

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 13 March 2024
at 6.00 pm

Present

Councillors

A Glover (Chairman), E Buczkowski,
M Fletcher, S Keable, L Knight, L Taylor,
N Woollatt and D Wulff

Apology

Councillor

F J Colthorpe

Also Present

Councillors

D Broom, J Buczkowski, S Clist, L Cruwys (online) G
Duchesne, G Czapiewski, C Harrower, B Holdman, G
Westcott

Also Present

Officers:

Stephen Walford (Chief Executive), Maria De Leburne
(Director of Legal, HR & Governance (Monitoring Officer))
Laura Woon (Democratic Services Manager) and Angie
Howell (Democratic Services Officer)

24 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr FJ Polthorpe.

25 PUBLIC QUESTION TIME

Public questions were received from:

Mr Nick Quinn

The Council Constitution is the most important policy in the Council. It is the bedrock for how the Council operates and affects all Members, Officers and the Public. It is based on legislation, but also contains good practice and specific local arrangements.

Because it is so central to the operation of the Council, changes to the Constitution must come through this Committee, and must be properly justified.

Some of the proposed changes will have a negative impact on the public's ability to know about, query, or inform the discussion of draft policies or decisions, which may affect them - either as individuals or as part of the District.

The changes I refer to are:

The complete removal of public Statements and Questions at Planning Committee. The major changes to procedures and timescales for public questions in general. The Internet only posting the Notices of Meetings and Notice of Key Decisions. There is no proper justification given for why these changes are needed, or any consideration of possible side-effects.

No Equality Impact Statement;

No evidence of the real impact of public questions on meetings;

No assessment of any potential impact on Member/Officer workload;

No reference to the legislation allowing the changes to the publication of Notices.

Question 1:

Please will you tell me what specific piece of legislation allows Meeting, and Key Decision, Notices not to be published at Phoenix House?

Response from the Leader of the Council:

Following the amendments that will be proposed at this item one being that the notices will continued to be published at Phoenix House.

Question 2:

(through the Chair) will the Committee, for all the reasons given, please refuse to approve the proposed changes to the Constitution covering: "Public Questions Rules"; the "Procedure for speaking at Committee in the Protocol of Good Practice for Councillors Dealing in Planning Matters" and the "Access to Information Procedure Rules"?

Response from the Leader of the Council:

Following the amendments that will be proposed at this item it will seek to not have the removal of public question time.

Supplementary question:

I came to the meeting to expect answers to the published agenda item, when I arrived I receive a revised agenda item surely this should have been published five days in advanced of the meeting not five minutes. Why was this done?

Response from the Monitoring Officers:

The reason why it had been submitted in advance was to give everybody the opportunity to read it before the meeting. Instead of Cllr Taylor making those amendments at the meeting. The document was published to make it transparent.

Robert Furmedge

Question 1:

Does the committee agree that the proposed change to remove Public Questions Time from the Planning Committee meetings will further reduce public confidence and trust in the planning system within Mid Devon and if not why not ?

Response from the Leader of the Council:

Following the amendments that will be proposed at this item it will seek to not have the removal of public question time at Planning Committees.

Question 2:

Disturbance by the Public - should the proposed changes be labelled a) and b) not c) and d)?

Response from the Leader of the Council:

Yes within the amendments it seeks to changes c) and d) to a) and b).

Roger Cashmore:

I take a keen interest in local government and have been following MDDC for some years. Over the years I have seen MDDC increasingly make more of its decisions behind locked doors and away from the public gaze and scrutiny. This fact was also recognised by the new incoming administration who promised to improve transparency.

I also strongly believe that there is a direct correlation between this deterioration in transparency and the quality of services and value for money being delivered to the ratepayers of Mid Devon.

What ever happened to the tenets of the Nolan Principles regarding Local Government behaviour? Rather than attempting to further close down public engagement, one would have thought a well-run council would be keen to discover new ways of working together with its rate paying public.

