

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 21 June 2023 at 6.00 pm

### **Present**

#### **Councillors**

A Glover (Chairman), M Fletcher, L Knight, S Robinson, L Taylor, N Woollatt, Mrs F J Colthorpe and B Holdman

### **Apologies**

#### **Councillors**

D Wulff and S J Penny

### **Present**

#### **Officers**

Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer), Andrew Seaman (Member Services Manager) and Angie Howell (Member Services Officer)

## 1 **ELECTION OF CHAIRMAN (00:03:50)**

The Chairman of the Council invited nominations for the election of a Chairman for the municipal year 2023/24.

Cllr M Fletcher **MOVED**, seconded by Cllr B Holdman that Cllr A Glover be elected Chairman of the Committee for the municipal year 2023/24.

It was therefore **RESOLVED** that Cllr A Glover be elected Chairman of the Committee for the municipal year 2023/24.

## 2 **ELECTION OF VICE-CHAIRMAN (00:06:07)**

Cllr L Taylor **MOVED**, seconded by Cllr M Fletcher that Cllr S Robinson be elected Vice Chairman of the Committee for the municipal year 2023/24.

It was therefore **RESOLVED** that Cllr S Robinson be elected Vice Chairman of the Committee for the municipal year 2023/24

## 3 **START TIME OF MEETINGS (00:07:43)**

The Committee **AGREED** to continue to meet at 6.00pm for the remainder of the 2023/24 municipal year.

## 4 **APOLOGIES AND SUBSTITUTE MEMBERS (00:08:00)**

Apologies were received from:

- Cllr D Wulff who was substituted by Cllr B Holdman
- Cllr S Penny who was substituted by Cllr Mrs F J Colthorpe

Cllr S Keable attended the meeting online.

## 5 **PUBLIC QUESTION TIME (00:08:30)**

None received.

6 **MINUTES (00:08:41)**

That the minutes of the previous meeting be **NOTED**, with the amendment that Cllr Mrs F J Colthorpe's apologies be added to the minutes.

7 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00:09:42)**

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

8 **CHAIRMAN'S ANNOUNCEMENTS (00:10:00)**

The Chairman had no announcements to make.

9 **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL (00:10:07)**

Cllr N Woollatt **MOVED**, seconded by Cllr Mrs F J Colthorpe that this item be deferred to the next meeting.

Upon a vote it was declared to have been **CARRIED**.

10 **TASK AND FINISH GROUP (COUNCIL PROCEDURE RULES REVIEW) (00:14:43)**

The Committee were presented a report\* which outlined a task and finish group's recommendations on changes to the constitution with tracked changes provided. The Chair opened the floor to Members who raised the following points/questions:

The following was discussed:

- Rule 12.1 was raised and it was asked whether there was any reason why it had been suggested to be removed. The District Solicitor & Monitoring Officer explained that unfortunately the previous District Solicitor & Monitoring Officer had not left notes relating to this and confirmed that there was not an issue for it to be kept in the Constitution.

To which the Committee **AGREED** that rule 12.1 remain in the constitution.

- It was raised that point 4 within Appendix A on the topic of Motion 577 had merit and that this should be discussed further by the Standards Committee.
- The Chief Executive advised that issues could arise if an answer was given at a meeting but an answer in writing was still desired, particularly as 'substantively' could be subjective.

To which the Committee **AGREED** that Motion 577 be brought to the next meeting of the Standards Committee for discussion.

- Substitute Councillors for committees was raised, in particular whether a substitute should be from the same political group and if the need for a trained substitute outweighed the need for a substitute to be from the same political group. Planning and other Committees in particular were discussed as these required training to be a Committee Member.

- The legal position on substitutes covering for differing political groups was sought, to which the District Solicitor & Monitoring Officer agreed to investigate this further.

To which the Committee **AGREED** that the following recommendation be deferred to the next meeting of the Standards Committee to be discussed further on how it would be managed:

“The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members’ political group.”

- Concern was raised over the restriction of public questions as well as public engagement. It had been common practice to provide written answers to public questions.
- Questions sent in advance of a meeting should be answered at the meeting. However, questions not submitted in advance and could not be answered during the meeting should expect a written response.
- Questions not related to an agenda but related to the Council’s functions that would be submitted in advance could be considered.
- The Chief Executive clarified that answers should be given by Councillors and not the officers. With questions submitted in advance of the meeting officers would do what they can to provide answers at the meeting.
- It was raised that questions asked at Planning Committee meetings differed and that there was a need for officers to answer questions from a technical perspective.
- It was also raised whether public questions and answers should be minuted verbatim. The District Solicitor & Monitoring Officer advised that minutes should not be verbatim, this included questions from members of the public. It was noted that this would make minutes very long. It was also raised that comments/questions asked by Councillors were not recorded verbatim and that as long as the question was included this was sufficient for the minutes.
- That it was important for the meaning of the public questions asked was captured within the minutes of a meeting.
- 8.5 of the written amendment was raised, it was understood that high volumes of public questions was challenging but that there needed to be more than a link to a recording. In addition, Councillors’ speeches were not recorded as verbatim within the minutes and recordings were available to listen to full statements. There needed to be a balance between capturing the meaning and being condensed.
- The Chief Executive advised that the current written amendment found within 8.5 would require minutes to have a transcript of public questions which would exceed the rights of elected Councillors within this Council as Councillors’

speeches and statement were not recorded as transcripts. It would also lead to an administrative burden.

