

# Public Document Pack

Mid Devon District Council

## Standards Committee

Wednesday, 13 April 2016 at 6.00 pm  
Phoenix House, Tiverton

Those attending are advised that this meeting will be recorded

## Membership

Cllr Mrs S Griggs  
Cllr R J Chesterton  
Cllr Mrs J Roach  
Cllr F J Rosamond  
Cllr C R Slade  
Cllr Mrs M E Squires  
Cllr Mrs F J Colthorpe  
Cllr L D Taylor  
Cllr N V Davey

## 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       **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.
- 2       **MINUTES** (*Pages 5 - 10*)  
To approve as a correct record the minutes of the last meeting of this Committee (attached).
- 3       **CHAIRMAN'S ANNOUNCEMENTS**  
To receive any announcements the Chairman of the Committee may wish to make.
- 4       **APOLOGIES AND SUBSTITUTE MEMBERS**  
To receive any apologies for absence and notices of appointment of Substitute Members (if any).
- 5       **REVIEW OF THE POLICY DEVELOPMENT GROUPS** (*Pages 11 - 22*)  
To receive a report from the Head of Communities and Governance outlining potential changes to the to the Council Committee structure.

6 **TRAINING/ASSISTANCE FOR PARISH COUNCILS** (Pages 23 - 62)  
To receive information from the Head of Communities and Governance regarding training for Town and Parish Councils.

7 **REVIEW OF THE MICROPHONES AND STANDING AT COUNCIL**  
The Committee to review the use of microphones and the issue of standing at Full Council meetings.

8 **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

9 **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:

Complaints

**Stephen Walford**  
Chief Executive  
Tuesday, 5 April 2016

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 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

E-Mail: [jstuckey@middevon.gov.uk](mailto: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 3 February 2016 at 6.00 pm

### **Present**

#### **Councillors**

Mrs S Griggs (Chairman)  
Mrs J B Binks, Mrs F J Colthorpe,  
Mrs J Roach, F J Rosamond, C R Slade,  
Mrs M E Squires and N V Davey

### **Apologies**

#### **Councillor(s)**

R J Chesterton and L D Taylor

### **Also Present**

#### **Councillor(s)**

Mrs N Woollatt

### **Also Present**

#### **Officer(s):**

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

## 8 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

## 9 **MINUTES**

The minutes of the last meeting were noted, subject to the following:

Councillor Mrs J Roach raised a concern regarding a number of amendments that were discussed at the last meeting. It was **AGREED** that these amendments would be discussed at the agenda item.

## 10 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R J Chesterton who was substituted by Cllr Mrs J B Binks and by Cllr L D Taylor.

## 11 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 12 **POLICY DEVELOPMENT GROUP REVIEW (00.08.40)**

The Committee had before it a briefing paper \* outlining proposals for an additional Policy Development Group (PDG) to cover the areas of economy, in line with the Corporate Plan.

At a meeting of the Group on 15<sup>th</sup> December 2015 the Committee had tasked that the Head of Communities and Governance undertake a review of the Policy Development Groups.

The Head of Communities and Governance outlined the contents of the briefing paper, explaining that the draft Corporate Plan contained four priorities and that these had been mirrored in the proposal. A table listing the functions of the council and which Policy Development Group would be responsible for them was attached.

The officer explained that in order that Members were not stretched too thinly across the committees a reduction in numbers on the Planning Committee from 15 to 11 and Licencing and Regulatory Committee from 15 to 12 was proposed.

The officer further explained that the additional cost of an extra Policy Development Group would be £3484 (current) for the Chairman's Special Responsibility Allowance. Member travel expenses would be incurred but fewer members on the Planning and Licensing/Regulatory Committees would lessen the costs for those.

The Committee were advised that the new Chief Executive had been informed of the contents of the draft Corporate Plan and that he was supportive of the four priorities.

Discussion took place regarding:

- The need to include the new Chief Executive in discussions regarding the committee structure;
- The idea for an extra PDG had been raised at the Member Away Day when the Corporate Plan was discussed;
- The opportunity to review the structure to ensure that policy review and development took place;
- The need to look at other councils and how they operated their committee systems;
- Whether the reduced numbers on the Planning Committee would be practical;
- The need to have a mechanism in place that develops policy.

It was **RESOLVED** that the Head of Communities and Governance circulate the proposal for a fourth PDG to all Members, requesting feedback and consult the new Chief Executive before reporting back to this Committee at its next meeting.

(Proposed by Cllr Mrs J Roach and seconded by Cllr C R Slade)

Note: - Briefing Paper \* previously circulated and attached to Minutes.

### 13 **CONSTITUTION (00.43.55)**

The Committee had before it a draft Constitution \* which had been updated by the Head of Communities and Governance to show amendments that had been agreed

at previous meetings. The Officer explained that amendments that had been previously identified were listed in an index within the report.

The Committee worked through the document.

Page 23, article 1. 1.4 had been amended to indicate Article 17 rather than 14.

Page 34, article 6.2.b an 8 between 'that and 'Councillors' had been missed out and would be added. This now read "The Deputy Leader of the Council together with at least three but not more than eight Councillors appointed to the Cabinet by the Leader"

Page 34 article 6.3(d), the section regarding the removal of the Leader had a paragraph added stating how this would happen.

Page 35, 6.5 should refer to appointed not elected, to be amended

Page 37 article 6.7(c) had been discussed and agreed at the last meeting that this remain in the Constitution. The change had been made.

Page 37 Article 7 had the heading Scrutiny but referred to Overview and Scrutiny within the text. Discussion took place regarding the function of the committee, the use of capital letters and whether or not the committee should be referred to as Overview and Scrutiny or just Scrutiny Committee.

It was **AGREED** to refer to Scrutiny Committee as the name of the Committee but the functions of that committee be described as overview and scrutiny with no capitals, describing a function rather than a name of the committee.

It was **AGREED** that a sentence be added to explain that at Mid Devon District Council the Scrutiny Committee carried out the function of overview and scrutiny.