Question 1:

Does this committee agree with me that this latest attempt by Mid Devon District Council to further close down public engagement is undemocratic, - against the core values and tenets of local government behaviour (the Nolan Principles) as well as the publically stated values of the newly elected administration?

I urge all committee members to reject this proposal, as if this attempt to amend the Constitution is passed, - it will surely place MDDC (and the new administration) at serious risk of considerable damage to their public reputations.

Response from the Leader of the Council:

Following the amendments that will be proposed at this item to the published document. Many discussion and decisions had are in part 1 not part 2 and continue in part 1 and a recurring feature with the current administration and proud of that to avoid having decision making behind closed doors and I am an advocate for that.

Goff Welchman

I understand this meeting intends to introduce new rules to restrict and or prohibit public questions and statements at future Council meetings.

After the 3rivers disasters that led to a large number of questions and deliberate attempt to avoid scrutiny makes me suspicious as to who is behind this proposal.

The last AGM the new leader made a great play of ensuring a new era of openness and transparent. These proposal are the opposite and therefore further engage

growing the public view that Mid Devon District Council cannot be trusted in what has been said.

Question 1:

Who was the original source of these proposals?

Question 2:

Will the committee reject the proposals or has Vladimir Putin invaded Phoenix House?

Response of Leader of Council:

Definitely no invasion here.

In the document there are reference to the planning advisory service part of the Local Government Association who do make recommendation, and those recommendation were some of what were put forward of the Planning Committee. Some of the questions may be answered once the committee has the debate.

Barry Warren:

A few months ago some residents received letters from the Chief Executive relevant to the Scrutiny working group on 3 Rivers. The letters set out to restrict details of response and then further advised that the Monitoring Officer would be checking the responses. I recall raising the issue as an attempt at censorship which a committee chair took exception to. There have been other instances at attempting to restrict what members of the public could say or do.

Some of the proposals for amendment to the Constitution before you in the original document circulated for today's meeting attempt to place further restrictions on public participation at meetings including submitting questions in advance of meetings so that answers can be ready at the meeting. It is also used by way of 'vetting' questions which is evidenced by a member of the public being told at another meeting held earlier today that a certain question could not be asked as it was not considered relevant

Question 1:

Is there not a pattern developing with this council of censorship and control of anything which may be seen as questioning or criticising advice given to members or proposed actions to be agreed by them?

At 11.31 this morning an email was sent out on behalf of the Leader of the Council which contained an amended appendix 1.

Question 2:

Is that legal and can it be discussed tonight?

Question 3:

Does this not make a nonsense of having to submit questions 3 working days in advance as the 'goal posts' have been moved?

Question 4:

Could this be construed as predetermining or directing the outcome from the meeting?

No mention is made as to the recording of answers.

Question 5:

Will they be recorded verbatim in the minutes?

Question 6:

It is noted that the sections have been removed in relation to Notices of Meetings and Publication of the Notice of Key Decisions.

Why has this been done and who made the decision?

Paul Elstone:

Question 1:

Over the last few years there have been many and various very poor even disastrous decisions taken by this Council and under various Administrations. Disastrous decisions that the residents of Mid Devon will pay for and for years to come.

Namely:

The full circumstances involving the formation of 3 Rivers Development

The massive financial losses incurred with St Georges Court – which the Council is having to buy back, using the Housing Revenue Account, this to help reduce the apparent loss to the General Fund.

The substantial financial losses involving the land purchase at Post Hill.

The substantial financial losses involving the land purchase at Knowle Lane Cullompton.

Paying nearly twice the amount for the land at Haddon Heights than the maximum land valuation stated.

A failure to conduct a proper due diligence on the modular housing supplier plus potential conflicts of interest.

A failure to get best value when awarding contracts for much needed social housing in Mid Devon.

A failure to fully interrogate modular home fire risk potentials ahead of awarding contracts.

