

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 18 October 2023 at 6.00 pm

### **Present**

#### **Councillors**

A Glover (Chairman)  
F J Colthorpe, J Frost, S Keable, L Knight,  
S Robinson, L Taylor, N Woollatt and  
D Wulff

### **Apologies**

#### **Councillor(s)**

M Fletcher

### **Also Present**

#### **Councillor(s)**

G Czapiewski

### **Also Present**

#### **Officer(s):**

Stephen Walford (Chief Executive), Maria De Leburne (District Solicitor and Monitoring Officer), David Parker (Democratic Services & Policy Research Officer) and Sarah Lees (Democratic Services Officer)

## **13 APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Matt Fletcher who was substituted by Cllr Jamie Frost.

## **14 PUBLIC QUESTION TIME**

### **Nick Quinn**

Regarding Agenda Item 6 – Annual Report of the Monitoring Officer.

Paragraph 5.1 states that there were 12 complaints against Councillors in 2022/23 but none went to formal investigation.

Since nothing came of these complaints, Members might think they were petty, but this is unlikely as the formal complaints procedure is daunting and not be taken lightly.

You must provide: Your Full Name, Address, Phone Numbers and Email details.  
Give details of: Who the complaint is against; What happened; Where and When; Names and Contact Details of Witnesses and any other evidence to support of the complaint.

You also have to give: The outcome you want.

You can ask that your personal details are not shared, but if the Monitoring Officer does not accept your reasons, you have to withdraw the complaint.

I see 4 of the 12 did that.

So 8 people felt strongly enough about something to risk identification and pursue their complaint formally - but not a single one made it to formal investigation.

The report says some of the complaints were about Respect, Bullying, Reputation and Communication – which raised “*important and complex questions*”, but it does not say how these were answered.

In fact there is nothing in this report about outcomes:

- no specific advice given to certain Councillors;
- no additional General Guidance or Training for all Councillors.
- no revisions to the Code of Conduct;

Nor is there anything about how the Complainant outcomes - whether they were satisfied, or not.

Q1: Will Standards Committee please consider asking for more information about the formal complaints, and their outcomes, to be included in future reports?

Q2: Will Standards Committee please consider asking for feedback information from the complainants to be included in future reports?

It was stated that these questions would be addressed during the debate under item 6 – Annual Report of the Monitoring Officer.

## 15 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**

No interests were declared under this item.

## 16 **MINUTES**

The minutes of the meeting held on 21 June 2023 were approved as a correct record of the meeting and **SIGNED** by the Chairman subject to the following context being added to minute number 9 to explain the proposed deferment:

Cllr N Woollatt **MOVED**, seconded by Cllr Mrs F J Colthorpe that this item be deferred to the next meeting so that the information needed to enable the committee to monitor and check that the constitution had been updated, could be provided.

## 17 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 18 **ANNUAL REPORT OF THE MONITORING OFFICER FOR 2022/23 (00:16:00)**

The Committee had before it, and **NOTED**, a report \* from the District Solicitor and Monitoring Officer providing it with an overview of the preceding year.

Consideration was given to:

- Receiving information in the future regarding the breakdown of complaints, for example, the number of Town and Parish Councillor complaints compared to the number of District Councillor complaints. It was explained that whilst the

Monitoring Officer had to be very careful about what information was put into the public domain this sort of information would be useful and would help the Committee to identify trends which could help in providing other Councils with advice.

- Whether the Council just accepted the findings of investigations or whether there was an opportunity to challenge them? It was explained that the Monitoring Officer's decision was final. It was also explained that just because a case may not go forward to a formal investigation it didn't mean the complaint wasn't looked into. The Monitoring Officer is responsible for drafting decision letters and sending them through to complainants after consultation with the Independent Person. They then had an opportunity to appeal under the judicial review system and take a case through the courts should they wish.
- The grounds for a case requiring a Hearing were all set out in the Constitution, however, LGA Good Practice stated it was better to try and deal with issues informally wherever possible. A great deal of work was required for a formal investigation.
- Since current information provided to the Committee was very high level it was suggested that going into Part II would sometimes be very beneficial in order for the Standards Committee to receive more detail. The Monitoring Officer stated that she would be happy to do this if the case warranted it in future and to expand on the information supplied in addition to providing a more in depth breakdown.
- There was some concern that the Constitution had not been updated since February 2023. It was explained that the delay had been due to some resource issues and there had been a lot of amendments to update the Constitution with. However, these had now been done and the updated Constitution would be uploaded to the website in the very near future.
- It was suggested that the Committee may find it helpful to receive information regarding the 'Thresholds for Intervention' so that more could be learned about the difference types of response and action needed as a result of a complaint depending on its nature.
- An industry expert in the Standards field had recently complimented the Council on the robustness of its procedures in dealing with complaints.

