

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 19 October 2015 at 6.00 pm

Present Councillors

Mrs S Griggs, N V Davey, Mrs J Roach,
F J Rosamond, C R Slade,
Mrs F J Colthorpe and R J Chesterton

Apologies Councillor(s)

Mrs M E Squires and L D Taylor

Also Present Councillor(s)

W J Daw

Also Present Officer(s):

Amy Tregellas (Head of Communities and Governance and Monitoring Officer), Philip Langdon (Solicitor) and Julia Stuckey (Member Services Officer)

85 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)

RESOLVED that Cllr Mrs S Griggs be elected Chairman of the Committee for the municipal year 2015/16.

Cllr Mrs Griggs then took the Chair.

86 ELECTION OF VICE CHAIRMAN

RESOLVED that Cllr C R Slade be elected Vice-Chairman of the Committee for the municipal year 2015/16.

87 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr Mrs M E Squires and Cllr L Taylor.

88 PUBLIC QUESTION TIME

There were no members of the public in attendance.

89 MINUTES

The Minutes of the last meeting were approved as a true record and signed by the Chairman.

90 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that she intended to ensure that high standards were promoted and maintained amongst elected Members of the Council.

It was **AGREED** that the Committee continue to meet at 6.00pm.

91 DRAFT CONSTITUTION

The Committee had before it a report * from the Head of Communities and Governance presenting Members with the updated Constitution for them to consider a number of aspects before making recommendation to Council.

The Head of Communities and Governance explained that the legislation listed within the Constitution and the Constitution itself had been checked by the Deputy Monitoring Officer (Solicitor).

The officer reminded Members that a working group had been set up and had worked at drafting a revised Constitution where the content of the Mid Devon District Council Constitution had been considered alongside the Association of Council Secretaries and Solicitors (ACSES). One of the areas that the working group had focused on was to make the Constitution more accessible and to improve the layout.

The document attached was the culmination of this work. There were a number of matters that the Standards Committee must consider before the document was recommended to Council for approval.

The Officer explained that some areas of the draft Constitution had been changed in order that the wording was consistent throughout the document.

The Committee worked through the document on a page by page basis.

Petitions – the Head of Communities and Governance explained that previously a local petition scheme had been compulsory but that this had been repealed by the Localism Act 2011. It was a statutory requirement to hold a petition for a referendum but was local choice regarding other petitions. The Committee discussed the petition scheme.

It was **RESOLVED** that the Petition Scheme remain in the Constitution.

(Proposed by Cllr Mrs J Roach and seconded by Cllr F J Rosamond)

Page 24, 44.5b – the first part of the sentence to be reinstated.

Articles - The Head of Communities and Governance explained that she had undertaken benchmarking against other authorities to find out if they listed each Committee as a separate Article. She found that many did and therefore asked the Committee if they considered that it would be clearer to do so. Discussion took place regarding the length of the Constitution, the fact that it would be available electronically and information would therefore be easier to find under a committee heading.

It was **RESOLVED** that each Committee be treated as an individual Article within the Constitution.

(Proposed by Cllr F J Rosamond and seconded by Cllr Mrs J Roach)

Page 34 – Specific responsibilities of the Standards Sub Committee. The Officer explained that the wording for this was taken from Knowles and it included a list of potential sanctions that could be taken by the Standards Committee. Council would need to agree delegated powers to the Standards Committee for this.

It was **AGREED** that delegated powers to the Standards Committee should be reported to Council as a separate agenda item.

Page 33, 6.16 – Audit Committee will comprise – remove the word ‘of’.

Page 34 – Breaches of code of conduct, remove the word ‘allegations’.

Page 34, 6.21b – ‘No further action’ to be added as item 10.

Page 36 – Change second paragraph to ‘all local authority functions’, removing word authorities.

Page 38c – This had been removed following advice from Legal Services.

Page 40 – Area Committees, discussion took place regarding this as Area Committee had not been held for a number of years. It was **AGREED** that this section remain in the Constitution to allow Area Committees to be used if required.

Pages 44 and 54 duplicated wording which would be removed so that it was only shown in one section.

It was **AGREED** that all references to the Monitoring Officer and the Head of Communities and Governance should be separated. This was because the two roles may not always be linked in the future.

Page 46, 11.4a – grammar to be improved.

Page 46, 11.7 – Employment, this section was awaiting wording which was dependant on changes to legislation. It was **AGREED** that interim wording be inserted until the formal wording was agreed.

Page 26, 11.6 – should refer to Officer/Member relations in part 5, not part 4 as stated.

Page 47, 12.3 – The wording had been amended to meet legislation. Research of other Constitutions showed that some provided no figure for key decisions and others gave a figure dependant on the size of their authority. The Officer provided wording from North Devon District Council which Members asked her to clarify and tailor to the authority.

Discussion took place regarding what was a 'Key Decision'. The Head of Communities and Governance agreed to look at the wording and clarify this. Suggested wording would be circulated to Members.

Page 51d – wording had been changed due to the Financial and Contractual procedure rules now being called Financial Regulations.

Page 57 – Structure – to be worded to explain that Scrutiny could be six meetings a year, plus six and clarification regarding bi-monthly required.

Page 58, 2.3 – General Power of Competence from the Localism Act 2011 added to clarify.

Page 62 – discussion took place regarding how best to list the responsibilities of Council. It was **AGREED** to leave this section as it was, but to remove the wording 'controlling political group' from section 9, 'Election of the Leader'.

Page 66, b – This needed to be changed to make clear what Executive arrangements meant, using the Strong Leader model.

