

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS WORKING GROUP** held on 29 July 2019 at 6.00 pm

**Present
Councillors**

C J Eginton, L D Taylor, A Wilce and
Mrs N Woollatt

Also Present

Officer(s): Kathryn Tebbey (Group Manager for Legal Services and Monitoring Officer), Maria De Leiburne (Solicitor) and Sally Gabriel (Member Services Manager)

1 ELECTION OF CHAIRMAN

It was **AGREED** that Cllr C J Eginton would chair the meeting of the working group.

2 APOLOGIES

There were no apologies.

3 LOCAL GOVERNMENT ETHICAL STANDARDS - A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Group considered the list of recommendations (outside of the Government's remit) and the list of best practice.

Recommendations

| Number | Recommendation | Outcome of discussion |
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| 11 | Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed. | The Monitoring Officer was already reviewing the current indemnity for members and officers. This could potentially include the Independent Person. Recommendation for action – MO to discuss with counterparts in other authorities and include in indemnity review. |
| 19 | Parish Council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks. | Agreed that this could not be mandatory, but that the clerks should be notified of the recommendation. Recommendation for action - MO to write to Parish Clerks requesting that they note the |

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| | | recommendation. |
| 25 | Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules | Formal Induction programme had taken place. Some members did not attend all the training. Recommendation for action – MO and SG to identify those who may need further training, although responsibility also rests with the members themselves. |

Best Practice

| Number | Best Practice | Outcome of discussion |
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| 1 | Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition. | There is a general obligation within the code with regard to bullying, but there is no mention of harassment nor a definition of either. Recommendation for action – MO to add in harassment and include definitions (ordinary meanings from dictionary). |
| 2 | Councils should include provision in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors | Not thought necessary. If a member chooses not to participate in any formal standards investigation, they run the risk of not getting their views across. That is a matter for them. To create an additional scope for breach would seem excessive and not really be of benefit. Trivial and malicious allegations can already be rejected under the local assessment criteria already in place. No action required. |
| 3. | Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. | The code of conduct was available on the website and was amended when required. No action required. |
| 4. | An authority's code should | The code of conduct was readily |

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| | be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises. | available on the website and upon request. No action required |
| 5. | Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format such as CSV | Acknowledged that Members could either add gifts and hospitality to either their ROI form or a complete a separate form. Register kept by Member Services. Automated quarterly reminder to Members discussed Consideration of how to publish in one format only. Recommendation for action - MO and SG to liaise and provide advice to Members. |
| 6. | Councils should publish a clear and straightforward public interest test against which allegations are filtered. | Acknowledged that we already have the Jurisdiction Test and the Local Assessment Criteria which fulfil the purpose of the public interest test. No action required. |
| 7. | Local authorities should have access to at least 2 Independent Persons. | Following a previous resignation, the Council has only one IP, although MO has agreed with other authorities to share theirs if absolutely necessary. The MO had already signalled intent to recruit a further IP in the autumn 2019. Recommendation for action – MO to proceed with her proposed recruitment of a further IP in the autumn. |
| 8. | An IP should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit vexatious or trivial. | This already takes place and is set out in the Council's procedures. No action required |

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| 9. | Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the IP, the reasoning of the decision-maker and any sanction applied. | The Council would publish such a decision as part of its standard reporting of formal meetings – decisions on a breach following formal investigation already go to the Standards Sub-Committee for a hearing. No action required. |
| 10. | A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints and estimated timescales for investigations and outcomes. | Agreed that communication was key. Process states normally 30 days for Jurisdiction test and normally 30 days for Local Assessment criteria. Other timescales also given if it moves to formal investigation. All are indicative. Recommendation for action - Standard email acknowledgement of a complaint will outline timescales with further correspondence required should there be a delay (MO). |
| 11. | Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole rather than the clerk in all but exceptional circumstances | Agreed that this was a matter for the town and parish councils and MDCC cannot insist on this. MO would not reject a complaint from a Clerk (rather than the Chairman) despite this recommendation Recommendation for action – MO to draw this to the attention of the parish councils. |
| 12 | Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils | The role of the MO was in the Constitution. She felt well supported by Leadership Team, but was aware of current financial challenges in terms of resources, so was looking to manage the workload as far as possible without adding to those |

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| | <p>within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake the work.</p> | <p>challenges.</p> <p>No further action required.</p> |
| 13 | <p>A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the MO from a different authority to undertake the investigation.</p> | <p>No formal procedure in place.</p> <p>If there were to be a conflict of interest, then another authority or external investigator would be contacted as a matter of course.</p> <p>No action required</p> |
| 14 | <p>Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.</p> | <p>Acknowledged that 3 Rivers was considered within the Annual Governance Statement and by the Audit Committee.</p> <p>Consideration was given to how open the company should be. The Committee's report acknowledged the challenge of commercial and confidential information, so this needs to be handled with care before any decision is made.</p> <p>Recommendation for action – MO to consider further the suggestion of publication of board minutes etc. and report back.</p> |
| 15. | <p>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p> | <p>Agreed that the Group Leaders' (collective) meetings with the Chief Executive should be re-established as a useful forum for raising any issues.</p> <p>Recommendation for action – Group Leaders to take this forward, although members of the working group thought it was a good idea.</p> |

4 **NEXT STEPS**

It was agreed that the issues raised would be actioned and that the Monitoring officer would report back to the Group informally by mid September. A report of the working group would be put before the Standards Committee on 9 October.

(The meeting ended at 7.28 pm)

CHAIRMAN