, 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

- 6 **UPDATES FROM THE CONSTITUTION WORKING GROUP**
The Committee to continue working through the Rules of Procedure.
- 7 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Kevin Finan
Chief Executive
Tuesday, 21 April 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

Public Wi-Fi is available in all meeting rooms.

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 15 April 2015 at 6.00 pm

Present

Councillors

R M Deed (Chairman)
R J Chesterton, Mrs F J Colthorpe,
R Evans, C R Slade, Mrs M E Squires,
P F Williams (Vice Chairman) and
Mrs N Woollatt

Apologies

Councillor

Mrs L J Holloway

Also Present

Officers:

Kevin Finan (Chief Executive), Philip Langdon (Solicitor)
and Julia Stuckey (Member Services Officer)

71 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Councillor Mrs L J Holloway.

72 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

73 **MINUTES**

The Minutes of the last meeting were agreed as a true record.

74 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

75 **COMPLAINTS**

There had been no complaints to report.

76 **UPDATES FROM THE CONSTITUTION WORKING GROUP**

The Committee had before it the draft Constitution from the Constitution Working Group for review.

The Chairman asked the Solicitor to explain the legal situation with regard to the Constitution and for his opinion on when the document would be ready to go to Full Council.

The Solicitor explained that he had worked through the Rules of Procedure and had some areas of concern to raise with the Committee. He had not yet had time to

thoroughly check the remainder of the document and did not consider that it would be ready to go to Full Council on 29th April 2015.

Considering the draft Constitution he referred to the removal of the Leader on page 101, which gave reference to a motion requiring a specific number of Councillor's support. The Solicitor considered that legislation allowed for a majority vote to remove the Leader. The Solicitor expressed concern that the model code used to build the draft Constitution may have predated some legislation from the Localism Act 2011.

On page 118 information regarding the Standards Committee was out of date and needed to be removed.

Discussion took place regarding the thoroughness and the volume of work that had been carried out by the Working Group. Members of the Group expressed disappointment that the work would not be completed within this Council but agreed that it needed to be thoroughly checked by the Legal Service.

The Chairman suggested that in future a timescale for projects such as this be put in place at the onset of the work.

It was **AGREED** that the draft Constitution required further work from both a legal and financial aspect. Therefore the draft Constitution would not be put before Council on 29th April 2015.

The Committee **AGREED** to work through the Rules of Procedure.

A number of points of correction and clarification were raised:

On page 90, 1.1 (g) the sentence read that the Council appoints the Chairman of Scrutiny. The Solicitor to check whether this wording could legally be changed to 'elect'.

On page 95, 10.1.(d) the sentence end at 'Council shall proceed to the next business'.

On page 96, 11.2 (f) the wording 'giving reasons', be added to the first sentence.

Discussion took place regarding the number of signatures needed on a petition for it to be scheduled for a Council debate. It was agreed that the figure of 1500 was appropriate.

On page 98, 13 the numbering be corrected.

Discussion took place regarding Public Question Time and whether or not the public should be allowed to make statements. The Committee agreed that this part of the meeting should be for questions only.

Throughout the document all reference to the Mayor needed to be changed to read Chairman.

Under Motions of Notice on page 100, 14.1 wording be added that the reason for rejection of the motion be given and that the record of Motions be available on the Councils website.

Page 101, 14.7 the Solicitor informed the Committee that the Leader could be removed by resolution.

On page 107, 17.5 it was agreed that the wording 'and form' be added to the sentence regarding the Annual Debate to say that 'the debate be heard on any subject and form specified by those 10 members'.

On page 108 the reference to attendance sheets should be amended to include attendance book.

On page 109, 23.1 information needed to be added regarding the need for Members to stand when speaking at Council.

On page 118 the text regarding the Standards Committee needed to be removed, following the Localism Act 2011.

It was agreed that the number of Motions from each Member permitted at a meeting of the Council be agreed by Council.

It was **RECOMMENDED** to Council that:

Membership on the following Committees be increased to:

- i) Audit Committee = 7
- ii) Managing the Environment Policy Development Group = 9
- iii) Decent and Affordable Homes Policy Development Group = 9
- iv) Community Well Being Policy Development Group = 9
- v) Scrutiny Committee = 12

(Proposed by the Chairman)

Note: - Draft Constitution previously circulated and attached to Minutes.

77 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

6.00pm on the 28th April 2015 in the Members Room

To continue working through the Rules of Procedure.

(The meeting ended at 8.25 pm)

CHAIRMAN

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