Article 7 1 b to insert 'the functions of' at the start of the sentence so that it read 'The functions of'.

Page 39 Article 8.1 the first two paragraphs had been removed, leaving c and d which were now re-referenced as a and b.

Page 43 10.4.(a) wording regarding breeches of the code of conduct added

Page 44 10.4 (1) Inconsistency with brackets

Page 44 (10) no further action if appropriate had been added

Page 44 – Caveat regarding sanctions. At the last meeting it had been agreed that the Head of Communities and Governance would discuss this matter with the new Chief Executive when he was in post. The Chief Executive was not yet in post so this had not happened.

Discussion took place regarding whether or not it was necessary to have this caveat.

It was **RESOLVED** that the caveat remain in the Constitution and that the Head of Communities and Governance would discuss this matter with the new Chief Executive when he was in post.

(Proposed by Cllr N V Davey and seconded by Cllr C R Slade)

Note:- Councillor Mrs J Roach requested that her vote against this be recorded.

Page 50-51 it had been agreed at the last meeting that the publication and monitoring of the constitution be removed from Article 18 and moved to 14.3 within functions of the Monitoring Officer.

Page 50 14.3.2 the word electronically had been removed.

Page 55 15.10 it had been agreed at the last meeting that the figure for a key decision be set at £50k.

Page 59 article 17.3 (b) (3) and page 60 17.3 (d) wording added to say that 'all changes to the constitution would be recorded, giving the date of the change and the reason for the amendment.'

Page 64 Committee structure now said every other month rather than bi monthly.

Page 78 8.10 – 'within the agreed budget' had been added to the end of the sentence.

Page 89 4.2 numbering error corrected from Article 12 to 15 as per revised numbering.

Page 90 6.1 numbering error corrected as above in respect of Article 15 and also a reference to 15.02.

At the last meeting of the Committee it had been agreed to remove sections 8 and 9 from the constitution. Paragraph 7.1 on page 90 was also amended as it previously made reference to sections 8 and 9.

Page 109 reference to Chair to be changed to Chairman and that this change be reflected throughout the Constitution.

Page 112 Procedure Rule 12, former paragraphs 12.1 and 12.2 had been removed and the petition scheme moved to the appendix.

Page 117 14.7 wording regarding the removal of the Leader had been changed to be consistent with the Article.

Page 124 23.1 to be discussed at agenda item 7.

Page 130, the table had been removed leaving just the list of reasons for exemption within the constitution. The remaining information had been moved to the appendix.

Page 140 27.5 wording had been removed which implied it was at the discretion of the Chairman.

Page 147 Private meetings of the Cabinet. The Head of Communities and Governance explained that she had looked at other council constitutions and found



that they were all using the same wording, which was from the legislation. The Officer had spoken to the Department of Communities and Local Government (DCLG) who had confirmed that there were no plans to change legislation. The officer explained that this rule was in place to ensure that members of the public could not stop a decision being made by being disruptive. This legislation gave the opportunity to stop the meeting and if the disruption could not be stopped it allowed the meeting to carry on in private.

Discussion took place regarding other methods of stopping disruption such as calling the police, the potential for planning meetings to become disruptive and that fact that this was written in legislation.

It was **AGREED** that a question from the Standards Committee be put to Mel Stride MP and Neil Parish MP at their next attendance at Scrutiny.

Page 155 18f amended to reflect wording from a Motion relating to call-in so that it read 'or any three members of the Scrutiny Committee or any four Members of the Council' rather than 'or any three Members of the Scrutiny Committee or four other Councillors of the Council'.

Page 157 sections 23 and 24 Councillor Call for Action had been added.

Page 158 23.3 a paragraph suggesting that call in only referred to district and not county councils had been removed.

Page 159 section 25 on crime and disorder matters had been added.

It was **RECOMMENDED** to Council that subject to the amendments listed above the draft Constitution be approved.

(Proposed by Cllr C R Slade and seconded by Cllr F J Colthorpe)

Note: - Report previously circulated and attached to Minutes.

#### 14 **REVIEW OF MICROPHONES (1.54.17)**

Section 22 Members' Conduct of the Constitution stated that Members must stand to speak at Council. However, the new microphone system in the Phoenix Chambers was designed for sitting.

Discussion took place regarding:

- The public and other Members may not be able to identify who was speaking if they could not see them;
- Members wanted to stand to show respect to the Chairman;
- Reports from Members of the public who had found it difficult to hear at a Planning Committee;
- The microphones had been purchased for all meetings, most of which would not involve standing to speak;

- County Councillors stood at meetings as well as having their faces projected onto a screen;
- The room felt cramped for Council;
- The unsuitability of the chairs which were heavy to move;
- Whether the Town Hall could be used for Council;
- The need for Members to ensure that they spoke clearly into the microphones;
- The possibility that a spare channel may allow for a boundary microphone to pick up discussion for the recording.

It was **AGREED** that Members would stand at the next Council meeting and that the Head of Communities and Governance would write a procedure note for Members giving instruction on how to use the microphones. The Committee would review this at the next meeting.

## 15 **COMPLAINTS**

There were no complaints to report.

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

Review of the Policy Development Groups  
 Review of the microphones and standing at Council  
 Training/assistance for Parish Council and what could be done to help them.

