

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **STANDARDS WORKING GROUP** held on 15 September 2021 at 6.00 pm

### **Present Councillors**

C J Eginton,                      L D Taylor                      and  
Mrs F J Colthorpe

### **Also in attendance**

John Smith (IP)

### **Also Present Officer(s):**

Maria De Leiburne (Operations Manager Legal and Monitoring), Karen Trickey (District Solicitor) and Sally Gabriel (Member Services Manager)

## **1 APOLOGIES**

Apologies were received from Rob Jeanes (IP).

## **2 INTRODUCTIONS**

Those in attendance introduced themselves.

## **3 MODEL CODE OF CONDUCT**

The Chairman outlined the remit of the working group stating that the Standards Committee had requested that the Group consider the new Model Code of Conduct alongside the guidance issued by the Local Government Association. In deciding whether to change to the Model Code/adapt the existing Code the Group were requested to approach the matter considering the following:

- MDDC's duty to promote and maintain high standards;
- What, if any issues has the Council experienced in terms of standards; and;
- The advantages / disadvantages of each option

The following documents had been circulated to the group for consideration:

- Options paper
- MDDC's current Code of Conduct
- Model Code of Conduct
- Guidance – hard copy previously circulated.

The Group considered each option in turn and provided their views.

Options for the Working Group to consider:	Advantage of each option?	Disadvantage of each option?
Adopt the LGA Code in its entirety	<p>It reflects independent and nationally recommended standards which are more comprehensive than MDDC Code.</p> <p>The Code will be interpreted in line with the LGA Guide published in July 2021.</p>	<p>Too complicated; unnecessarily long?</p> <p>Might cause confusion as Model Code includes a mix of requirements and guidance notes, particularly given there is a separate LGA Guide.</p> <p>What are the implications for parish / town councils in the district e.g. will they want to adopt the same Code as MDDC and if so, is the Model Code and Guidance too cumbersome?</p>

Concerns were raised with regard to:

- Whether the Model Code was over complicated for small parish councils if the Council were to encourage adoption of the Model Code across the whole district.
- The availability of the guidance alongside the Model Code was felt to provide a comprehensive package
- The need to encourage members of the public to take up the role of parish Councillors and whether such a complicated code would be off putting.
- The need to have a Code that could to be adopted across the whole district, so that when dealing with any complaints, all of the codes would be the same.
- The Model Code gave more information and examples backed up with excellent guidance and that this may reduce the number of complaints.

Options for the Working Group to consider:	Advantage of each option?	Disadvantage of each option?
Stick to the MDDC Code	<p>Clear, simple; and well established at MDDC.</p> <p>Worked well, in line with duty to promote and maintain high standards?</p> <p>Key provisions (e.g. respect, bullying / intimidation, confidentiality, disrespect, not advantaging / disadvantaging others) already included – therefore no need to change.</p> <p>Legislation has not changed. Could therefore keep under review (in next year) and wait to see what</p>	<p>Existing MDDC Code doesn't have national / independent 'stamp of approval'</p> <p>Not as comprehensive as LGA Code particularly regarding interests. MDDC Code interest rules limited to DPIs despite prohibition against improperly using position to advantage / disadvantage another (the latter of which can serve to prevent members taking part in decision making where they have non DPI interests).</p>

	<p>changes are made in law in future (e.g. to DPI rules / sanctions for breaches of the Code).</p> <p>Specific provisions on pre determination &amp; DPI and other registerable interests already exist in MDDC code and predetermination is not in the Model Code</p>	
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Consideration was given to:

- How often councillors actually read the existing Code and that the majority of the Code referred to declarations of interest whereas the Model Code did draw attention to good behaviour
- The Model Code referred to other registered interests and that MDDC Members were used to declaring personal interests

<b>Options for the Working Group to consider:</b>	<b>Advantage of each option?</b>	<b>Disadvantage of each option?</b>
Update the MDDC Code to include some / all of the key provisions in the LGA Code	<p>Provides opportunity to develop existing Code without making Code unduly long / complicated?</p> <p>Could expand rules regarding interests without simply following all parts of Model Code (e.g. declare 'other non DPI interests' and not participate where financial position / wellbeing affected to a greater extent than majority of others in the ward and persons knowing facts would think Cllr judgement might be clouded).</p>	LGA Guide won't correspond with MDDC revised code so may cause confusion (so will need to produce a bespoke MDDC Guide taking account of LGA Guide)?

Consideration was given to:

- Whether creating guidance for the existing code would be laborious
- The need for members to have the choice to declare a personal interest as that is what they were used to doing
- The implications of using the other registered interest clause which may require members who declare such an interest to leave the room (in certain circumstances) and not vote and the impact of this on a quorum
- Whether some middle ground could be reached
- That it was a member's decision to declare an interest and not the responsibility of others to remind them or to encourage them to declare
- The need for members to gain advice on any declaration they were unsure of and if the political balance of the meeting was affected then the issue of dispensation could be considered

#### 4 **NEXT STEPS**

The next steps were then considered and discussion took place with regard to whether the existing Code was working and therefore there was no need to change the rules for interests and that parts of the guidance could be used to support the original code.

Some of those present were reluctant to support the Model Code in full, whilst others felt that the Model Code was 'ready made'. However it was felt that there was no mention of personal interests in the Model Code and therefore would it be better to adapt the existing code and bring in guidance where it was applicable.

It was **AGREED** that the considerations of the Working Group (rather than recommendations) be provided to the Standards Committee alongside a draft paper for further consideration.

(The meeting ended at 6.53 pm)

**CHAIRMAN**