

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 5 February 2015 at 6.00 pm

### **Present**

**Councillors** R M Deed (Chairman)  
R J Chesterton, Mrs F J Colthorpe,  
R Evans, C R Slade, Mrs L J Holloway and  
P F Williams

### **Apologies**

**Councillors** Mrs M E Squires and Mrs N Woollatt

### **Also Present**

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

## **49 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Mrs M E Squires and Mrs N Woollatt who was substituted by Mrs J Roach.

## **50 PUBLIC QUESTION TIME**

There were no members of the public in attendance.

## **51 MINUTES**

The minutes of the previous meeting were agreed as a true record and signed by the Chairman.

## **52 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## **53 UPDATE FROM THE CONSTITUTION WORKING GROUP**

The Head of Communities and Governance and Monitoring Officer updated the Committee on the work of the Constitution Working Group. She informed them that the Group were currently looking at job descriptions for all Members, the Leader, the Deputy Leader, the Chairman of the Council and Chairmen of Committees. They would also be looking at the roles of Committee Members. They had also been working on Procedure Rules and the Scheme of Delegation. When this work had been completed it would be brought to the Standards Committee before being added to the draft Constitution. The draft Constitution as a whole document would be presented to the Standards Committee at the meeting scheduled for 8<sup>th</sup> April 2015.

The Committee had before it the draft Member/Officer Protocol. It was agreed to work through the Protocol page by page.

Discussion took place regarding:

- How Officers would ensure that Councillors always worked in a legal manner;
- Officers attending party meetings and whether information discussed at these meetings should always be regarded as confidential;
- Whether Officers should attend ward surgeries;
- If the permission of the Chief Executive or Head of Service should be sought if an Officer was asked to attend a public meeting;
- Whether the group of ungrouped Members should be referred to as a political party.

The Officer was currently awaiting confirmation from the Legal Service regarding some of the above.

It was **AGREED** that an annual statistical report regarding complaints should be submitted to the Standards Committee. The Chairman requested that the information be back dated to January 2015. This information would help to measure the success of the Member/Officer Protocol.

The Chairman thanked the Working Group for the tremendous amount of work they had undertaken.

## 54 **COMPLAINTS**

The Chairman requested that for future meetings the agenda heading for complaints include District Councillors. The Chairman explained that he had asked the Monitoring Officer to compile statistics for the numbers of complaints received.

She outlined the complaints received:

In 2013 14 complaints had been received, 6 regarding District Councillors, 3 regarding Parish Councillors and 5 regarding Town Councillors.

In 2014 36 complaints had been received, 11 regarding District Councillors, 12 regarding Town Councillors and 13 regarding Parish Councillors.

In 2015 to date 7 complaints had been received. One of these complaints related to a District Councillor and the further 6 were regarding Parish Councillors, all of whom represented the same Parish. These complaints had been received recently and were being addressed.

The Officer further explained that in 2013 a couple of the cases had not been simple and had gone to tribunals, the police had been involved in one case.

These figures did not include general enquiries. It had become clear that changes to legislation had not been understood in some areas and it was therefore intended to provide training for Town and Parish Councils following the election. General tips and guidance were being issued via Parish Matters.

The Officer explained that problems were encountered when Parishes did not keep their records up to date and that there had been cases when they had not informed

the District Council about changes to the Clerk or Chairman. There were also varying standards of website and some Parishes did not yet have one. Mid Devon was therefore offering assistance with this and there would also be pages on the Councils new website for Parish information and for them to make links to their own websites. The Register of Interests for Town and Parish Councils was held by the District Council.

Discussion took place regarding Part II items and whether it was ever necessary to discuss complaints about Councillors in private:

The Committee discussed:

- Information regarding complaints could include personal information;
- The amount of detail that would need to be discussed in public
- The number of complaints that turn out to be vexatious;
- Even if a complaint was not upheld 'mud sticks'
- Local press may choose to publicise a complaint which might later be shown to be vexatious;
- Complaints did not have to be heard in Part II and the agenda text only referred to 'may be necessary';
- Looking at statistics in the future may help to identify patterns of behaviour and therefore identify training needs.

As there had not been any discussion during this agenda item, which would identify any individual Town or Parish Councillor, it had not been necessary for the meeting to go into Part II.

**55 COUNCILLOR D F PUGSLEY HAS REQUESTED THAT THE COMMITTEE DISCUSS THE FOLLOWING:**

Councillor Pugsley informed the Committee that he considered that the discussion that took place at the last meeting of the Committee where it was agreed that the 'Chairman should always act impartially, in a non-partisan manner and not convey any personal animosity' raised issues with the Chairman's casting vote.

The Councillor said that if a vote was tied this implied that a case had not been put forward that was strong enough and that therefore the status quo should remain until a stronger case could be put forward.

Discussion took place regarding;

- The need for a casting vote to ensure that decisions could be made;
- A recommendation could be amended to help prevent a tied vote;
- The Chairman should behave in a fair manner;
- The need for a chairman to vote with their party.

The Monitoring Officer referred the Committee to Section 99 of the Local Government Act 1972 Schedule 12 which stated that in the case of equality of votes the person presiding at the meeting shall have a second or casting vote. An attempt by the Council to lay down a rule that a casting vote should be in favour of the status quo would be found to be unlawful by the courts.

It was **AGREED** that the use of a casting vote be included in Chairman's training.

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

Updates from the Constitution Working Group

Meetings for this Committee had been scheduled for:

11 March 2015 at 6.00pm

25 March 2015 at 6.00pm

8 April 2015 at 6.00pm

(The meeting ended at 7.25 pm)

**CHAIRMAN**