

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 3 February 2016 at 6.00 pm

### **Present**

#### **Councillors**

Mrs S Griggs (Chairman)  
Mrs J B Binks, Mrs F J Colthorpe,  
Mrs J Roach, F J Rosamond, C R Slade,  
Mrs M E Squires and N V Davey

### **Apologies**

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

R J Chesterton and L D Taylor

### **Also Present**

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

Mrs N Woollatt

### **Also Present**

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

Amy Tregellas (Head of Communities and Governance and Monitoring Officer) and Julia Stuckey (Member Services Officer)

## 8 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

## 9 **MINUTES**

The minutes of the last meeting were noted, subject to the following:

Councillor Mrs J Roach raised a concern regarding a number of amendments that were discussed at the last meeting. It was **AGREED** that these amendments would be discussed at the agenda item.

## 10 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr R J Chesterton who was substituted by Cllr Mrs J B Binks and by Cllr L D Taylor.

## 11 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 12 **POLICY DEVELOPMENT GROUP REVIEW (00.08.40)**

The Committee had before it a briefing paper \* outlining proposals for an additional Policy Development Group (PDG) to cover the areas of economy, in line with the Corporate Plan.

At a meeting of the Group on 15<sup>th</sup> December 2015 the Committee had tasked that the Head of Communities and Governance undertake a review of the Policy Development Groups.

The Head of Communities and Governance outlined the contents of the briefing paper, explaining that the draft Corporate Plan contained four priorities and that these had been mirrored in the proposal. A table listing the functions of the council and which Policy Development Group would be responsible for them was attached.

The officer explained that in order that Members were not stretched too thinly across the committees a reduction in numbers on the Planning Committee from 15 to 11 and Licencing and Regulatory Committee from 15 to 12 was proposed.

The officer further explained that the additional cost of an extra Policy Development Group would be £3484 (current) for the Chairman's Special Responsibility Allowance. Member travel expenses would be incurred but fewer members on the Planning and Licensing/Regulatory Committees would lessen the costs for those.

The Committee were advised that the new Chief Executive had been informed of the contents of the draft Corporate Plan and that he was supportive of the four priorities.

Discussion took place regarding:

- The need to include the new Chief Executive in discussions regarding the committee structure;
- The idea for an extra PDG had been raised at the Member Away Day when the Corporate Plan was discussed;
- The opportunity to review the structure to ensure that policy review and development took place;
- The need to look at other councils and how they operated their committee systems;
- Whether the reduced numbers on the Planning Committee would be practical;
- The need to have a mechanism in place that develops policy.

It was **RESOLVED** that the Head of Communities and Governance circulate the proposal for a fourth PDG to all Members, requesting feedback and consult the new Chief Executive before reporting back to this Committee at its next meeting.

(Proposed by Cllr Mrs J Roach and seconded by Cllr C R Slade)

Note: - Briefing Paper \* previously circulated and attached to Minutes.

### 13 **CONSTITUTION (00.43.55)**

The Committee had before it a draft Constitution \* which had been updated by the Head of Communities and Governance to show amendments that had been agreed

at previous meetings. The Officer explained that amendments that had been previously identified were listed in an index within the report.

The Committee worked through the document.

Page 23, article 1. 1.4 had been amended to indicate Article 17 rather than 14.

Page 34, article 6.2.b an 8 between 'that and 'Councillors' had been missed out and would be added. This now read "The Deputy Leader of the Council together with at least three but not more than eight Councillors appointed to the Cabinet by the Leader"

Page 34 article 6.3(d), the section regarding the removal of the Leader had a paragraph added stating how this would happen.

Page 35, 6.5 should refer to appointed not elected, to be amended

Page 37 article 6.7(c) had been discussed and agreed at the last meeting that this remain in the Constitution. The change had been made.

Page 37 Article 7 had the heading Scrutiny but referred to Overview and Scrutiny within the text. Discussion took place regarding the function of the committee, the use of capital letters and whether or not the committee should be referred to as Overview and Scrutiny or just Scrutiny Committee.

It was **AGREED** to refer to Scrutiny Committee as the name of the Committee but the functions of that committee be described as overview and scrutiny with no capitals, describing a function rather than a name of the committee.

It was **AGREED** that a sentence be added to explain that at Mid Devon District Council the Scrutiny Committee carried out the function of overview and scrutiny.

Article 7 1 b to insert 'the functions of' at the start of the sentence so that it read 'The functions of'.

Page 39 Article 8.1 the first two paragraphs had been removed, leaving c and d which were now re-referenced as a and b.

Page 43 10.4.(a) wording regarding breeches of the code of conduct added

Page 44 10.4 (1) Inconsistency with brackets

Page 44 (10) no further action if appropriate had been added

Page 44 – Caveat regarding sanctions. At the last meeting it had been agreed that the Head of Communities and Governance would discuss this matter with the new Chief Executive when he was in post. The Chief Executive was not yet in post so this had not happened.