(The meeting ended at 8.35 pm)

**CHAIRMAN**

**STANDARDS COMMITTEE**  
**13<sup>TH</sup> APRIL 2016:**

**AGENDA ITEM:**

## **COUNCIL COMMITTEE STRUCTURE**

**Cabinet Member** Cllr Clive Eginton  
**Responsible Officer** Head of Communities & Governance (Monitoring Officer)

**Reason for Report:** To present Members with a report outlining potential changes to the to the Council Committee structure

**RECOMMENDATION:** That the Standards Committee recommend to Council that:

1. **A fourth Policy Development Group (PDG) is created so that the PDGs match the priorities set out in the new Corporate Plan – i.e. Economy, Homes, Community and Environment**
2. **The number of Members on the Planning Committee is reduced from 15 to 11 and that the number of substitutes is increased from 5 to 7**
3. **The number of Members on the Licensing and Licensing Regulatory Committees are reduced from 15 to 12**
4. **The changes come into effect from the start of the new municipal year**

**Financial Implications:** The current cost of introducing a 4<sup>th</sup> PDG would mean a Special Responsibility Allowance for the Chairman of £3,484. However, reducing the amount of money spent on mileage if the numbers of Members on the Planning, Licensing and Licensing Regulatory Committees were reduced would mean that some of this cost would be offset

**Legal Implications:** The proposed changes are a matter of local choice for Full Council to decide upon and there is no legislation preventing the recommendations being approved

**Risk Assessment:** It is important to ensure that the Council is picking up and reviewing all of the priority areas within the Corporate Plan.

### **1.0 Introduction**

- 1.1 At the Standards Committee meeting on the 15<sup>th</sup> December 2015, the Monitoring Officer was tasked with reviewing the Committee Structure with the view of creating a fourth Policy Development Group, in line with the new Corporate Plan.
- 1.2 A report was taken back to the last meeting of the Standards Committee on the 3<sup>rd</sup> February 2016, where discussion took place and the Monitoring Officer was then asked to research what other Councils do in terms of their arrangements.

1.3 The Monitoring Officer has researched what other District Councils in Devon, Somerset and Dorset have in place in terms of their Committee arrangements in terms of the policy development role and the numbers of Members on Planning and Licensing Committees.

1.4 This report incorporates this information and will now deal with each of the issues in turn. The information from the research is attached as Appendix A

## 2.0 Policy Development Roles

2.1 The Council seems to be the one of few Councils with specific Policy Development Groups as well as a Scrutiny Committee. However, many of the Councils have a number of task and finish groups or smaller committees which focus on specific areas and report back to the Scrutiny Committee.

2.2 Members were fully involved in the design of the Committee structure back in 2007 when the Executive arrangements came into place and PDGs were introduced. Members were also involved in the shaping of the new Corporate Plan and identifying the Council's corporate priorities. The Monitoring Officer has asked all Members for feedback on these proposed changes and will give verbal feedback at the meeting.

2.3 The proposed workload split for the PDGs was attached to the last agenda and is attached again as Appendix B

2.4 If Members are minded to support the proposal of the 4<sup>th</sup> PDG it is proposed that the numbers on some of our other Committees are reviewed to ensure that Members are not stretched too thinly across committees.

## 3.0 Planning Committee

3.1 It is proposed to reduce the number of members on the planning committee from 15 to 11.

3.2 The research into other District Councils showed that the number of Members on Planning Committees varied between 9 and 16.

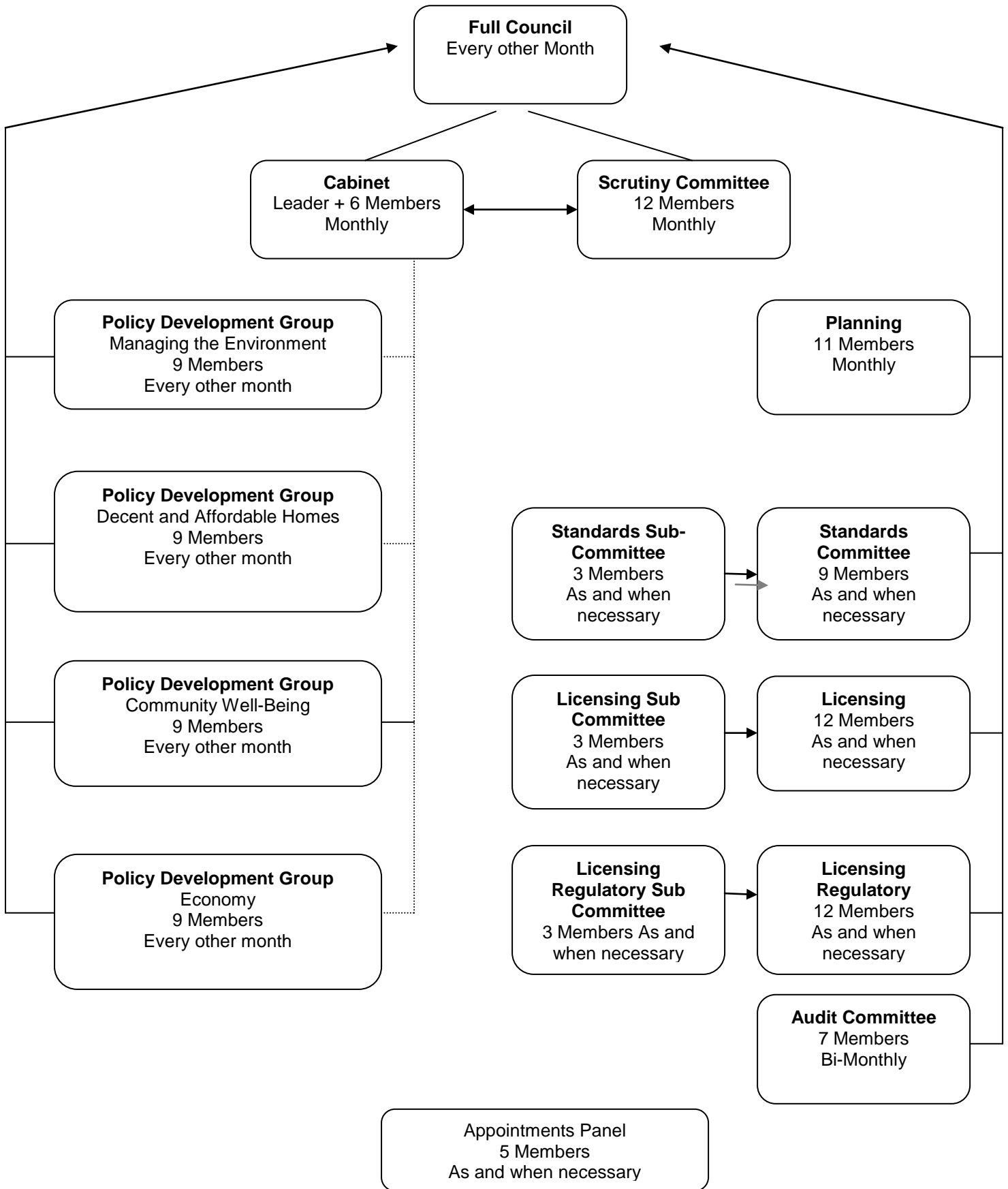
3.3 Therefore having 11 Members on the Planning Committee is recommended along with increasing the number of substitutes from 5 to 7.