To which the Committee **AGREED** that the written amendment of 8.5 be changed to:

“The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.”

In addition, the Committee **AGREED** that the word ‘substantively’ be removed from 8.4.2 of the written amendment.

- When a group of residents wish to speak at a meeting was raised and whether there should be a spokesperson for a group who wished to ask questions at a meeting. The Chief Executive explained that officers would naturally work with the public to make public engagement as efficient as possible and advised that this was perhaps not necessary.

To which the Committee **AGREED** that ‘Where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.’ be removed from the amendment (8.1 A, fourth bullet point).

- The Chief Executive gave advice in relation to the first bullet point of rule 8 within the written amendment. It was suggested that the words ‘from a member or an officer.’ were not needed.

To which the Committee **AGREED** that ‘and a response is required from a member or officer’ be removed from rule 8.1 A, first bullet point.

- On the subject of the Chairman answering public questions it was asked if any Member could answer a public question. The Chief Executive explained that previously the chairman had directed questions to other Members.
- Whether it was appropriate the relevant Councillor could answer and that the importance of questions being directed through the Chairman of a meeting was important.
- The topic of inappropriate questions was raised, to which the Chief Executive advised that the Chairman of a meeting should be able to identify questions that did not align with the constitution’s requirements and was a rare occasion for the Monitoring Officer to intervene and should be apparent to all when an inappropriate questions were asked.
- That residents could ask specific Councillors questions outside of Committee meetings and that Questions put to Committees were addressing the Council. Concern was raised over individual Councillors answering a question on behalf of the 41 other Councillors and that answers should be from the Council, not individual Councillors.

- There was a need to avoid multiple Councillors answering public questions and that the Chairman should have discretion as to who would provide an answer.
- 8.1 B of the amendment was raised and whether this would mean that the public could ask questions at each agenda item and join the debate of each agenda item. It was clarified that a neighbouring District Council conducted their meetings this way and that it was felt this was a more user friendly, engaging and relevant approach, which brought the questions and relevant items together. It was also mentioned that questions may not be asked if the presentation of the report answered a resident's question.
- There was concern that rule 8.1 B would cause disruption and negatively impact the flow of meetings. It was raised that Councillors were there to represent their constituents at meetings and Mid Devon as a whole.
- It was also raised that the Chairman's discretion to invite individuals to speak was already in place. Question time at the beginning of the meeting allowed residents to leave in good time and not have to wait for the relevant item during the meeting.
- Whether public question time could be at the end of the meeting as a compromise, however it was highlighted that items would have already been discussed/ agreed upon and that this would not be fair on residents. The Chief Executive advised that it would be beneficial to a Committee to hear questions asked by residents at the beginning of the meeting.

To which the Committee **AGREED** that 8.1 B of the amendment be removed and also that public question time be allocated a maximum time of 30 minutes (8.1 A, third bullet point).

- Concern was raised over Councillors leaving the room during the debate of an item and to then vote on that item.

To which the Committee **AGREED** to add, "and the whole debate" to the end of proposed procedure rule 15.1.

- Rule 11.1.2 was raised, with disagreement that that if a motion was rejected there should be a summary, it was felt the motion in its entirety should remain within the book of motions, with no changes be made to 11.1.2.
- That the Book of Motions needed to be more accessible.

To which the Committee **AGREED** that no changes be made to rule 11.1.2

- It was raised that there was a typo under 11.1.3 a, as it mentioned 11.5. The District Solicitor & Monitoring Officer said that this would be looked into.
- The amendment of rule 10.2 was raised that the amendment removed the need for a subject to be first discussed at a meeting of Cabinet or a sub-committee. It was noted that this was not something the Council had

previously done and that Councillors should be able to ask questions relevant to Council's functions.

- Whether 2 days notice was reasonable, the difference between written questions and questions to Cabinet was also discussed. The Chief Executive advised that 2 days' notice for written questions from Councillors was acceptable.

To which the Committee **AGREED** to the written amendments of rule 10.2.

- The written amendment which related to the reading out of committee minutes at Full Council was discussed. It was felt that it was still important to present the minutes of the Council's Committees to Council but that it was not necessary to read out each minute number.
- Councillors would still have an opportunity to ask questions as the minutes/reports would still be presented.

To which the Committee **AGREED** that the written amendment of H be replace with the original recommendation form the Task and Finish Group.

