

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 19 June 2019
at 6.00 pm

Present Councillors

Mrs F J Colthorpe, C R Slade,
Mrs M E Squires, L D Taylor, C J Eginton,
A White, Mrs N Woollatt, A Wyr and
R M Deed

Apologies Councillor(s)

A Wilce

Also Present Councillor(s)

R Evans and L J Cruwys

Also Present Officer(s):

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

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

RESOLVED that Cllr C J Eginton be elected Chairman of the Committee for the
municipal year 2019/20.

2 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr A Wilce (in his absence) be elected Vice-Chairman of the
Committee for the municipal year 2019/20.

3 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr A Wilce who was substituted by Cllr R M Deed.

4 PUBLIC QUESTION TIME

Mr Thompson referring to Item 8 (Annual Report of the Monitoring Officer) on the
agenda stated that he would like to ask that the committee consider a form of inquiry
based on his comments:

1. I assume you are aware that there is a Mid Devon Constitution that lays down
correct procedure etc for investigation of complaints and who by?
2. I would like to make you aware that in the period April/May 2018 as a member
of the Policy/Finance/Personnel/Committee of Cullompton Town Council, I
was informed that a complaint was made against myself and a member of the
public by 3 members of staff under the internal grievance procedure, this was

rejected and recommended consideration that the complaints go via the code of Conduct procedure - this was a year ago.

There was nothing further said to myself or the member of public until only about 3 to 4 months ago at a council meeting when I asked the clerk what was happening re the complaint, after some hesitation I was informed there was nothing further happening. I took this as the complaint(s) were not being taken any further. I retired from the Council just before elections in May this year owing to health issues and stress owing to a culture of a dysfunctional council — this can be described more fully as needed.

On 16th May 2019, I wrote to the Cullompton Town Clerk asking her to produce to me all documents of complaints which were made under the grievance procedures and not under the Code of Conduct, as this was effectively a year since the original complaints and I had not been made aware of the content or allegation against me.

I was informed that the Monitoring Officer was the person to ask as it was later referred to her under the Code of Conduct.

On 21st May 2019, I was informed by the Monitoring Officer “on discussion with the Independent Person and in light of the rights and freedoms of councillors, we concluded that they should not be taken any further for investigation. Unfortunately, due to intervening complaints, including those which took on a degree of urgency earlier this year, I did not turn those conclusions into a decision letter”. She later said “The Independent Person responded on 12 August 2018, which I subsequently discussed with him on 14 August 2018 and again briefly on 29 October along with other outstanding complaints.”

I was never informed officially of the complaint, progress of investigation, result of report by the Independent Person or given the opportunity to challenge comments made, I can show that they are inaccurate and questionable as to how they were written. I would also like to state that this is not the first time that the Monitoring Officer has taken a long time in responding to a complaint by myself, It should also be noted that the minutes recorded at previous Standards Committees have also had comments on delays by the Monitoring Officer. I find one year to deal with this complaint against myself is totally unacceptable and highly unprofessional for a person in the her role with a Deputy Monitoring Officer(s) to assist in her absence.

Mr Snow again referring to Item 8 on the agenda stated that Mr Thompson had highlighted the delays of investigating complaints, there had been little interaction and the rules were not being followed. Somethings had been dealt with incorrectly and there should be further inquiry into how complaints are dealt with.

The Monitoring Officer responded stating that she could not discuss the detail of the complaints in an open meeting, but she was happy to circulate her comments should that be required. There had been delays for which she apologised. There was a balance between speed and doing justice to the complaints. There had been delays with workload pressures. There appeared to have been a misunderstanding of the application of the Constitution and the procedures to be applied, none of the

complaints had proceeded to formal investigations. However detailed and reasoned decisions had been given and the Independent Person had been consulted.

Councillor Mrs Woollatt stated that when a complaint was made against someone, that could be a very stressful and traumatic thing. There was a need to put things in place so that things don't drag on. The Monitoring Officer should have adequate resources, the delay had been recognised and what could the Committee do to address the issue.