## 4.0 Licensing and Licensing Regulatory Committee

4.1 It is proposed to reduce the number of members on the Licensing and Licensing Regulatory Committee from 15 to 12

4.2 The research into other District Councils showed that the number of Members on Licensing and Licensing Regulatory Committees varied between 10 and 15.

The proposed structure chart would be as follows:



**Contact for more Information:** Amy Tregellas, Head of Communities & Governance (Monitoring Officer) ext 4246

## Research from District Councils in Devon, Somerset and Dorset

### East Devon District Council

Overview Committee (11 Councillors)  
Scrutiny Committee (15 Councillors)  
Housing Review Board (5 Councillors)

Development Management Committee (16 Councillors)

Licensing and Enforcement Committee (15 Councillors)  
Licensing Sub-Committee (3 Councillors from above Committee)

The Chairman of the Council is also the Chairman of the Standards Committee

### Exeter City Council

Three Scrutiny Committees:

- Community (13 Councillors)  
Deals with all community and environmental services including housing and environmental health. It reviews the budget and financial performance within these areas. It works with other agencies on issues such as social inclusion and community safety. It undertakes reviews of appropriate strategies and policies emanating from the work and functions of the community and environment services.
- Economy (13 Councillors)  
Evaluates performance of economic development, tourism, transportation, parking, estates, planning (except planning applications – see Planning Committee), markets and events, leisure development, museums, city development and sustainable development. It monitors effectiveness of the Council's partnerships with other agencies such as city centre manager and the wider future development of the city (Exeter Vision).
- Resources (13 Councillors)  
Monitors central and corporate services and the overall financial performance of the Council. It advises Executive on staffing issues including industrial relations, health and safety and equalities and ICT. At the request of the Council or Executive, it considers such papers or issues that are to be presented to the Executive in order that the views of the committee are available to the council or Executive in making its decision.

Planning Committee (13 Councillors)

Licensing Committee (14 Councillors)

### North Devon District Council

Overview and Scrutiny Committee (13 Councillors)  
There is one Overview and Scrutiny Committee and a number of Scrutiny Sub-

Committees which support the work of the Executive and the Council as a whole. They allow a wider involvement in Council business by involving non-councillors from the wider public sector, voluntary and community groups to help them in their work. They may make reports and recommendations to the Executive and the Council as a whole on its policies, budget and service delivery.

Planning Committee (16 Councillors)

Membership of the committee cannot include Executive Members

Licensing Committee (15 Councillors)

### South Hams District Council

Overview and Scrutiny Panel (13 Councillors)

South Hams District Council aims to have a scrutiny function that adheres to the Centre for Public Scrutiny's four principles of good scrutiny:

- Provides critical challenge to executive policy makers and decision makers
- Enables the voice and concerns of the public to be heard
- Is carried out by 'independent minded governors' who lead and own the scrutiny role
- Drives improvement in public services

Reports and recommendations are put by this Panel to the Executive and the Council to advise on policy, budget and service delivery.

Policy Development and Review

In this role, Scrutiny Panels can review the Council's policies to assess whether the intended policy outcomes have been achieved and can also assist the Council during the early development of new policies and the formulation of key plans. Very often policy review can lead to recommendations to develop new policy. This work can be carried out by a Scrutiny Panel or a Panel may assign this task to a smaller number of Members in the form of a Task and Finish Group. Carefully choosing which topics to review can help the Council to focus on the issues that matter to local people most and derive real outcomes for them.

All councillors, except Members of the Executive and the Development Management Committee, are eligible to sit on the Overview & Scrutiny Panel.

Development Management Committee (12 Councillors)

Licensing Committee (12 Councillors)

### Teignbridge District Council

Overview and Scrutiny Committee (30 Councillors)

The Overview & Scrutiny (O&S) Committee comprises 30 Councillors, none of whom are on the Executive. O&S appoints time limited Review Groups (made up of six Councillors – 2 from each political party) to carry out in-depth investigations within a specific time frame, normally three months.

Planning Committee (25 Councillors)

Licensing Committee (10 Councillors)

## Torridge District Council

Internal Overview and Scrutiny Committee (12 Members – 9 Councillors and up to 3 non-elected representatives)

The Internal Overview & Scrutiny Committee has the power to review the policies of the Council and its objectives, and is entitled to 'call in' decisions made by the Community & Resources Committee which are not yet implemented. They can also recommend that the Community & Resources Committee reconsider such a decision. Issues that remain unresolved will be referred to the Full Council for determination.

External Overview and Scrutiny Committee (12 Members – 9 Councillors and up to 3 non-elected representatives)

The External Overview & Scrutiny Committee has the same terms of reference as the Internal Overview & Scrutiny Committee, but scrutinises the performance of external public sector bodies operating within Torridge.

Plans Committee (9 Councillors)

Licensing Committee (10 Councillors)

## West Devon Council

Internal Overview and Scrutiny Committee (11 Councillors)

To consider and scrutinise how the Council is performing as an organisation (e.g. internal policies and organisation strategies)

- Internal policy, and organisation strategies review & development
- Performance
- Complaints
- Discharging the duties of a Crime & Disorder Overview & Scrutiny Committee
- Member learning & development
- RIPA – to review the Council's RIPA Policy and its use annually and to receive regular reports on its the use of RIPA

External Overview and Scrutiny Committee (11 Councillors)

To consider and focus on the impact the Council and its partners are making on our customers and communities.