**RESOLVED** that the Annual Report of the Monitoring Officer be **NOTED** and circulated to all Town and Parish Councils for information.

(Proposed by Cllr S Keable and seconded by Cllr D Wulff)

Note: (i) \* Report previously circulated.

(ii) The member of the public asking questions in relation to this item, having listened to the debate, was content not to receive written responses as he felt the issues had been addressed.

## 19 **RECOMMENDATION G OF THE TASK AND FINISH GROUP (COUNCIL PROCEDURE RULES) (00:40:00)**

At the previous meeting, the Standards Committee had deferred further consideration of Recommendation G of the Task and Finish Group to this meeting.

Recommendation G had been worded as follows:

“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”.

Discussion followed with regard to:

- A previous Motion being dismissed on the grounds of needing balance.
- The problematical nature of such a change.
- A comparison had been made with other similar council’s and all required substitution of Members from the same political group.
- The suggestion may have been helpful as regards the Planning Committee due to it needing to be apolitical but it would not be appropriate across the rest of the Council’s committees.

**RECOMMENDED** to Full Council that Recommendation G of the Task and Finish Group on Council Procedure Rules not be supported.

(Proposed by the Chairman)

Note: Cllr J Frost abstained from voting.

## 20 **MOTION 577 (00:50:00)**

At the previous meeting, the Standards Committee had deferred further consideration of Motion 577 to this meeting.

The wording of Motion 577 had been as follows:

### **Motion 577 (A Wilce 16.11.2021)**

A Motion to improve public accountability and to address the inequality of rights of Members of the Council, when compared to members of the public.

The Council resolves that:

When an enquiry is made by a Member at any formal meeting (verbally, or in writing) and a substantive answer is not given at that meeting, a written response shall be sent to the enquiring member within 10 days.

Wherever possible, any written questions submitted in the absence of the member shall be submitted in advance of the meeting, but a failure to do so will not invalidate that enquiry.

A copy of the question(s) and answer(s) will be circulated to members of the Committee (or Full Council) and will also be attached to the minutes.

Discussion took place with regard to:

- The discussions held by the Task and Finish Group who had originally recommended that Motion 577 not be supported.

- The need to remove the word 'substantive' from the original motion given one person's 'substantive' answer might be different from another person's.
- Ambiguities involved as to when a question was a question and when it was not.
- Officers already offered to provide written responses if they did not have the answers immediately to hand during a meeting.
- A need to make the original Motion clearer.

| **RECOMMENDED** to Full Council that Motion 577:

(i) Be amended to read as follows:

‘When an enquiry, to which an answer is required, is made by a Member at a formal meeting and an answer cannot be given at that meeting, a written response shall be sent to the enquiring Member within 10 days.

A copy of the question(s) and answer(s) will be circulated to members of the committee (or Full Council) and will also be attached to the minutes’

(ii) The Motion, as amended, be supported.

(Proposed by Cllr N Woollatt and seconded by Cllr L Knight)

Note: Cllr J Frost abstained from voting.

## 21 **UPDATE ON THE BOOK OF MOTIONS (01:00:00)**

The Committee **NOTED** a verbal update regarding the Book of Motions.

It was stated that discussion had taken place during the previous meeting about making the Book of Motions more accessible to the public. It was explained that it was possible to view this on the website under ‘Councillors & Democracy’, ‘Meetings, Minutes and Agenda’s’ and then by clicking on ‘The Library’ and then ‘Book of Motions’. However, this was not ideal and not immediately evident to members of the public, therefore the Modern.Gov software suppliers, Civica, had been contacted to see if there was a better way of doing this. Democratic Services were still waiting to hear from them but would continue to liaise with Civica in order to find a satisfactory resolution to this outstanding issue.

It was confirmed that the Book of Motions was now updated after every full Council meeting stating what the Council’s decision had been in relation to each Motion presented to it. However, further work needed to be undertaken by the Democratic Services team in completing the additional columns which had been added showing whether or the Constitution had been updated so that a full and updated version of the document was available to the public as soon as possible after each Council meeting.

## 22 **COMPLAINTS (01:05:00)**

The Committee **NOTED** a verbal update from the District Solicitor & Monitoring Officer which provided an update on complaints received since 21 June 2023. A small number had been received since the last meeting with the core theme of each

falling under the 'respect' heading. To have provided any further details would have meant having to go into Part II.

## 23 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING (01:07:00)**

The Committee requested that the following be on the agenda for the next meeting:

- The Council's Governance Arrangements
- Code of Conduct Complaint Appeal Procedure and Guide to Making a complaint about a Councillor review
- Update on the Book of Motions
- Amendments to the Constitution following Motions approved by Council (deferred from the Standards Committee meeting of 21 June 2023)

(The meeting ended at 7.11 pm)

**CHAIRMAN**