I could mention others, but I will refrain given the nature of the content.

Given these failings the residents of Mid Devon have every right to ask questions of this Councils Officers and Elected Members. Also to ask questions in an attempt to prevent a reoccurrence. Instead, what is proposed by this change to the Constitution

is nothing other than attempted suppression, of the General Public from asking the questions that are needed and censorship of those questions which are submitted.

Will this majority Liberal Democrat Committee and the Council Leader in particular fully commit to honouring the Liberal Democrat Core Values in respect of Democracy.

“That every citizen is empowered to make their voice heard” also “That no individual or organisation is deterred from speaking the truth” This without suppression or censorship provided they are not offensive to individuals concerned?

Response from the Leader of the Council:

I do stick by the Liberal Democrat values and what you asked around democracy and a regular contributor to the Council meetings under democracy where the council consider your points raised exactly how you have at the meeting this evening.

Supplementary Question:

The last sentence of my statement was to honour those Liberal Democrat commitments without suppression or censorship that what the public are looking to receive.

Andy Perris

Question 1:

The council voted to change to a Committee system at the annual meeting of 2023 and seems to be airbrushed out of the report. Why?

Tim Bridger

Note from the evidence in the report you have looked at relevant Council in the area to choose to remove and restrict heavily the rights for people to ask questions

Question 1:

Why haven't you come to the Town Council?

The experience of turning up to meeting is very different compared to Mid Devon District Council. When you submit a request you get a notice that make you feel unwelcome and putting on you standards that shouldn't be. When you come to the Town Council your welcomed, list of names and a positive experience.

25 years ago I completed a project of public trust and all the research showed that even if you do not give the answers at the meeting the fact they have been allowed raises public engagement.

At the moment what the Council does is suppress legitimate questions about things that have happened and now questions may be vetted on the ground of scurrilous and repetitive.

In regards to the 3 Rivers incident made this Council listen and take action the lessons learnt report would not of happen if it hadn't been for the work of Paul Elstone and Barry Warren.

The committee to take an evidence based approach you would reject the idea of questions to be submitted in advance and in May last year the Leader open up discussion and doesn't like the fact that awkward questions are being asked.

Response from the Leader of the Council:

I'm also on a Town Council and engage public question time. To be clear there is no change in stopping members of the public from asking questions the only change is that if you would like a response at the meeting you are asked to submit your question in advance of the meeting.

Louise Doyle

The department of level up in the guidance entitled best values and standards requires authorities to secure continuous improvements in the arena of openness to challenge and Scrutiny including from members of the public.

Any proposal makes it in anyway make it intimidating, difficult or demanding or time sensitive for members of the public to engage in the democratic process at Local Authority should be avoided. Why would we choice to do anything that take the Council backwards, why follow the herd why not be more innovative and forward leaning and positive to engage more people to participate.

It is intimidating and new to this process of public speaking it is not simple or easy. If changes are made it would be more about being accessible and accountable.

Cllr L Taylor will propose the amendments about the public question time at Planning Committee. East Devon District Council allow 11 people on major applications and 5 on a minor at Planning Committee.

Let's find ways to way to engage with the public the work is invaluable as we have seen from 3 rivers and aid the democratic process.

26 MINUTES

The minutes of the previous meeting were approved as a true record and signed by the Chairman.

27 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT

All members of the Standards Committee declared that they had been contacted prior to the meeting from Barry Warren a resident of Mid Devon.

28 CHAIRMAN'S ANNOUNCEMENTS

The Chairman had no announcements to make.

29 ELECTION OF VICE CHAIRMAN

The Chairman of the Standards committee invited nominations for the election of a Vice-Chairman.

RESOLVED that Cllr A Glover be elected Vice Chairman of the Committee.

(Proposed by Cllr M Fletcher and seconded by Cllr A Glover)

30 **AMENDMENTS TO THE CONSTITUTION FOLLOWING MOTIONS APPROVED BY COUNCIL**

The Committee **NOTED** the amendments to the constitution following motions approved by Council.

