

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 12 December 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 and Mrs N Woollatt

Apologies Councillor(s)

Mrs J B Binks and L D Taylor

Also Present Councillor(s)

R J Chesterton

Also Present Officer(s):

Kathryn Tebbey (Group manager for Legal Services and Monitoring Officer), Jenny Clifford, (Head of Planning, Economy and Regeneration) and Sally Gabriel (Member Services Manager)

14 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllrs: Mrs J B Binks (Cllr C R Slade in the chair) and L Taylor.

15 PUBLIC QUESTION TIME (00-00-52)

There were no members of the public present.

16 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-00-57)

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

17 MINUTES (00-01-09)

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

18 CHAIRMAN'S ANNOUNCEMENTS (00-01-52)

The Chairman wished Cllr Mrs J B Binks a speedy recovery.

19 PROCEDURES FOR MONITORING AND ASSISTING THE DELIVERY OF HOUSING AND EMPLOYMENT DEVELOPMENTS (00-02-05)

Arising from a *report of the Head of Planning, Economy and Regeneration, the Cabinet had made the following recommendation:

- a) The governance arrangements set out in this report for setting up a Development Delivery Advisory Group is recommended to the Council for adoption.
- b) Following adoption that the necessary changes are made to the Constitution.

The Head of Planning, Economy and Regeneration outlined the contents of the report explaining that the Council already had a Planning Policy Advisory Group (PPAG) which considered policy prior to Cabinet approval and it was proposed that a Development Delivery Advisory Group (DDAG) be set up to discuss current delivery rates and consider how the Council could be proactive with the delivery of local plan sites. The creation of such a group had been on the advice of the Planning Advisory Service and was thought to be good practice.

Consideration was given to:

- Members of the Planning Committee were not proposed to be part of the group so as to avoid any risk of pre-determination of any sites that did not have planning permission.
- Whether there would be any financial implications for setting up the group
- How Members would be actively engaged
- The two groups could not be combined as Members of the Planning Committee could not sit on the DDAG
- Whether the creation of the DDAG would diminish the work of the PPAG
- As part of the remit of the group would be a scrutiny role it was suggested that the Chairman of the Scrutiny Committee have a seat on the group as part of his/her role.

RECOMMENDED to Council that:

- a) The governance arrangements set out in the report for setting up a Development Delivery Advisory Group be adopted and that arrangements include the Chairman of the Scrutiny Committee having a seat on the group (subject to that member not having a seat on the Planning Committee).
- b) Following adoption that the necessary changes are made to the Constitution.

(Proposed by Cllr F J Rosamond and seconded by Cllr Mrs F J Colthorpe)

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

20 THE TERMS OF REFERENCE OF THE AUDIT COMMITTEE (00-17-51)

Arising from a * report of the Audit Manager, the Audit Committee at its meeting on 18 September 2018, resolved as follows:

It is **RECOMMENDED** that the Terms of Reference of the Audit Committee be amended to include:

- i. Other assurance bodies including partnerships and collaboration arrangements.
- ii. Ethical framework

The Monitoring Officer explained that the recommendation had been through Full Council, but the precise wording was not clear at the time. The following changes to the Terms of Reference were therefore suggested and there was no intention that the Audit Committee would take over any of the functions of the Standards Committee. The purpose of the changes was to reflect the guidance from CIPFA in relation to corporate governance, but also to emphasise that the Audit Committee could support the functions of the Standards Committee in driving up standards.

It was recommended that the Terms of Reference of the Audit Committee at Article 9 in the Constitution be amended by added the words in bold below:

9.1(a) Providing independent assurance of the adequacy of the risk management framework and the associated control environment, including (from the perspective of the Council) those partnership or joint working arrangements the Council has with other bodies and how their risk management and controls might impact the Council;

9.2) (q) Consider the Council's compliance with its own and other published standards and controls, including supporting the Council's adopted ethical standards framework and the work of the Standards Committee

It was therefore **RECOMMENDED** to Council that:

The Terms of Reference of the Audit Committee at Article 9 in the Constitution be amended by added the words in bold below:

9.1(a) Providing independent assurance of the adequacy of the risk management framework and the associated control environment, **including (from the perspective of the Council) those partnership or joint working arrangements the Council has with other bodies and how their risk management and controls might impact the Council;**

9.2) (q) Consider the Council's compliance with its own and other published standards and controls, **including supporting the Council's adopted ethical standards framework and the work of the Standards Committee**

(Proposed by the Chairman).