Discussion took place regarding whether or not it was necessary to have this caveat.

It was **RESOLVED** that the caveat remain in the Constitution and that the Head of Communities and Governance would discuss this matter with the new Chief Executive when he was in post.

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

Note:- Councillor Mrs J Roach requested that her vote against this be recorded.

Page 50-51 it had been agreed at the last meeting that the publication and monitoring of the constitution be removed from Article 18 and moved to 14.3 within functions of the Monitoring Officer.

Page 50 14.3.2 the word electronically had been removed.

Page 55 15.10 it had been agreed at the last meeting that the figure for a key decision be set at £50k.

Page 59 article 17.3 (b) (3) and page 60 17.3 (d) wording added to say that 'all changes to the constitution would be recorded, giving the date of the change and the reason for the amendment.'

Page 64 Committee structure now said every other month rather than bi monthly.

Page 78 8.10 – 'within the agreed budget' had been added to the end of the sentence.

Page 89 4.2 numbering error corrected from Article 12 to 15 as per revised numbering.

Page 90 6.1 numbering error corrected as above in respect of Article 15 and also a reference to 15.02.

At the last meeting of the Committee it had been agreed to remove sections 8 and 9 from the constitution. Paragraph 7.1 on page 90 was also amended as it previously made reference to sections 8 and 9.

Page 109 reference to Chair to be changed to Chairman and that this change be reflected throughout the Constitution.

Page 112 Procedure Rule 12, former paragraphs 12.1 and 12.2 had been removed and the petition scheme moved to the appendix.

Page 117 14.7 wording regarding the removal of the Leader had been changed to be consistent with the Article.

Page 124 23.1 to be discussed at agenda item 7.

Page 130, the table had been removed leaving just the list of reasons for exemption within the constitution. The remaining information had been moved to the appendix.

Page 140 27.5 wording had been removed which implied it was at the discretion of the Chairman.

Page 147 Private meetings of the Cabinet. The Head of Communities and Governance explained that she had looked at other council constitutions and found

that they were all using the same wording, which was from the legislation. The Officer had spoken to the Department of Communities and Local Government (DCLG) who had confirmed that there were no plans to change legislation. The officer explained that this rule was in place to ensure that members of the public could not stop a decision being made by being disruptive. This legislation gave the opportunity to stop the meeting and if the disruption could not be stopped it allowed the meeting to carry on in private.

Discussion took place regarding other methods of stopping disruption such as calling the police, the potential for planning meetings to become disruptive and that fact that this was written in legislation.

It was **AGREED** that a question from the Standards Committee be put to Mel Stride MP and Neil Parish MP at their next attendance at Scrutiny.

Page 155 18f amended to reflect wording from a Motion relating to call-in so that it read 'or any three members of the Scrutiny Committee or any four Members of the Council' rather than 'or any three Members of the Scrutiny Committee or four other Councillors of the Council'.

Page 157 sections 23 and 24 Councillor Call for Action had been added.

Page 158 23.3 a paragraph suggesting that call in only referred to district and not county councils had been removed.

Page 159 section 25 on crime and disorder matters had been added.

It was **RECOMMENDED** to Council that subject to the amendments listed above the draft Constitution be approved.

(Proposed by Cllr C R Slade and seconded by Cllr F J Colthorpe)

Note: - Report previously circulated and attached to Minutes.

#### 14 **REVIEW OF MICROPHONES (1.54.17)**

Section 22 Members' Conduct of the Constitution stated that Members must stand to speak at Council. However, the new microphone system in the Phoenix Chambers was designed for sitting.

Discussion took place regarding:

- The public and other Members may not be able to identify who was speaking if they could not see them;
- Members wanted to stand to show respect to the Chairman;
- Reports from Members of the public who had found it difficult to hear at a Planning Committee;
- The microphones had been purchased for all meetings, most of which would not involve standing to speak;

- County Councillors stood at meetings as well as having their faces projected onto a screen;
- The room felt cramped for Council;
- The unsuitability of the chairs which were heavy to move;
- Whether the Town Hall could be used for Council;
- The need for Members to ensure that they spoke clearly into the microphones;
- The possibility that a spare channel may allow for a boundary microphone to pick up discussion for the recording.

It was **AGREED** that Members would stand at the next Council meeting and that the Head of Communities and Governance would write a procedure note for Members giving instruction on how to use the microphones. The Committee would review this at the next meeting.

## 15 **COMPLAINTS**

There were no complaints to report.

## 16 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING**

Review of the Policy Development Groups  
 Review of the microphones and standing at Council  
 Training/assistance for Parish Council and what could be done to help them.

(The meeting ended at 8.35 pm)

**CHAIRMAN**