- Scrutiny of external organisations
- Crime & Disorder O&S functions
- Monitoring of service contracts
- Health & Wellbeing
- Community Safety

Sometimes joint internal and external Overview and Scrutiny Committee (22 Councillors)

Planning and Licensing Committee (10 Councillors)

## Mendip District Council

Scrutiny Board (9 Councillors)



The purpose of the Scrutiny Board is to report and make recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Board has an important role in monitoring the decisions of the Council

Planning Board (15 Councillors and 7 substitutes)

Licensing Board (15 Councillors)

#### Sedgemoor District Council

Community Scrutiny Committee (11 Councillors)

This committee will focus on service delivery and community requirements, scrutinising and making recommendations to improve under performing council services and incorporating the external scrutiny role alongside major partners of the Council. This committee will also form close links with the Local Strategic Partnership and associated planning arrangements.

Corporate Scrutiny Committee (11 Councillors)

This committee's focus will be on strategic business and corporate processes including corporate planning, financial management and budget setting, performance management framework, risk management and relevant corporate policies such as human resources, e-government etc.

No Councillor may be on both Scrutiny Committees

Development Management Committee (15 Councillors)

Licensing Committee (15 Councillors)

#### South Somerset District Council

Scrutiny Committee (14 Councillors)

The Scrutiny Committee monitors and scrutinises our performance as a whole as well as individual services. It can also make recommendations for any issue we are responsible for and which affects the local community.

Regulatory Committee (14 Councillors)

Area Committees (East = 12 Councillors, North = 13 Councillors, South = 19 Councillors and West = 16 Councillors)

We have four Area Committees (North, South, East and West), which work closely with their local communities, allowing Planning and other issues to be decided at a local level. Area Committees form part of our ambitious and nationally acclaimed framework for Area Working. Area Committees take decisions in public on significant planning applications, invest in local projects, discuss issues of interest and priority to the local area, and enable residents to get involved in local decision-making.

Licensing Committee (15 Councillors)

#### Taunton Deane Borough Council

Community Scrutiny Committee (15 Councillors)

To examine the issues that impact on all segments of the community in respect of all services delivered by the Council and/or other public bodies or partnerships;

Corporate Scrutiny Committee (15 Councillors)

To examine the planning, performance and management of the Council's services in undertaking the key tasks to achieve the objectives of the Corporate Strategy priorities including monitoring compliance with budget, achievement of desired outcomes and customer satisfaction (where appropriate), best value and value for money reviews;

Have a number of task and finish groups in respect of Scrutiny Committee

Planning Committee (15 Councillors)

Licensing Committee (15 Councillors)

#### West Somerset District Council

Scrutiny Committee (9 Councillors)

The Committee scrutinise Performance Management; particular Key Decisions and other aspects of Cabinet activity; and review or scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas.

Planning Committee (15 Councillors)

Licensing Committee (11 Councillors)

#### Christchurch Borough Council

Scrutiny and Policy Review Committee (9 Councillors)

The scrutiny work of the Council is undertaken by the Scrutiny and Policy Review Committee. This supports the work of the two policy committees and the Council as a whole, and can review any matter which affects the district or its inhabitants.

Planning Control Committee (10 Councillors)

Licensing Committee (10 Councillors)

#### East Dorset District Council

Scrutiny and Policy Review Committee (11 Councillors)

The scrutiny work of the Council is undertaken by the Scrutiny and Policy Development Committee. This supports the work of the two policy committees and the Council as a whole, and can review any matter which affects the district or its inhabitants.

Planning Committee (13 Councillors)

Licensing Committee (10 Councillors)

#### North Dorset District Council

Overview and Scrutiny Committee (17 Councillors)

The Overview & Scrutiny Committee is responsible for various review and scrutiny functions, monitoring the work of the Council to ensure that the needs of the community are understood and that decision making is open and transparent. The scrutiny function enables members to hold the cabinet and senior managers to account. It also enables members to review policy and its implementation and consider any matters which affect the community which the council represents. All members of the council who are not members of the cabinet are part of the council's scrutiny function. The role of scrutiny is to ensure that the needs of the community are understood and met and that proper decision making is undertaken. The council appoints a committee to undertake the management of the Overview and Scrutiny role, together with two review committees to undertake more detailed work in each of the main areas.

Also used to have a Policy Review Committee and Service Review Committee but these committees have not met since April 2013.

Development Management Committee (11 Councillors)

Licensing and Orders Committee (10 Councillors)

#### Purbeck District Council

Policy Group

The Policy Group makes recommendations to the Council on matters of importance to the District, the development of Council policy, the Council's functions, and its resources.

The Policy Group may appoint Policy Development Panels of between 3 and 7 councillors appointed by agreement between the political group leaders, and chaired by the Leader of the council or the relevant spokesperson, to assist the Policy Group in the development of policy. The scope of the work of each Policy Development Panel will be set by the Policy Group.

Overview and Scrutiny Committee no longer active

Planning Committee (11 Councillors)

Licensing Committee (11 Councillors)

#### West Dorset District Council

Efficiency Scrutiny Committee (12 Councillors)

The Efficiency Scrutiny Committee is responsible for undertaking cross-cutting scrutiny reviews of council services or of matters of relevance to the council and district.

Policy Scrutiny Committee (12 Councillors)

The role of the committee is to review and assist with the development of the council's key policies, strategies and plans and make recommendations to the Executive Committee.

Development Control Committee (12 Councillors)

Licensing and Appeals Committee (13 Councillors)

### Weymouth and Portland Borough Council

Scrutiny and Performance Committee (15 Councillors)

The Scrutiny and Performance Committee is responsible for undertaking scrutiny reviews of council services and of matters of relevance to the council and the borough.

