

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 18 October 2017 at 6.00 pm

Present

Councillors

Mrs J B Binks (Chairman)
Mrs F J Colthorpe, F J Rosamond,
C R Slade, Mrs M E Squires, Mrs E J Slade
and Mrs N Woollatt

Apologies

Councillor(s)

L D Taylor and C J Eginton

Also Present

Officer(s):

Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Sally Gabriel (Member Services Manager) and Julia Stuckey (Member Services Officer)

54 PUBLIC QUESTION TIME

There were no questions from the members of the public present.

55 MINUTES

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

56 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Members for their attendance and input at the recent Standards informal workshop, reminding them that there would be another session in January.

57 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs C J Eginton and L Taylor.

58 INDEPENDENT PERSONS

The Monitoring Officer reminded Members that they had agreed at the last meeting to ask the Independent Persons to attend a selection of meetings, to sit at the back and observe, as a member of the public, to see how business was transacted. Unfortunately one of the Independent Persons (IP) had resigned from his post, due to other commitments. The requirement in law was to have one IP but it had been agreed that it was preferable to have two in case the IP was unable to assist due to other lack of availability or a conflict of interest. The officer informed Members that she would make enquiries with neighbouring authorities with regard to sharing.

Mr Smith, IP, informed the Committee that he had attended a range of meetings, just sitting at the back as a member of the public, not looking for anything in particular but

to see how the meeting went and how it may appear to a Member of the public. He had attended Full Council and Audit. Mr Smith informed the Committee that he intended to continue attending meetings. The IP reported that the meetings he attended had been well chaired, managed and interesting. He considered that from a public point of view Councillors behaved extremely well. He appreciated that each Councillor was an individual with their own strengths and weaknesses. He witnessed a well-argued debate with points from both sides and some persuasive points. Some points of view had been strongly held but he said he had nothing but praise for the way in which Councillors behaved and how the meetings had been chaired. He had observed that Audit was a short meeting with a reliance on officers for technical input but the Members had clearly read the papers and made positive contributions. He thought Members had performed very well and had no adverse comments to make.

Discussion took place regarding the role of the IP and whether it would be compromised by attendance at meetings. The IP was able to reassure Members that he would be careful to maintain his neutrality. He was not introduced at meetings and acted as a member of the public. Mr Smith did remind Members that there could be occasions when he could be conflicted due to knowing personally a Member or complainant, but this was already the case due to having lived in the town for a long time and would not be affected by his attendance at meetings.

The update from the Independent Person and the implications arising from it were **NOTED**.

The Monitoring Officer provided an update from Mr Williamson, the former IP, who due to his resignation was not present at the meeting.

Mr Williamson had attended what might be seen as the more contentious meetings, Planning and Scrutiny. He had reported that these meetings had been more emotive and lengthy. He had no concerns regarding the way the meetings were managed but, recognising the challenging nature of the subject matter, felt that Members had, at times, dropped their guard and that after a period of discipline would let slip a comment that might not be well received. He appreciated that this could be due to fatigue. He had stressed the point that although the meeting had been long in length, the public may not appreciate a jovial comment at their agenda item. He wondered how Members could be reminded of the importance to remain professional throughout the meeting, regardless of the length.

Discussion took place regarding:

- A reminder could be put in WIS;
- The seriousness of each agenda item at planning;
- The importance of striking a balance for the seriousness of the matter and the passion felt by Members;
- The difficulties in chairing these particular meetings.

The Chairman thanked the Independent Persons for their updates.

59 REVIEW OF CONSTITUTIONAL ITEMS

The Monitoring Officer reminded Members that she had undertaken to review matters arising from the Constitution at the last meeting.

Concerns had been raised regarding Cabinet meetings and the authority for the Leader of the Council to allow any Member to speak during the business of the meeting. This section of the Constitution had now been addressed and changes made. These changes fell within the remit of the Monitoring Officer. Members had not been alerted to this change as current practice had not changed.

The Monitoring Officer had also expressed concerns regarding the wording for the State of the District Debate. The officer informed the Committee that along with her deputies she was undertaking a review of the entire Constitution to make sure that all references were correct. She proposed to bring this forward in a report to the March meeting and the wording regarding the State of the District Debate would be considered as part of this exercise.

A query had also been raised regarding the rights of a member of the public to speak at Planning Committee. The Monitoring Officer apologised that her workload had been such that she had as yet been unable to undertake this piece of work. This was a matter that should not be rushed and would be undertaken as part of the Constitutional updates already mentioned.

A leaflet, providing instructions regarding procedure at Planning Committee had been circulated to Members and was available on the website. This leaflet was used if members of the public telephoned to ask for advice and could be emailed to them. It was **AGREED** that the link to this leaflet be forwarded to Town and Parish Clerks, a reminder be placed in WIS and made available at reception.

The Chairman thanked the Monitoring Officer for her update.

