

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 6 June 2018 at 6.00 pm

Present Councillors

Mrs F J Colthorpe, C J Eginton,
F J Rosamond, Mrs E J Slade, C R Slade,
Mrs M E Squires, L D Taylor and
Mrs N Woollatt

Apologies Councillor(s)

Mrs J B Binks

Also Present Councillor(s)

R Evans and Mrs J Roach

Also Present Officer(s):

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

1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr Mrs J Binks (in her absence) be elected Chairman of the Committee for the municipal year 2018/19.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr C R Slade be elected Vice-Chairman of the Committee for the municipal year 2018/19.

In the absence of the Chairman, Cllr C R Slade then took the Chair.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs J B Binks.

4 PUBLIC QUESTION TIME (00-04-46)

Mr Quinn asked the following questions:

In relation to agenda item 5 – minutes of the previous meeting. Within item 70 the minutes state that “responding to the questions asked at public question time the Monitoring Officer said she did not have the answers to hand regarding the Peer Review and would respond in writing to that question” He had not received a written response and requested that it be progressed.

Referring to Item 9 on the agenda, - Annual Report of the Monitoring Officer, at paragraph 4.1, the Monitoring Officer states that she has appointed two deputies (the

Members Services Manager and the Solicitor), is each Deputy Monitoring Officer given the full range of duties and powers, or are they restricted in anyway? On what date or dates, did these appointments take place? Have the job descriptions and job evaluation factors of each post been amended to show the additional responsibilities?

The Monitoring Officer apologised for the oversight of a written response promised at the previous meeting and stated that she would respond this week. With regard to the Deputy Monitoring Officers, there was a requirement for the Monitoring Officer to have a deputy who could act if she were to be unavailable and it was a good idea for the deputy/deputies to work alongside the Monitoring Officer. With regard to the appointment dates, the job descriptions and job evaluation issues, she would have to confirm this via a written response.

5 MINUTES (00-07-51)

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

6 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-09-03)

Members were reminded of the need to make declarations of interest when necessary.

7 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

8 MOTION 546 (COUNCILLOR MRS J ROACH - 11 APRIL 2018) (00-09-44)

The Committee had before it a motion that has been passed to this Committee from Council for consideration.

This Council agrees to clarify the rules in the constitution relating to who can speak at working groups and to non-planning application agenda items at the planning committee. This motion seeks to establish the right in law of Councillors to participate in the democratic process without relying on a Chairman's discretion.

The meeting was provided with the current wording within the Constitution (Access to Information Rules 27.5) which stated that "A Councillor who is not a member of the Planning Committee may attend that Committee and speak on an item that affects their ward and in relation to all other Committees may attend to speak on a matter"

The Monitoring Officer also provided some suggested wording to be inserted into the Constitution that may overcome the issue raised within Motion 546 that "Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward Member to speak as set out in paragraphs 9.2 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)"

Cllr Mrs Roach was invited to speak to her motion; she explained that she had attended a previous Planning Committee and had requested to speak to a non-

planning application agenda item and not been allowed to. Therefore the motion requested that the situation be clarified, as she understood that any Member of the Council could attend any meeting and speak, although she was aware that only Ward Members could speak to individual planning applications. She felt that the suggested wording put forward by the Monitoring Officer was satisfactory and would cover the issue that she had raised.

Consideration was given to:

- Neighbouring Wards that could be affected by a planning application
- The use of public question time for non Ward Members to speak
- Previous planning applications which had impacted on more than one Ward

It was therefore **RECOMMENDED** to Council that Motion 546 be supported and that the Constitution be amended by replacing the original wording in paragraph 27.5 to the Access of Information Rules with the following” “Any Councillor may attend any meeting of a committee of the Council and may speak on any agenda item for that meeting. However, in relation to the Planning Committee, the right to speak on a planning application, enforcement item, or other report relating to a particular ward of the Council shall be limited to the rights of a Ward member to speak as set out in paragraphs 9.32 and 9.3 of the Protocol of Good Practice for Councillors Dealing in Planning Matters (Appendix J to the Constitution)”

(Proposed by the Chairman).

Note: Cllr Mrs F J Colthorpe declared a personal interest as Chairman of the Planning Committee.

9 **ANNUAL REPORT OF THE MONITORING OFFICER FOR 2017/18**

The Committee had before it and **NOTED** a * report of the Monitoring Officer providing a review of the preceding year.

She outlined the contents of the report stating that she considered it to be good practice to review the preceding year so that she and the Members could consider whether the Council was fulfilling its statutory duty and it would also evidence the work it had done or was planning to undertake.

Consideration was given to:

- The number of complaints received
- The process for dealing with complaints

Note: *Report previously circulated, copy attached to minutes.

10 **COMPLAINTS (00-22-38)**

The Monitoring Officer provided an update regarding on-going complaints being dealt with.

During the discussion it was agreed that the meeting be closed to the press and public to allow the Monitoring Officer to inform the meeting of the detail with regard to ongoing complaints and therefore

It was **RESOLVED** 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.

(Proposed by the Chairman)

Following consideration of the Monitoring Officer's information, the meeting returned to a public forum.

Note: Cllrs Mrs F J Colthorpe, F J Rosamond and Mrs N Woollatt declared interests (although not a personal or Disclosable Pecuniary Interest) with regard to some of the issues discussed.

11 **STANDARDS COMMITTEE WORKSHOP (00-24-01)**

The Committee considered whether it was necessary for it to hold an informal workshop in the near future.

It was **RESOLVED** that an informal workshop for the Committee be organised for September, however if there was no business to be discussed then the meeting would be postponed.

(Proposed by the Chairman)

12 **START TIMES OF MEETINGS (00-25-00)**

Following discussion the Committee **AGREED** to continue to hold its meetings at 6.00pm for the remainder of the 2018/19 municipal year.

13 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-25-31)**

The following issues would be addressed at the next meeting:

Standard issues for the agenda
Updates to the Constitution

(The meeting ended at 6.53 pm)

CHAIRMAN