Role of the Scrutiny and Performance Committee

The Scrutiny and Performance Committee aims to improve the services that you use by monitoring the work of the council and its partner organisations, such as the county council, health service and other agencies. It can do this by making recommendations to the Management Committee on the way services are provided. The committee has a work plan which is reviewed at every committee meeting.

Policy Development Committee (15 Councillors)

It assists in the development of all aspects of Council Policy which may include drafting new policies or reviewing existing policies. It can respond to requests by the Management Committee to do this work.

The Committee also assists in the development of the Council's budget and policy framework and is a consultee on the draft budget proposals. It can consider whether there are any policies that should be developed to assist future budget setting processes.

Key roles for members of this committee therefore include:-

- Reviewing policy and assisting in policy development
- Identifying gaps in policy or areas where a particular policy is not working
- Feeding community views into policy development

The Policy Development Committee has a workplan which it considers at each meeting. This lists all the known items that the Committee will be considering over the upcoming months.

Planning and Traffic Committee (12 Councillors)

Licensing Committee (12 Councillors)

## STANDARDS COMMITTEE – SUGGESTED REMIT OF POLICY DEVELOPMENT GROUPS

Economy	Homes	Community	Environment
Economic Development Inward Investment Strategy Business support and development Tourism Strategy Town Centres Markets Updates on the local and national economy Updates on economic statistics Town Team updates CCTV Car Parking Business Rates updates Commercial units property updates Night time economy (could include references to licencing and anti-social behaviour) LEADER Other funding bids Funding updates High Street Innovation Fund Project updates on heritage projects, arts projects and food and drink projects which link to the local economy	Council housing Housing Strategy Housing policies (numerous policies listed on the Budget and Policy framework document) Neighbourhood and tenancy management Tenant involvement Homelessness prevention Housing needs and allocations Housing enabling HRA budget HRA capital programme and planned maintenance Building maintenance Devon Home Choice Asbestos management Community Housing support Update on affordable housing projects Updates on legislative changes or guidance from the HCA Private Sector Homes Bringing back empty homes into use DFGs	Any matters that impact on the health, safety and wellbeing of people – e.g. air quality, pollution, noise, quality of private sector housing Public health Environmental Health e.g. food standards, water quality Leisure Grants funding Town and Parish fund updates Presentations from grant funded organisations Safeguarding children and vulnerable adults Community engagement and consultation Equalities Health and Safety Town and Parish Councils (charter) Anti-social behaviour Community safety Digital transformation – broadband Local welfare assistance Benefits	Waste collection and recycling Street cleaning Trade Waste Clinical Waste Feedback from DAWRCC Depot moves Climate change Carbon footprint reduction – internal and external Parks and open spaces Cemeteries Trees Environmental enforcement – abandoned vehicles, animal control, fly tipping, fly posting Fixed penalty notices Flood defence and drainage Clocks and monuments Street naming and numbering Public conveniences Grounds maintenance – grass cutting Projects such as the edible food waste working group Update on relevant County matters such as Highways, recycling centres, etc

<b>Economy</b>	<b>Homes</b>	<b>Community</b>	<b>Environment</b>
	Admin for Corporate buildings Commercial units	Presentations from local interest groups such as Drink Wise Age Well Youth Services Older Persons strategy Updates from the clinical commissioning group RIPA Targeted families	Emergency plan
All Policy Development Groups will receive financial monitoring updates, budget setting and performance and risk reports			

# Town & Parish Councillor Training

Amy Tregellas

Head of Communities & Governance and  
Monitoring Officer

Phil Langdon

Solicitor and Deputy Monitoring Officer

# Localism Act

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- The coalition government decided to change the standards regime that applies to all Local Authority councillors as it felt the old system was too bureaucratic and led to petty, malicious and politically motivated complaints.
- The Localism Act 2011 became law in November 2011 and its main provisions came into effect on 1 July 2012.



# Localism Act – key changes

- Abolished the strategic regulator, Standards for England
- No longer a National Code of Conduct – now a local Code instead
- Failure to declare a Pecuniary Interest is a criminal offence

## Localism Act – key changes

- Removed the obligation on local authorities to maintain a standards committee – now voluntary
- No obligation for standards committees to be chaired by independent people or to include Town & Parish reps
- Removed the power for standards committees to sanction unacceptable behaviour

## Duty under the Localism Act

- Duty to promote and maintain high standards of conduct by members (including co-opted and appointed)
- In discharging this duty the authority must adopt a code dealing with the conduct that is expected of members

## Duty under the Act

- District, Town and Parish Councils must adopt a code of conduct

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It must be consistent with the 7 Nolan Principles

- It must provide for the registration and disclosure of Interests
- Approved by Full Council

## Code of Conduct

- Town and Parish Councils must decide themselves which code to adopt. This can be the MDDC Code, NALC Code or another code as long as it meets the duties under the Localism Act

Page 29

Once you have adopted your code you are required to notify the Monitoring Officer as to which Code, when adopted and provide a copy

# Ethics and Standards

## Code of Conduct

- Page 30 As a Councillor you are required to adhere to your Council's code of conduct

# Ethics and Standards

The Code of Conduct must be based on the 7 Nolan Principles (principles of public life):

1. Selflessness
2. Integrity
3. Objectivity
4. Accountability
5. Openness
6. Honesty
7. Leadership

# Nolan Principles

Page 32

Selflessness – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends



# Nolan Principles

Integrity – Holders of public office should not place themselves under any financial obligation to outside individuals or organisations that might seek to influence them in performance of their official duties

# Nolan Principles

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Objectivity – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit

# Nolan Principles

Accountability – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office

# Nolan Principles

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Openness – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands

# Nolan Principles

Honesty – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest

# Nolan Principles

Leadership – Holders of public office should promote and support these principles by leadership and example

# Ethics and Standards

The Code of Conduct must also include provision for:

- Pecuniary Interests
- Interests than Pecuniary Interests  
i.e. Personal Interests

# Ethics and Standards

## Pecuniary Interests

Page 40 A pecuniary interest is defined as:

