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Mid Devon District Council

Standards Committee

Wednesday, 26 July 2017 at 6.00 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Wednesday, 18 October 2017 at 6.00 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr Mrs J B Binks
Cllr Mrs F J Colthorpe
Cllr C J Eginton
Cllr F J Rosamond
Cllr Mrs E J Slade
Cllr C R Slade
Cllr Mrs M E Squires
Cllr L D Taylor
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 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

To elect a Chairman for the municipal year 2017/18.

2 ELECTION OF VICE CHAIRMAN

To elect a Vice Chairman for the municipal year 2017/18.

3 APOLOGIES AND SUBSTITUTE MEMBERS

To receive any apologies for absence and notices of appointment of Substitute Members (if any).

4 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.

5 **MINUTES** (*Pages 5 - 8*)

To approve as a correct record the minutes of the last meeting of this Committee (attached).

6 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements the Chairman of the Committee may wish to make.

7 **START TIME FOR MEETINGS**

To agree the start time for meetings.

8 **MONITORING OFFICER'S UPDATE**

The Monitoring Officer will present a brief update (verbal).

9 **THE ROLE OF THE INDEPENDENT PERSONS**

In 2017, the Council appointed two independent persons under the Localism Act 2011. Their formal role in relation to code of conduct complaints has now been settled in the Constitution. However, the Monitoring Officer would like to discuss additional informal activities which might assist the Council in demonstrating that it has a high regard for standards issues.

10 **MEMBER TRAINING**

One training session on the new code of conduct took place on 28 June 2017. At least one further session will be arranged in order ensure that all members of the Council have received this training in 2017. The Monitoring Officer will also be arranging training for town and parish councils to be presented in October/November 2017.

To discuss the current proposed training plan and consider any further training needs of the Council on standards issues.

11 **MEMBERS CORRESPONDENCE WITH THE PUBLIC**

At the request of the Monitoring Officer, to consider whether any guidance should be given to members of the Council in relation to correspondence with the public, including timescales for doing so.

12 **THE CONSTITUTION**

The Monitoring Officer will present for discussion her concerns about the following sections of the Constitution and ask the Committee whether they wish to recommend changes be made, or to seek a report presenting proposed changes to a future meeting.

- a) State of the District Debate – Rule 17 of the Council Procedure Rules
- b) Procedure for speaking at Committee – Paragraph 9 of the Protocol of Good Practice for Councillors Dealing with Planning Matters – Appendix J to the Constitution
- c) The rights of non-Cabinet members to ask questions and make statements during the business of Cabinet

13 **ISSUES ARISING FROM RECENT CASES AND DECISIONS**

The Deputy Monitoring Officer (Maria de Leburne) will present the interesting issues and findings from the recent case of Hussain v Sandwell MBC.

14 **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 15 15.2(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.

15 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, 18 July 2017

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

Public Wi-Fi is available in all meeting rooms.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 4 April 2017 at 6.00 pm

Present

Councillors

Mrs J B Binks (Chairman)
Mrs F J Colthorpe, C J Eginton,
Mrs J Roach, C R Slade, L D Taylor and
Mrs E J Slade

Apologies

Councillor(s)

F J Rosamond and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leburne (Solicitor), Sally Gabriel (Member Services Manager) and Julia Stuckey (Member Services Officer)

32 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr F J Rosamond and Cllr Mrs N Woollatt, who was substituted by Cllr Mrs J Roach.

33 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

34 **MINUTES**

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

35 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members that the new Monitoring Officer would be joining the authority shortly and that she looked forward to welcoming her at the next meeting of the Committee.

36 **STANDARDS ISSUES**

The Committee had before it a report * from the Monitoring Officer asking Members to consider a revised Code of Conduct and a set of procedures for dealing with complaints against Councillors.

The Monitoring Officer outlined the contents of the report, reminding Members that the report contained a series of recommendations and a number of appendices which had been requested by Members at the last meeting of the Committee and by Council.

Consideration was given to page 45 3.4, the definition of what was reasonable and what was unreasonable and page 46 5.2, Register of Interests for Town and Parish Councillors and the implications if they did not comply. It was **AGREED** that the Monitoring Officer send a letter, pointing out the importance of completing the form fully and that further training be undertaken when the new Monitoring Officer was in post.