The Monitoring Officer responded stating that she did write to those complained of. There had been a misunderstanding from conversations with Mr Thompson, when it appeared to her that he was already aware of the complaint which was on the same subject as the grievance. However she would not make that assumption again.

In response to a question by Cllr Taylor, the Monitoring Officer explained that the complaints procedure for formal investigations had timescales as set out in the Constitution, but in relation to the pre-investigation stages, the legal Jurisdiction Test indicated that these stages would normally be dealt within 30 days, although it was not a fixed requirement.

5 MINUTES (00-16-53)

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 (00-17-55)

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

7 CHAIRMAN'S ANNOUNCEMENTS (00-18-10)

The Chairman had no announcements to make.

8 ANNUAL REPORT OF THE MONITORING OFFICER FOR 2018/19 (00-18-18)

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

She outlined the contents of the report stating that this provided evidence of the work that had taken place during the previous municipal year. She highlighted the following:

- There had been 3 scheduled meetings in the previous year with one being postponed and a further cancelled due to insufficient business. In previous years meetings had been held on an adhoc basis. The scheduled meetings would allow for a work programme to be developed.
- One Independent Person was required by law, if the need arose she could always call on another Independent Person from another authority, however she felt that an additional Independent Person would be of benefit to the authority in case of a conflict of interest.
- The role of the Monitoring Officer and that of her deputies.

- There had been 8 complaints in the municipal year 2018/19 which compared with 6 in the previous year. The majority had been related to town and parish Councils. She continued to support the clerks of the town and parish Councils.
- Issues arising from the use of social media.
- She had visited several parish councils and a number of parish clerks had sought advice in the previous year and she was working closely with a couple of parish councils.
- She referred to the Register of Gifts and Hospitality and that she would be reminding members of the need to register them.
- With regard to the redaction of sensitive interests from the register, she explained the process.

Consideration was given to: the Independent Person attending meetings of the Council and providing confidential feedback to the committee with regard to any additional training that may be required. It was **AGREED** that this be reviewed in the autumn.

RESOLVED that the report be **NOTED** and circulated to all Town and Parish Councils for information.

(Proposed by Cllr C R Slade and seconded by Cllr R M Deed)

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

9 **COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT (00-29.25)**

The Committee had before it a *report of the Committee on Standards in Public Life with regard to Local Government Ethical Standards.

The Monitoring Officer outlined the contents of the report stating that the document had been published in January 2019, a number of the recommendations required legislative change but no timetable was available to date. The Local Government Association had also been tasked with regard to creating an updated model Code of Conduct in consultation with all tiers of local government and the creation of peer reviews to consider local authorities processes for maintaining ethical standards. Within the document was a list of best practice which should be considered by the committee.

Consideration was given to:

- The formation of a working group to consider the best practice highlighted within the document.
- Whether parish clerks in Mid Devon held the appropriate qualifications
- A Devon code which would aid those members who served on town and parish councils or at County level
- The need for an updated code to be more robust
- The report's recommendation to Government on a rebuttable presumption that a councillors behaviour included comments on social media, should be in their official capacity

- Recommendations 3 and 4 in the report were seen to be contradictory and some clarity would be required, possibly through new legislation
- Whether a stronger code would impact of the number of local residents putting themselves forward for election
- Whether suspension for up to six months would impact on the six month rule
- Any proposals for new legislation would probably be the subject of consultation before implementation

It was therefore:

RESOLVED that a working group be formed to consider the findings of the report and in particular the suggested best practices. Members of the working group would be Cllrs: C J Eginton, L D Taylor, Mrs N Woollatt and A Wilce (with his agreement).

(Proposed by the Chairman)

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

10 **START TIMES OF MEETINGS (00-52-50)**

The Committee **AGREED** to continue to hold its meetings at 6.00pm for the remainder of the 2019/20 municipal year.

11 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (00-53-00)**

The following issues would be addressed at the next meeting:

A report from the working group with regard to the Standards in Public Life Report.

(The meeting ended at 6.55 pm)

CHAIRMAN