- “an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person”



# Ethics and Standards

- Pecuniary Interests
  - Business Interests (e.g. employment, trade, profession, contracts or any other company with which they are associated)
  - Wider financial interests (e.g. trust funds, investments and assets including land and property)

# Ethics and Standards

- Pecuniary Interests relate to:
  - Councillor
  - Their spouse or civil partner
  - A person who they are living with as husband or wife
  - A person who they are living with as if they were civil partners
- The legislation does not define interests other than Pecuniary Interests

# Code of Conduct

- The legislation does not define interests other than Pecuniary Interests
- However, these are known as personal interests

# Ethics and Standards

## Registering your interests

When you are first elected, co-opted or appointed as a member to your council you must, within 28 days of becoming a member, tell the Monitoring Officer who is responsible for your councils register of members' interests

# Register of Interests

- 'If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council, and of any committee, sub-committee, joint committee or joint sub-committee of your council.'

# Criminal offences

- *‘It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter; that will be or is being considered at a meeting where you are present, or on which you are acting alone.*

*It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.*

- *If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.’*

# Ethics and Standards

- Differences between MDDC Code and NALC/DALC Code
- Pecuniary Interest – member must declare and withdraw from the room for that item of business
- Personal Interest – member can participate in the discussion and vote on the matter but must declare an interest

# Complaints of misconduct

- MDDC's has a procedure on handling complaints (ie arrangements under which allegations can be investigated).

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Principal authorities process allegations and make a decision whether there has been a breach of the code but they cannot impose a sanction. They can recommend a sanction to the Town or Parish Council which will make decisions on the allegations made.



# Complaints of misconduct

- Member informed of complaint
- Reviewed by Monitoring Officer
- Referred to Standards Sub Committee if appropriate
- Sanctions are very limited

# Standards Committee

Page 50

- Standards Committee: General role
  - The Council shall establish a Standards Committee to carry out its functions relating to ethical matters under the Localism Act 2011.
  
- Standards Committee: Composition
  - (i) The Standards Committee shall be composed of nine District Councillors
  - (ii) The Standards Sub-Committee shall be composed of three of the District Councillors on the Standards Committee

# Standards Committee

- Specific Functions:
  - Promoting and maintaining high standards of conduct by Councillors and co-opted Members;
  - Assisting the Councillors and co-opted members to observe the Member's Code of Conduct
  - Advising the Council on the adoption or revision of the Members' Code of Conduct
  - Monitoring the operation of the Members' Code of Conduct

# Other items to think about

Confidentiality

Page 52  
Recording of meetings

Perception

Councillor v individual



# **Town and Parish Councils**

## **Code of Conduct: Brief Overview**

## ROLES

- **Role of Clerk**

The role of Clerk is effectively the local council's Chief Executive Officer. The Clerk is a professional officer employed by the council to manage its activities, provide administrative support and professional advice.

The Clerk is often given additional delegated responsibility, including:

- **Responsible Financial Officer:** maintaining the financial records of the council, ensuring they are kept up-to-date and comply with set regulations and proper practices.
- **Proper Officer:** the Proper Officer can grant dispensations relieving members from the restrictions applied in the event of a Disclosable Pecuniary Interest.

The council **must** pass resolutions to delegate these additional responsibilities to their Clerk.

- **Role of Chair**

The Chair is the lead councillor of the council, responsible for managing the Clerk and other officers employed by the council. This includes responsibility for conducting performance appraisal reviews with council employees.

The Chair is elected by the council at their annual meeting (each May) and is chiefly responsible for convening meetings and control of council's procedure, for the purpose of enforcing law and good order. This includes ensuring councillors and members of the public have their point heard, while maintaining orderly conduct and discussions in line with the published items of business (agenda).

In addition, the Chair has a casting vote and the authority to evict people displaying inappropriate behaviour from the council chamber (meeting room).

**Advisory Note:** It is vital that there is a positive relationship between the Chair and Clerk as they are partners in guiding the council. They should be able to talk openly to each other and to recognise each other's strengths and understand their roles. Although it is not prohibited, it is not recommended best practice for individuals with personal relationships outside the council (such as spouses) to act in the capacity of Chair and Clerk.

- **Role of Vice-Chair**

The position of Vice-Chair is **optional**. Where opted, the Vice-Chair is elected by the council at their annual meeting immediately after the Chair is elected. The Vice Chair's duties are the same as those for the Chair either in the Chair's absence or the event of the Chair having a Disclosable Pecuniary or Personal Interest.

- **Role of Councillors**

Each councillor contributes to the work of the whole council and the decision-making process. As such, councillors should actively:

- suggest ideas
- engage in constructive debate
- respond to the needs and views of the community
- represent their constituents
- comment on proposals to ensure the best outcome
- vote to enable the council to make decisions
- behave in an ethical way and be open about their interests

**Important Note:** An individual councillor – including the Chair – **cannot** make a decision on behalf of the council.

- **Role of Monitoring Officer**

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted Members (District, Town and Parish Councils);
- (b) Assisting the Councillors and co-opted members to observe the Member's Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Advice to Councillors on the interpretation of the Code of Conduct or Register of Interests;
- (e) Advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) Legally responsible for establishing and maintaining the Register of Interest for District, Town and Parish Councillors; and
- (g) Dealing with any complaints made about Councillors.



## STANDING ORDERS

It is recommended best practice for a council to make a set of Standing Orders to regulate its business and proceedings. Model Standing Orders are published by the National Association of Local Councils.

Standing Orders should be reviewed at least annually and whenever there are changes of legislation that affect local councils.