It was **MOVED** that on Page 47 6.1 and 6.2, the wording 'or any other person referred to in paragraph 5.1 above has' needed to be removed as it implied that Members should declare an interest for others at the meeting which was not always appropriate or possible.

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

Consideration was given to page 49 8.3, regarding dispensations. It was **AGREED** that as the wording in this section was from the Localism Act 2011 it should remain.

It was **MOVED** that on page 54 the first paragraph within the table regarding receipt of possible offence which referred to 'political rivals or associates of the named suspect' be removed and replaced with 'a Member of the Council'.

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

Consideration was given to page 61, third bullet point from the bottom of the page, starting 'the complaint is made around an issue....'. Discussion took place regarding the protocol with the police regarding this matter. It was **MOVED** that the Monitoring Officer would investigate this to provide clarity and should her findings be such that the sentence was not required, it be removed.

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

Consideration was given to page 79 3.8 (a) regarding deliberation in private. It was **MOVED** that the following be added 'no new evidence may be introduced at this stage'.

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

Consideration was given to page 106, 3rd bullet point which stated that particular care should be taken where there were chance encounters with objectors. It was **MOVED** that 'or developers' be added to this sentence.

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

It was **MOVED** that the Complaint Appeal Procedure be renamed 'Code of Conduct Complaints Appeal Procedure'.

(Proposed by Cllr Mrs J B Binks and seconded by Cllr CJ Eginton)

It was **RECOMMENDED** to Council that;

- a) The Code of Conduct for Councillors and Co-opted Members be approved subject to the removal of the wording (page 47 6.1 and 6.2) in 6.1 of 'or any other

person referred to in paragraph 5.1 above has' and in 6.2 'or any other person referred to in paragraph 5.2 above has'.

(Proposed by the Chairman)

b) The updated Complaint Form and the procedure be approved.

(Proposed by the Chairman)

c) The protocol between Mid Devon District Council and the Police Investigations and offences under the Localism Act 2011 Section 24 be approved subject to the removal (on page 54 bullet point 1) of the wording 'political rivals or associates of the named suspect' and be replaced with 'a Member of the Council'. On page 61 (bullet point 5) commencing 'the complaint is made around an issue, this be investigated by the Monitoring Officer to provide clarity and should her findings be such that the sentence was not required, it be removed.

d) The Monitoring Officer's updated delegations be approved.

(Proposed by the Chairman)

e) The Local/Informal Resolution Process be approved.

(Proposed by the Chairman)

f) The Procedure for investigating the Complaint be approved.

(Proposed by the Chairman)

g) The Hearing Panel Procedure be approved subject to the addition of the wording 'no new evidence may be introduced at this stage' on page 79 3.8 (a).

(Proposed by the Chairman)

h) The Independent Person/s Protocol be approved.

(Proposed by the Chairman)

i) Members Register of Interest form and guidance be approved, this to include disclosable pecuniary interests.

(Proposed by the Chairman)

j) The request for dispensation and the procedure for granting dispensations be approved.

(Proposed by the Chairman)

k) The dispensations Procedure Guide for Parish Councils be approved.

(Proposed by the Chairman)

| l) The guidance note on bias and predetermination process be approved subject to the insertion of the wording 'and developers' after objectors.

(Proposed by the Chairman)

| m) That an appeal/review procedure be approved.

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

Note: - Report * previously circulated and attached to Minutes.

37 **COMPLAINTS (1.08)**

The Deputy Monitoring Officer provided an update regarding complaints since the last meeting on 25 January 2017.

She had provided advice to Member Services on two general matters which had since been closed, provided Monitoring Officer advice on 13 matters to six different Town and Parish Councils for which she was expecting a call back on one matter and the rest had been closed. She had also provided advice on Code of Conduct on 10 matters to 8 different Councils, for which she was expecting to receive 5 formal complaint forms.

The Chairman enquired as to whether there were any themes regarding the information requested and complaints made and the Deputy Monitoring Officer replied that enquiries tended to be regarding the completion of forms and disclosure of interests. It was **AGREED** that training should be provided.

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

An introduction to the Monitoring Officer
Member Training
Training for Town and Parish Councils

(The meeting ended at 7.15 pm)

CHAIRMAN