

## **MID DEVON DISTRICT COUNCIL**

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 20 July 2016 at 6.00 pm

### **Present**

#### **Councillors**

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

### **Also Present**

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

Mrs J Roach

### **Also Present**

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

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

## **1 ELECTION OF CHAIRMAN (CHAIRMAN OF THE COUNCIL IN THE CHAIR)**

**RESOLVED** that Cllr Mrs J Binks be elected Chairman of the Committee for the municipal year 2016/17.

Cllr Mrs Binks then took the Chair.

## **2 ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Cllr C R Slade be elected Vice-Chairman of the Committee for the municipal year 2016/17.

## **3 PUBLIC QUESTION TIME**

There were no members of the public in attendance.

## **4 APOLOGIES AND SUBSTITUTE MEMBERS**

There were no apologies.

## **5 MINUTES**

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

## **6 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

## 7 GUIDANCE REGARDING WHAT IS A VEXATIOUS COMPLAINT

The Committee had before it \* information from Head of Communities and Governance (and Monitoring Officer) regarding what constituted a vexatious complaint.

The Officer explained that the information provided was extracted from the Councils complaints policy which contained sections on unreasonable, unreasonably persistent and vexatious complaints and action to be taken on unreasonable, unreasonably persistent or vexatious complaints. If Members found that they were subject to unreasonable, unreasonably persistent or vexatious complaints they were advised to speak to the Monitoring Officer and/or the Legal Services Manager for further advice.

The officer informed Members that the IT Service could block an email address from accessing their account if required.

Note:- \* Information previously circulated and attached to the Minutes.

## 8 PLANNING PROCEDURES (00:10:36)

The Committee had before it a report \* from the Head of Planning and Regeneration requesting that Members approve Planning Committee Procedures in light of issues that had arisen and following visits to other Local Planning Authorities undertaken in 2012/13 (Appendix 6 contained recommendations from the Planning Committee and appendix 7 contained a further recommendation following a review of the procedures by the Scrutiny Committee).

The Chairman of the Planning Committee provided some background to the report and explained that several areas highlighted within the report had already been implemented by the Planning Committee but other areas would only be implemented following approval from Council.

Discussion took place regarding:

- Recommendations that had been submitted to the working group from the Scrutiny Committee and had not been taken forward;
- The length of time that Ward Members were allowed to speak;
- Annual visits to review planning decisions and the recording of these trips.

The Committee worked through each recommendation in turn:

It was **RECOMMENDED** to Council:

- a) That a clear guide to Planning Committee procedures be produced to inform the public and other participants together with a parallel guide on the planning system to address any misinformation and misconceptions.

(Proposed by the Chairman)

- b) That Legal advice for the Council as decision maker was available to assist Planning Committee with legal input as required on a case by case basis and a legal officer be 'on call' to assist in person during the meetings if requested.

(Proposed by the Chairman)

- c) That who speaks, when, the number of speakers, length of speaking and order remain as existing with an alteration to the order of speaking so that the supporter speaks after the objector;

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr L Taylor)

- d) That the questioning of speakers for reasons of clarification be allowed through the Chairman and apply to the applicant and objector only;

(Proposed by the Chairman)

- e) That clear written procedures be put in place regarding voting, that the item description, address and proposition be announced, Members clearly indicate their vote, that the vote was counted out loud and the outcome of the vote be announced.

(Proposed by the Chairman)

- f) That full committee and Planning Working Group site visits continue as existing, but that clearer written procedures for both be put in place.

(Proposed by the Chairman)

- g) That the protocol for making decisions that are not in accordance with officer recommendation be amended to apply to situations only when Members wish to refuse permission against officer advice.

(Proposed by the Chairman)

- h) That annual review of selected planning decisions be undertaken via a planning committee site visit and that a video be produced and trialled. That the constitution be amended to remove reference to the referral of the findings of the review to Scrutiny Committee and that all Members be invited to put forward sites and suggestions for the annual review and Members be encouraged to participate in the process.

(Proposed by the Chairman)

- i) That the Local Government Associations' 'Probity in Planning for Councillors and Officers 2013 (or subsequent amendments) be adopted as best policy;

(Proposed by the Chairman)

- j) That final recommendations 2, 4, 5, 7 and 8 relating to venue layout, attendance and advice, agenda format and order, report format and contents and officer presentations be agreed.

(Proposed by the Chairman)

- k) That subject to this service continuing to be offered, the Planning Advisory Service be requested to work with the Council in undertaking a peer review of Planning Committee and a further report be presented to Planning Committee following the receipt of recommendations from the Peer Review. The report to approve an action plan incorporating Planning Committee procedure issues.

(Proposed by the Chairman)

The following item was deferred for further information:

Photographs and the PowerPoint presentations and whether it was practicable for them to be posted on the website (Public Access) in advance of the meeting.

Note: - Report previously circulated and attached to the Minutes.

## 9 **UPDATE FROM STANDARDS CONFERENCE 2016 (01:22:10)**

The Head of Communities and Governance (and Monitoring Officer) updated the Committee regarding the recent Standards Conference.

The officer explained that as well as other areas the conference had covered 'why Standards matter', a legal update and dealing with difficult Members. It had been interesting to find that there was a great deal of variation amongst Monitoring Officers and that it was keenly felt that legislation was not black and white and could be interpreted in various ways. Local Authorities had been asked to log problems in order to build a picture as to whether or not the current Standards regime was working. The general view appeared to be that the current legislation was poorly written and that hands were tied due to lack of sanctions.

Case studies had been provided at the conference and debate took place regarding what constituted a pecuniary interest.

The Monitoring Officer was asked to circulate the PowerPoint presentation from the conference to Members of the Committee and that a refresher regarding interests be provided to all Members.

Discussion took place regarding training that was available for Parish Councils.

## 10 **POLICY DEVELOPMENT GROUP TITLES (01:33:25)**

The Committee had before it a report \* from the Head of Communities and Governance regarding re-naming of the Policy Development Groups (PDG's). The Officer explained that at the Full Council meeting on 27<sup>th</sup> April 2016, it had been agreed that a fourth PDG be introduced for the Economy. This PDG was simply called Economy PDG in line with Corporate Plan.

Currently the other PDGs were still referred to by the names they had prior to the fourth PDG being introduced i.e. Managing the Environment PDG, Decent and Affordable Homes PDG and Community Well Being PDG.

The purpose of the report was to recommend that the names of the PDGs be changed to Environment, Homes and Community so that they were in keeping with the Corporate Plan and the new Economy PDG.

It was **RECOMMENDED** to Council the Policy Development Groups be renamed Economy, Homes, Community and Environment as per the corporate priorities in the Corporate Plan

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

Note: - \* Report previously circulated and attached to the Minutes.

#### 11 **COMPLAINTS (01:35:00)**

The Head of Communities and Governance (and Monitoring Officer) informed the Committee that she was currently investigating 4 complaints and that she was expecting a further 2 complaints by the end of the week.

#### 12 **START TIME OF MEETINGS (01:36:09)**

It was **AGREED** that the start time of meetings remain at 6.00pm.

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

Update complaints  
Update regarding Member Policies and Procedure completions  
Update Planning Procedures  
Finance and Contract Procedure Rules

(The meeting ended at 7.45 pm)

**CHAIRMAN**