The following was discussed:

- The motion 577 has not be included in the constitution.
- To receive a table with the update of the constitution for future meetings and the extract from the constitution.
- Evidence of the changes that have been made.

31 **PROPOSED AMENDMENTS TO THE CONSTITUTION**

The Committee had before it, a report * from the Director of Legal, HR & Governance (Monitoring Officer) outlining the proposed amendments to the Constitution.

The Leader of the Council highlighted the following:

- An advisory from the Planning Advisory service (PAS) was received regards to the Planning Committee and the removal of Public Question Time.
- The Leader of the Council and the administration do listen to the residents of Mid Devon Council and formally thanked all the public questions that had been submitted in advance.
- The Leader of the Council thanked the former Leader for his document and invaluable to read it and helpful. To help the administration challenge and re look at a report that had been put forward.
- The first document that was published an amendment document had been circulated and published and outlined the amendments.

The Leader of the Council outlined the following amendment:

Under 9.1-

- Residents, electors or business rate payers of the District wishing to raise a question under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response is received at the meeting to the written question.
- Questions must be relevant to an item on the Agenda for that meeting (excluding the Minutes unless challenging the accuracy of the minutes). The exception to this is at Full Council when residents, electors or business rate payers can ask a question concerning any of the Council's powers / duties or which otherwise affects the District.
- 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.
- NB Planning Committee has its own arrangements for public questions.

- 9.5 Recording of Questions by the Public. The minutes shall contain a condensed written record of questions made by the public which accurately conveys the context. The minutes are not verbatim.
- 20.1 Removal of member of the public to be as follows.
 - (a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.
 - (b) If they continue to interrupt, the Chairman will order their removal from the meeting room or online.
- The proposed changes to 4.0 and 4.1 were removed.
- The proposed changes to 13.3 were removed.
- The proposed changes under Appendix J 9.1, 9.2 and 9.3 were removed.

Consideration was given to:

- A debate on the original document before the amendments.
- The time on the changes to the constitution following a previous planning committee decision from 21 March 2018.
- The importance of the constitution updates.
- The task and finish group that reported to Standards Committee in June 2023 with recommendation to Full Council in September on Council Procedure rules and the constitution was changed in December.
- As referred to in the report at 2.4 who is we? And who made the decision to do another review after 6 to 8 weeks after all the hard work from elected members, and what evidence.
- In the document PAS came in March 2023 and Standards Committee has the review in June 2023.
- The review of the public engagement.
- Some of the changes that were put forward from the Standards Committee were intended to make the Council more open and make engagement from the public.
- The proposal in the report restricts the public engagement regime.
- The quote on the report of other Local Authorities are County not District Council.
- The appendix 1 with the changes to section 1 and 5 can be done with the delegated powers of the Monitoring officer and doesn't need the approval from the Standards Committee.
- Section 9 under the questions and statements, previously work had been taken already and that the Standards Committee should reject this section.
- The public question time in relations to Planning Committee.
- The figures on those that view the documents in Phoenix House.
- Planning application and the public engagement.
- The statements that had been removed under public question time.
- To understand the policing around the public question time at meetings regarding the removal of statements.
- What kind of Council are we if we do not allow residents to make statements?
- The engagement between the Council and residents of Mid Devon to enable representation.

Cllr N Woollatt **MOVED** an **AMENDMENT** seconded by Cllr A Glover that:

- Section 1 and 5 in appendix 1 be noted by the Standards Committee and that the Monitoring Officers under the delegated powers to make the changes to the constitution.

Upon a vote being taken the **AMENDMENT** were declared to have been **CARRIED**.

Cllr N Woollatt **MOVED** an **AMENDMENT**, this was not seconded therefore was declared to have **FAILED**

- Not to make the changes as set out in the appendix under questions by the public.