Page 66, e – Key decisions, the Legal Officer considered this statement to be incorrect and therefore recommended removing it in order to comply with legislation. Discussion took place regarding car parking decisions and historical situations when decisions had been made.

It was **RESOLVED** that the wording on page 66, 6.0.e regarding key decisions be removed from the Constitution.

(Proposed by Cllr C Slade and seconded by Cllr N V Davey)

Note:- Cllr Mrs J Roach asked that her vote against this be recorded

Page 71, 8.11 – Wording to be added to the sentence to make it clear that this referred to executive arrangements and not appointments made by Council.

Page 72 – The Working Group had requested that this section be expanded to clearly explain the Scheme of Delegation to Management Team.

Discussion took place regarding the naming of Management Team posts and whether the Constitution should be specific. It was explained that the Monitoring Officer would be able to make minor changes such as these without the need for the Constitution to be resubmitted to Council.

The Officer explained that pages 75, 76, 77 and 78 had been taken directly from the scheme of delegation approved by the Planning Committee.

Page 85 – The Decision Making Process - Members considered that this section was not clear and the Head of Communities and Governance agreed to look further into this matter.

Page 88, d – Determination of Interpretation Questions - The Legal Service to check the legality of this sentence.

Page 89.9 – this paragraph had been superseded by legislation and therefore removed.

Page 90, c & f – The Head of Communities and Governance to clarify the legality of these points.

Page 91.1 – Minor changes to staffing structures - Members asked for further clarification regarding this.

Page 90 – The wording implied that the Chairman of Scrutiny was ‘appointed’ when the Chairman was actually ‘elected’, it was **AGREED** to change the wording.

Page 94, 8.2 – It was **AGREED** that the quorum figure for Planning and Licensing be added for consistency.

Page 96 – Discussion took place regarding whether or not the rules for petitions should be part of the Constitution or whether it should be a stand-alone document as an appendix. It was **AGREED** that they should be inserted as an appendix.

98, 12.7 - it was **AGREED** that the number of petitions that could be submitted by an individual be removed.

Page 101, 14.7 – The Head of Communities and Governance suggested the removal of points a and c as they were no longer appropriate in legislation. It was **AGREED** that resolution to remove the Leader would be by majority and would be by notice of motion. Concerns were raised regarding the motion being refused by the Chairman. It was **AGREED** that the Head of Communities and Governance would research other Constitutions regarding this matter.

Page 101, 14.8 – It was **RESOLVED** that the limit on the number of motions submitted to Council by each individual be removed.

(Proposed by Cllr Mrs J Roach and seconded by Cllr N V Davey)

Page 106 – Wording regarding the State of the District Debate had been changed following the last meeting of the Committee.

Page 109 – Standing at Council, discussion took place regarding whether or not Members should stand to speak at Council. Members debated the pros and cons, which included the use of the recording equipment, the weight of the chairs in the chamber, tradition and respect. It was **AGREED** that the Head of Communities and Governance would make enquiries regarding the new equipment and whether or not it would be effective if Members stood.

Page 110, 26 – The Head of Communities and Governance had used this section to make the application of rules for each Committee as clear as possible.

Page 118 – Information on this page had been removed due to changes in legislation.

Pages 123/4 – The Committee discussed private meetings of the Cabinet. The Head of Communities and Governance to make enquires regarding the need for private meetings and what they would be for.

Page 136, 1.7 – Members discussed the reasons for a meeting to go into Part II. Discussion took place regarding disorderly conduct and whether this should be considered as an appropriate reason for removing all press and public. Further clarification regarding the legislation was sought.

Page 141, 7 – This section referred to four Members of the Scrutiny Committee being required to call a meeting. Members recalled a Motion from Cllr D F Pugsley that had reduced this number to three. The Head of Communities and Governance to investigate.

Page 164 Gifts and Hospitality – the Head of Communities and Governance had undertaken some research regarding this section as the previous Constitution had stated differing amounts allowable for Officers and Members. Research had identified that the majority of other authorities checked had a figure of £25.00 for both Members and Officers.

It was **RESOLVED** that gifts or hospitality valued at over £25 would require registration by Members and Officers.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs S Griggs)

Page 173, 4.7, Officers will respond to Members enquiries within 5 days had been agreed by Council and added to the Constitution.

Page 176, 8.14 – had been amended following the last meeting of the Committee.

Page 178, 10.5 – to be clarified by the Legal Service.

Page 189, 6.1 and page 190, 8 – should refer to the Standards Committee, not the Audit Committee

It was **RESOLVED** that all changes made to the electronic version of the Constitution be logged with a date of the change and the name of the officer making the amendment.

(Proposed by Cllr Mrs J Roach and seconded by Cllr Mrs S Griggs)

The Committee requested that their thanks to the Constitution Working Group for the work they had undertaken be recorded.

It was **AGREED** that a further meeting be arranged in order that the Committee review the Constitution as a whole with the agreed changes prior to a formal recommendation by Council.

Note: - Report previously circulated and attached to Minutes.

92 **COMPLAINTS**

The Head of Communities and Governance explained that although there were currently a few ongoing issues with Town and Parish Councils, there were as yet no formal complaints to report.

The Officer explained that she had started to attend Town and Parish Council meetings and that training was being put in place. She informed the Committee that initially the training would be on a voluntary basis but following that the Town and Parish Councils would be asked put the training on their agendas.

A guide had been drawn up to highlight what Town and Parish Councils needed to be aware of, such as the roles of the officers, Members, Chairman. It was **AGREED** that this document would be circulated to all Members.

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

Review of the draft Constitution
Complaints

(The meeting ended at 9.00 pm)

CHAIRMAN