Note: * Report previously circulated copy attached to minutes.

21 **COUNCILLORS - LEAVE OF ABSENCE FROM COUNCIL MEETINGS (00-19-56)**

Cllr Mrs N Woollatt had requested that Members consider the *document "Leave of absence from Council Meetings" from Malvern Hills District Council.

Cllr Mrs Woollatt was invited to speak to the item; she stated that she thought it would be useful to incorporate such a document into the Council's constitution as it explained the expectations required for councillors and set out the process for requesting leave of absence taking into consideration the relevant legislation

Consideration was given to:

- What was considered to be adequate attendance at meetings
- What the electorate expected from councillors
- The current legislation and the fact that the current constitution did frame the expectations of members
- Non-attendance at meetings was not a breach of the code of conduct
- Whether this was just a training issue and could form part of the new member induction programme and ongoing training to members
- The role of the Standards Committee to promote and maintain high standards
- Whether the guidance could be added as an appendix to the constitution

It was therefore:

RECOMMENDED to Council: that the “Councillors – “Leave of absence from Council Meetings” guidance be added as an appendix to the Constitution and that the information be included into the new member induction programme and made available to prospective councillors.

(Proposed by the Chairman)

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

22 **THE CONSTITUTION (00-33-31)**

The Monitoring Officer informed the meeting that she had previously suggested that a wholesale review of the constitution take place, progress was not as swift as she would have liked and it was therefore suggested that she bring sections of constitution back to the committee when they had been reviewed. Members were asked to consider how they would like to consider the document, whether as a full committee or that a sub-committee be formed.

Consideration was given to:

- Reviewing the document in bite sized bits
- The constitution was a living document and could be reviewed as part of a rolling programme

It was **AGREED** that the Constitution be brought before the committee in bit sized pieces for consideration and approval.

23 **STANDARDS TRAINING (00-38-03)**

The Monitoring Officer informed the meeting that in the last six months she had provided a training session for Cullompton Town Council and she had also attended Hittesleigh Parish Council to provide guidance on Councillor Registration of Interests.

24 **ASSOCIATION OF DEMOCRATIC SERVICES OFFICERS CONFERENCE - VERBAL REPORT (00-39-33)**

The Member Services Manager reported on her recent attendance at the Association of Democratic Services Officers conference where a wide range of speakers had been present. Of particular importance to this meeting was a workshop regarding the

Local Government Review of Ethical Standards led by the John Austin, Chairman of ADSO and Philip Horsfield, Vice President of the LLG.

The Government report would be published in the new year and those who lead the workshop had been given authority to say the following:

- There was an overwhelming feeling that the framework at present was too weak
- There was a need for tougher sanctions
- The standards regime would change
- The role of the Independent Person needed to be reviewed and may have a stronger role, he or she may be asked to chair the committee
- There would be a stronger and much more unified code
- More clarity of what was a Disclosable Pecuniary Interest and that there may be a push for taking the criminal side out of the DPI's
- A possible rewind to pre 2011
- The possibility of applying the code across the board – so that dual hatters knew where they stood
- Work was taking place with the LLG, ADSO and the SLCC looking into how the Monitoring Officer could support parish clerks with regard to intimidation and reference was made to the Ledbury case.

The Chairman thanked the officer for her report.

25 **COMPLAINTS (00-43-59)**

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: Cllr Mrs N Woollatt declared a personal interest as she had received correspondence with regard to one of the complaints.

26 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-44-13)**

The following items would be added to the agenda for the next meeting:

- Indemnity for Members and Officers – new
- Scheme of Delegations - revision

- Officer Employment Procedure Rules – revision
- Further information with regard to the Government Review of Ethical Standards, if available.

(The meeting ended at 7.00 pm)

CHAIRMAN