60 DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

The Committee had before it draft a consultation document * on Disqualification Criteria for Councillors and Mayors.

The Committee looked at each question in turn:

Q1. Do you agree that an individual who is subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. is on the sex offenders register) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

It was **RESOLVED** that the Committee agreed with the content of question 1.

(Proposed by the Chairman)

Q2. Do you agree that an individual who is subject to a Sexual Risk Order should not be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or the London Mayor?

The Committee discussed the term 'sexual risk order' and what this meant. Members were unhappy with the wording within question 2 and the explanation provided. They considered that the information given fell short of allowing them to make an informed decision.

It was **RESOLVED** that the Committee did not agree with the content of question 2.

(Proposed by the Cllr Mrs N Woollatt and seconded by Cllr C R Slade)

Q3. Do you agree that an individual who has been issued with a Civil Injunction (made under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014) or a Criminal Behaviour Order (made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014) should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

It was **RESOLVED** that the Committee agreed with question 3.

(Proposed by the Chairman)

Q4. Do you agree that being subject to a Civil Injunction or a Criminal Behaviour Order should be the only anti-social behaviour-related reasons why an individual should be prohibited from standing for election, or holding office, as a member of a local authority, mayor of a combined authority, member of the London Assembly or London Mayor?

It was **RESOLVED** that the Committee agreed with question 4.

(Proposed by the Chairman)

Q5. Do you consider that the proposals set out in this consultation paper will have an effect on local authorities discharging their Public Sector Equality Duties under the Equality Act 2010?

It was **RESOLVED** that the Committee agreed with question 5.

(Proposed by the Chairman)

Q6. Do you have any further views about the proposals set out in this consultation paper?

The document did not make reference to unitary authorities.

It was **AGREED** that the Monitoring Officer be asked to respond to the consultation.

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

61 DRAFT GUIDELINES ON MEMBERS CORRESPONDENCE

Arising from matters discussed at the last meeting of the Committee, Members had before them for consideration a report of the Monitoring Officer and draft guidelines for Members correspondence.

At the meeting on 26 July 2017, the Monitoring Officer discussed concerns raised with her by a member of the public about the alleged failure of a Member of the Council to reply to correspondence. In that particular incidence, the Monitoring Officer had dealt with the issue informally. However, as Members of the Committee indicated at the meeting, it did raise issues about how Members should be expected to deal with their correspondence, particularly in relation to that received from Members of the public from their electoral ward.

The Monitoring Officer asked Members to consider:

- (a) Whether guidance should be given to Members on dealing with correspondence in the form attached at Appendix 1;
- (b) Whether a Member's failure to reply to correspondence in a timely manner (or at all) could on its own, and in principle, amount to a breach of the Code of Conduct; and
- (c) Whether to recommend that the Local Assessment Criteria be amended.

Discussion took place regarding:

- Whether guidelines should be necessary and Members should deal with correspondence anyway;
- Various ways of responding to guidance such as in person or by telephone;
- Some correspondence could be difficult to answer and time consuming;
- It was not always possible to give people the answer they were looking for;
- Some roles carried out by Members generated more correspondence than others and sometimes there were reasons why they could not be replied to;
- Members could benefit from advice rather than guidelines;
- Guidelines that were specific timewise would not allow for busy periods, holidays or ill health;
- Whether Group Leaders should be the ones to issue instruction;
- Advice could be issued in WIS;
- Confusion regarding blind copy and when this should and shouldn't be used;
- Further clarification was required regarding confidentiality.

It was **RESOLVED** that the Monitoring Officer be asked to take some key points from the draft guidelines and provide information for WIS as a set of principles and that an informal workshop to be put in place regarding confidentiality.

(Proposed By Cllr C R Slade and seconded by Cllr N Woollatt)

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

62 **COMPLAINTS**

The Monitoring Officer informed the Committee that she was in receipt of one complaint, for which she had consulted the Independent person. It was considered to merit taking forward as it was a potential breach of the code of conduct. The process of investigation was ongoing and the officer would report back in due course.

63 **MEMBERS' ACCESS TO (AND USE OF) INFORMATION AND EXEMPT INFORMATION**

The Committee had before it the Protocol * on Member/officer relations. The Monitoring Officer informed the Committee that she had added this item to the agenda following concerns about emails from officers being forwarded to the press without discussing this first with the officer concerned. The current protocol covered Part II information but did not cover this particular scenario.

Discussion took place regarding a number of sections of the protocol which were not current or correct. The Monitoring officer agreed that these would be looked at as part of her ongoing review of the Constitution.

The Monitoring Officer asked that Members give consideration to the matter and feedback to her any other comments on the existing protocol that they wished her to take into account.

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

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

Members were asked to consider items for the next meeting and it was agreed that this would form of the next informal workshop.

Complaints
Updates to the Constitution

(The meeting ended at 8.00 pm)

CHAIRMAN