Cllr N Woollatt **MOVED** an **AMENDMENT** seconded by Cllr L Taylor.

Existing:

- 4.0 Notices of meeting
4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at www.middevon.gov.uk
- 13.3 Publication of the Notice of Key Decision
The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office or on its website at www.middevon.gov.uk.

Change to:

- 4.0 Notices of meeting
4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office and on its website at www.middevon.gov.uk
- 13.3 Publication of the Notice of Key Decision
The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office and on its website at www.middevon.gov.uk.

Upon a vote being taken the **AMENDMENT** were declared to have been **CARRIED**.

Cllr L Taylor **MOVED** an **AMENDMENT** seconded by Cllr A Glover

- To withdraw the original amendment to remove statement in 9.1 bullet point 6.
- For the Monitoring Officer under delegated powers be given the authority to make the changes to the Constitution to add and or statements to the relevant sections in 9.1, 9.2 and 9.5.

Upon a vote being taken the **AMENDMENT** were declared to have been **CARRIED**.

Cllr N Woollatt **PROPOSED** to vote separately on the three sections of the amendments.

It was therefore **RESOLVED**:

The Committee **NOTED**:

- That delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as in section 1 and 5.

RESOLVED that:

9. Questions by the Public

9.1

- Residents, electors or business rate payers of the District shall be entitled to ask questions and/or make a statement.
- Residents, electors or business rate payers of the District wishing to raise a question under public question time are asked to provide their written questions to the Democratic Services team by 5pm three clear working days before the meeting to ensure that a response is received at the meeting to the written question.
- Questions and/or statements must be relevant to an item on the Agenda for that meeting (excluding the Minutes unless challenging the accuracy of the minutes). The exception to this is at Full Council when residents, electors or business rate payers can ask a question concerning any of the Council's powers / duties or which otherwise affects the District.
- The Chairman, following advice from either the Chief Executive, Monitoring Officer or Democratic Services Manager, shall have the discretion to reject a question and/or statement, giving reasons if it:
 1. Is not about a matter for which the Council has a responsibility or which affects the District
 2. Is in his/her opinion scurrilous, improper, capricious, irrelevant or otherwise objectionable
 3. Is substantially the same as a question and/or statement which has been put at a meeting of the Council in the past six months;
 4. Requires the disclosure of confidential or exempt information.
- At the discretion of the Chairman of that meeting, the questioner may ask a supplementary question at the meeting, if it is relevant to the original question and/or statement.
- 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/or statements.
- The Chair of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.
- NB Planning Committee has its own arrangements for public questions.

9.2 Attendance

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

Persons attending the meeting in person are required to sign in at reception on arrival.

9.5 Recording of Questions and Statements by the Public

The minutes shall contain a condensed written record of questions and/or statements made by the public which accurately conveys the context. The minutes are not verbatim.

20. Disturbance by the Public

20.1 Removal of member of the public

(a) If a member of the public interrupts proceedings, the Chairman will warn the person concerned.

(b) If they continue to interrupt, the Chairman will order their removal from the meeting room or online.

Note: Cllr N Woollatt voted against.

RESOLVED that:

Access to Information Procedure Rules

- 4.0 Notices of meeting
 - 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office and on its website at www.middevon.gov.uk
- 13.3 Publication of the Notice of Key Decision
 - The Notice of Key Decision must be made available for inspection by the public at Phoenix House, Phoenix Lane, Tiverton Devon known as the designated office and on its website at www.middevon.gov.uk.

Appendix J – Protocol of Good Practice for Councillors Dealing in Planning Matters

9.1 Public Question Time is available at the beginning of the meeting for those present to ask questions about any item of the agenda, or to speak briefly by way of background or introduction to those questions, including planning applications

9.2 For applications reserved for individual consideration, the Chairman will call those who have indicated a wish to speak in the following order: officer, one objector (3 minutes), one from applicant/agent/supporter (3 minutes), parish council (3 minutes) and ward member(s) (5 minutes each). For the avoidance of doubt, the Chairman has the discretion to vary the number and order of speakers, including the amount of time for which they may speak. In some circumstances, it may also be appropriate to hear from the County Councillor.