**RESOLVED** to **RECOMMEND** To Council that:

- A) The Council Procedure Rule 25.2 be suspended to allow the following amendments to be made to the Constitution at its next meeting.
- B) Subject to any further changes to recommendations (c), (d) and (g) below, the Council Procedure Rules be amended as outlined in Appendix B to this report subject to the following:
  - i. Under 4.3 word 'approved' be removed, to read "the Chief Executive will send a summons".
  - ii. With the removal of "present at the meeting where physical presence is required (or in attendance including remotely where such physical presence is not required)" from 6.1.
  - iii. That point 9 to 9.2, single issue debate be kept, pending an investigation by the Monitoring Officer as to whether it could be removed.
  - iv. That 11.1.6 (b) be kept unchanged, but with proposition changed to motion.
  - v. That 12.1 (b) (rules of debate) and the paragraph below, not be removed.
  - vi. That section 106 of the Local Government Finance Act 1992 be added to the constitution under section 15.7, voting.
  - vii. That "and the whole debate" be added to the end of the sentence of 15.1 (Majority) to read:

“Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question is put and the whole debate.”

- viii. That no changes be made to council procedure rule 11.1.2 (record of motions).

C) The Council Procedure Rules regarding Member Questions be amended as set out below:

Rule 10.2 if amendment approved will now read:

### **10.2 Questions on notice at full Council**

A Member of the Council may, ask the Chairman of the Council, the Leader, a Cabinet Member or the Chairman of any Committee any question which:

- a. concerns the Council’s powers / duties or which otherwise affects the District;
- b. the Member has provided written notice of the question to the Chief Executive no later than noon, two clear days preceding the Council meeting;
- c. the question is not (in the opinion of the Chairman taking account of the advice on the matter from the Chief Executive, Monitoring Officer or Member Services Manager) one which:
  - i. is scurrilous, improper, capricious, irrelevant or otherwise objectionable
  - ii. is substantially the same as a question which has been put at a meeting of the Council (or other meeting to which these rules apply) in the past six months;
  - iii. requires the disclosure of confidential or exempt information unless the question is raised in closed session;
  - iv. contains expressions of opinion; or
  - v. relates to questions of fact.
- d) questions on notice and written responses will be circulated to Members in advance and hard copies provided at the meeting.
- e) a Member asking a question under Rule 10.2 may ask one supplementary question without notice of the Member to whom the questions was asked. The supplemental question must arise directly out of the original question or reply.

- D) The Council Procedure Rules regarding Public Questions be amended as set out below:

Rule 8 if amendment approved will now read:

## **8. Questions and Statements by the Public**

### **8.1 Residents, electors or business rate payers of the District may make a statement or shall be entitled to ask questions at a meeting which:**

- a) concerns the Council's powers / duties or which otherwise affects the District;
- Where a question does not relate to an agenda item, the question must be submitted to the Member Services Manager two working days before the meeting to give time for a response to be prepared.
  - Where such advance notice is given, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question.
  - Contributions from members of the public will be limited to 3 minutes, and 30 minutes (extendable at the Chairman's discretion) will be available at the beginning of meetings for such questions and statements.
- b) The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
- c) NB Planning Committee has its own arrangements for public questions.

### **8.2 Attendance**

Persons submitting questions must be present (remotely or in person) at the meeting unless the Chairman agrees to address the questions in the questioner's absence.

### **8.3 Order of Questions**

Questions will be asked in the order they have been received.

### **8.4 Answers to questions**

8.4.1 The Chairman or at meetings of the Council the appropriate Committee chairman, shall respond to all valid questions.

8.4.2 Replies to questions may be verbal, by reference to a published document or *where the question cannot be answered at the meeting, a written response shall be provided to the Member of the public within 10 working days by the Chairman (or such other person as he shall refer the matter to)*

8.4.3 Replies which are not provided at the meeting shall be reported to the next relevant meeting by publishing them alongside the draft minutes when available and by circulating them to all Members.



### **8.5 Recording of Questions and Statements by the Public**

The minutes shall contain a condensed written record of questions and statements made by the public which accurately conveys the context.

- E) Members' Business remain on full Council but Members be asked to take account of the guidance on its use set out in this report at paragraph 4.4.
- F) The requirement for the Planning Committee to consider an Implications Report (if it proposes to determine an application contrary to policy and officer recommendation) before decision confirmed, be removed.
- G) The practice at full Council for Chairs to have to read out minutes of each committee (including PDGs and Cabinet) be stopped.

It was also **RESOLVED** that the following recommendation be deferred to the next meeting of the Standards Committee:

“The rules on Substitute Members be amended so that trained substitutes may come from any group where there is no other trained Member in the permanent Members' political group.”

It was also **RESOLVED** that Motion 577 be referred back to the next Standards Committee meeting.

(Proposed by Cllr L Taylor, seconded by Cllr N Woollatt)

Note: \*report previously circulated and attached to the minutes

## **11 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (03:01:46)**

It was **AGREED** that the following items be added to the agenda for the next meeting of the Committee:

- Annual Report of the Monitoring Officer
- Recommendation G of the Task & Finish Group (Council Procedure Rules)
- Update on the Book of Motions

## **12 COMPLAINTS (03:02:56)**

The Committee **NOTED** a verbal update from the District Solicitor & Monitoring Officer which provided an update on complaints received since the 8 February 2023, the following was highlighted:

- One council complaint which had been closed
- Six district council complaints which had been closed.
- Three current potential which require further information.

(The meeting ended at 9.05 pm)

**CHAIRMAN**