## CODE OF CONDUCT

- **Personalisation** - Your parish council's adopted Code of Conduct should be personalised with your Parish Council's information (eg if you use the template MDDC Code of Conduct, you would need to replace the relevant references to MDDC with the name of your council). You might wish to save your Code of Conduct on a document using your council's letterhead.
- **Changing Codes of Conduct** – At your annual council meeting, or following an election or changes to legislation, you should review your council's adopted Code of Conduct. If you wish to make changes to it, you need to “publicise its adoption, revision or replacement of a code of conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area” (eg, you should include this on your council meeting agenda).
- **Nolan Principles** – The Code of Conduct must include reference to DPIs and the following seven NOLAN principles:

**Selflessness:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

**Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in performance of their official duties.

**Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness:** Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protect the public interest.

**Leadership:** Holders of public office should promote and support these principles by leadership and example.

**Important Note:** A Council's Code of Conduct and Standing Orders should be published on their website.

## RECORDING OF MEETINGS

Please note that the public can record your council meetings without first notifying you. We recommend that you record your own council meetings to ensure you have an accurate record in case of complaints.

## DECLARING INTERESTS

A councillor must disclose any disclosable interest of which he/she is aware (including any such interest which is not registered on the Member's ROI form). If the declared interest is not on the register, it must be registered within 28 days of its declaration.

- **Disclosable Pecuniary Interests (DPIs):** Councillors should only declare financial interests that affect them as an individual or where a financial relationship with a third party may or may not benefit them.
- **Prejudicial Interests:** Councillors are **not** required to declare "prejudicial interests"; this requirement was removed with the changes to the Standards Regime in 2011.
- **Dispensations:** Dispensations to vote where Members have a DPI can be granted to individual Members or for a whole council. Dispensations are normally granted where non-voting would lead to a council being non-quorate. This normally affects councils where councillors are members of a community land trust. Each councillor must make a written request for a Dispensation.

**Advisory Note:** Councillors do not need a Dispensation for taking part in setting of parish precept / Council Tax decisions as this is not a DPI.

- **Sensitive Interests:** Where a Member has a sensitive disclosable interest, the existence of the interest must be disclosed but not its nature. An interest is sensitive if the Member and the Monitoring Officer (or the Proper Officer for Dispensations) considers that disclosure could lead to the Member being subject to violence or intimidation.
- **ROI Forms** – all councillors must return a signed and completed Register of Interests Form to the Monitoring Officer within 28 days of accepting office. It is a criminal offence to fail to declare a DPI, potentially leading to a five-year disqualification from being a councillor and/or a £5,000 fine. In addition, failure to declare interests leaves councillors at risk of being subject to complaints.

- **Codes of Conduct** - All councillors should familiarise themselves with the requirements listed in their council's adopted Code of Conduct. There are differences between the various codes (such as MDDC and NALC) regarding interests and eligibility to vote. For example:

**DPIs:** the law states that you declare the interest and you are not allowed to take part in any discussion or vote. If something comes up in public question time that relates to a DPI, councillors should leave the room then as well.

**Personal Interests:** this is up to individual councils and councillors should check their Code of Conduct.

#### **Important Notes:**

- ROI forms should list information about the individual councillor **and** their spouse/partner. Other family members (whether or not they reside with the councillor) do not need to be included on the form.
- ROI forms should include full address information (not just a postcode or property reference) for property and land for which they own, reside at or lease.
- Councillors should make clear on ROI forms any memberships they hold or committees they attend, whether they are representing themselves as an individual or representing their council.
- Interests should be recorded in council meeting minutes, stating their nature (DPI or Personal Interest).
- The Localism Act requires that all ROI forms be available to view online. We publish all Mid Devon (District and Town and Parish) ROI forms on our website with the signatures redacted. Any information agreed to be sensitive by the Monitoring Officer may also be redacted but should still be recorded on the form. The Monitoring Officer (as per the Localism Act) is required to maintain a register containing all interests, therefore we ask town and parish councils to link to our website rather than publish copies of ROI forms on their own sites.

## COMPLAINTS ABOUT COUNCILLORS

- (a) The Monitoring Officer receives a complaint and will decide whether it is appropriate to be treated as a complaint.
- (b) If it is not appropriate to treat it as a complaint the Monitoring Officer will write to the complainant explaining why this is the case
- (c) If it is appropriate to treat it as a complaint the Monitoring Officer will log the complaint and then do the following:
- (d) Inform the Councillor being complained about that there has been a complaint made about them, giving them a copy of the complaint (including details as to who has made the complaint) and ask them for their version of events
- (e) Get more detail from the complainant, if appropriate
- (f) Contact any witnesses listed for their statement
- (g) Obtain any relevant or appropriate sources of evidence
- (h) Once this has been concluded the Monitoring Officer will take a view as to whether there has been a breach of the Code of Conduct.
- (i) If there has been a breach of the code of conduct the Monitoring Officer will make a report to the Standards Sub Committee/Standards Committee and they will suggest a course of action, if appropriate. This will be put in writing to the Councillors Town or Parish Council for consideration.
- (j) If there has not been a breach of the code of conduct the Monitoring Officer will write to all parties outlining why there is no breach. The complainant has a right of appeal but in order to do this they must provide new information/evidence. Any appeals are considered by the Deputy Monitoring Officer to ensure that there is independence

## FURTHER GUIDANCE

- Association of Council Secretaries and Solicitors: Parish Council Toolkit (Third Edition) (2009)
- Department of Communities and Local Government: Open and Accountable Local Government: A Guide for the Press and Public on Attending and Reporting Meetings of Local Government (August 2014)
- Department of Communities and Local Government: Openness and Transparency on Personal Interests: A Guide for Councillors (March 2013)
- Local Government Association: Finding Your Way: A Guide for New Councillors 2013/14 (May 2013)
- Planning Advisory Service: Probity in Planning for Councillors and Officers (April 2013)
- Society of Local Council Clerks: The Essential Clerk: An Introduction to the Role of Local Councils
- The National Training Strategy for Town and Parish Councils: The Good Councillor's Guide: Essential Guidance for Town and Parish Councillors (Fourth Edition) (2013)

## CONTACT INFO

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- **Town and Parish Liaison Officer:** Zoë Lentell: 01884 234298, [zlentell@middevon.gov.uk](mailto:zlentell@middevon.gov.uk)