9.3 Through the Chairman, members of the Planning Committee may ask questions of any person who has spoken under paragraph 9.2 of this Protocol. Further, a ward member who has spoken under 9.2 may raise through the Chairman a point of order in order to correct a statement or error of fact which has been made during the course of the debate.

RESOLVED that:

- That the Standards Committee recommend to Full Council that delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per Appendix 1 and any other amendments required to reflect the changes.

(Proposed by the Cllr L Taylor, was it seconded by Cllr A Glover)

Note: * Report previously circulated.

32 **GOVERNANCE PROPOSED CHANGES TO THE POLICY DEVELOPMENT GROUP**

The Committee had before it, a report * from the District Solicitor and Monitoring Officer outlining Governance proposed changes to the Policy Development Groups.

The Leader of the Council highlighted the following:

- The vision and ambition for the Council, as the new administration the values are different from the previous administrations in the direction and focus of attention.
- Since the new administration the Leader was extremely proud of the achievements that had already been made.
- As per Full Council work has been carried out in relation to a more robust implementation of the hybrid system, utilising the Policy Development Groups and the Programming Panel to better develop policy and set strategic direction.
- To add an additional Policy Development Group to align with the new Corporate Plan.

The Cabinet Member for Finance highlighted the following:

- The additional fifth Policy Development group (PDG) to align with the merging Corporate Plan.
- The thematic area need further discussions and changes some of the areas for example the grounds maintenance grass cutting moved to the correct Policy Development Group (PDG).

The following was discussed:

- The background section of the report does not include that many elected members previously stated that the Policy Development Group (PDG) was not working effectively. An alternative was suggestion to have two overview scrutiny committees, this was not agreed.
- February 2023 majority of members voted to move to a committee system.
- The proposal in the report would not improve the decision making or make the Council more democratic. The new PDG would cross over other PDG's.
- The allowances that would come with the creation of this PDG.
- The clear vision of the Council and the ambitious of the committee supporting the recommendations.
- Any changes to the number of members to sit on the new PDG.

- The improvements to the community and the Council.

RESOLVED that:

- Standards Committee to recommend to Full Council that there be five (5) Policy Development Groups: Planning, Environment & Sustainability; Community, People & Equalities; Homes; Economy & Assets; Service Delivery & Continuous Improvement.
- Standards Committee recommend to Full Council that the Constitution is amended to reflect the changes to the PDGs.
- That the Standards Committee recommend to Full Council that delegated authority is provided to the Director of Legal, HR & Governance (Monitoring Officer) to amend the Constitution as per the above and any other amendments required to reflect the new PDGs.

(Proposed by the Leader of the Council and seconded by Cllr A Glover)

Note: Cllr N Woollatt voted against.

Note: * Report previously circulated.

33 **COMPLAINTS**

The Committee **NOTED** a verbal update from the Director of Legal, HR and Governance (Monitoring Officer) which provided an update on complaints received

The following was highlighted:

- One formal complaint about a District Councillor had been received in regards to respect.

The following was discussed:

- As to where the complaint had come from.

34 **UPDATE ON THE BOOK OF MOTIONS**

The Committee **NOTED** a verbal update from the Democratic Services Manager which provided an update in regards to the book of motions being more accessible on the website and changes to the document following the outcomes of the motions.

The following was discussed:

- Following the outcome of motions for members to be updated with the information.
- To include the information in the additional column when the Constitution had been updated.

35 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

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

- Code of Conduct Complaint Appeal Procedure and Guide to making a complaint about a Councillor review.
- The Constitution Language such as the use of Chairman

(The meeting ended 19.53pm)

CHAIRMAN