

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on 4 April 2017 at 6.00 pm

Present

Councillors

Mrs J B Binks (Chairman)
Mrs F J Colthorpe, C J Eginton,
Mrs J Roach, C R Slade, L D Taylor and
Mrs E J Slade

Apologies

Councillor(s)

F J Rosamond and Mrs N Woollatt

Also Present

Officer(s):

Stephen Walford (Chief Executive), Jill May (Director of Corporate Affairs and Business Transformation), Maria De Leburne (Solicitor), Sally Gabriel (Member Services Manager) and Julia Stuckey (Member Services Officer)

32 APOLOGIES AND SUBSTITUTE MEMBERS

Apologies were received from Cllr F J Rosamond and Cllr Mrs N Woollatt, who was substituted by Cllr Mrs J Roach.

33 PUBLIC QUESTION TIME

There were no members of the public in attendance.

34 MINUTES

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

35 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that the new Monitoring Officer would be joining the authority shortly and that she looked forward to welcoming her at the next meeting of the Committee.

36 STANDARDS ISSUES

The Committee had before it a report * from the Monitoring Officer asking Members to consider a revised Code of Conduct and a set of procedures for dealing with complaints against Councillors.

The Monitoring Officer outlined the contents of the report, reminding Members that the report contained a series of recommendations and a number of appendices which had been requested by Members at the last meeting of the Committee and by Council.

Consideration was given to page 45 3.4, the definition of what was reasonable and what was unreasonable and page 46 5.2, Register of Interests for Town and Parish Councillors and the implications if they did not comply. It was **AGREED** that the Monitoring Officer send a letter, pointing out the importance of completing the form fully and that further training be undertaken when the new Monitoring Officer was in post.

It was **MOVED** that on Page 47 6.1 and 6.2, the wording 'or any other person referred to in paragraph 5.1 above has' needed to be removed as it implied that Members should declare an interest for others at the meeting which was not always appropriate or possible.

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

Consideration was given to page 49 8.3, regarding dispensations. It was **AGREED** that as the wording in this section was from the Localism Act 2011 it should remain.

It was **MOVED** that on page 54 the first paragraph within the table regarding receipt of possible offence which referred to 'political rivals or associates of the named suspect' be removed and replaced with 'a Member of the Council'.

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

Consideration was given to page 61, third bullet point from the bottom of the page, starting 'the complaint is made around an issue....'. Discussion took place regarding the protocol with the police regarding this matter. It was **MOVED** that the Monitoring Officer would investigate this to provide clarity and should her findings be such that the sentence was not required, it be removed.

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

Consideration was given to page 79 3.8 (a) regarding deliberation in private. It was **MOVED** that the following be added 'no new evidence may be introduced at this stage'.

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

Consideration was given to page 106, 3rd bullet point which stated that particular care should be taken where there were chance encounters with objectors. It was **MOVED** that 'or developers' be added to this sentence.

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

It was **MOVED** that the Complaint Appeal Procedure be renamed 'Code of Conduct Complaints Appeal Procedure'.

(Proposed by Cllr Mrs J B Binks and seconded by Cllr CJ Eginton)

It was **RECOMMENDED** to Council that;

- a) The Code of Conduct for Councillors and Co-opted Members be approved subject to the removal of the wording (page 47 6.1 and 6.2) in 6.1 of 'or any other

| person referred to in paragraph 5.1 above has' and in 6.2 'or any other person referred to in paragraph 5.2 above has'.

(Proposed by the Chairman)

| b) The updated Complaint Form and the procedure be approved.

(Proposed by the Chairman)

| c) The protocol between Mid Devon District Council and the Police Investigations and offences under the Localism Act 2011 Section 24 be approved subject to the removal (on page 54 bullet point 1) of the wording 'political rivals or associates of the named suspect' and be replaced with 'a Member of the Council'. On page 61 (bullet point 5) commencing 'the complaint is made around an issue, this be investigated by the Monitoring Officer to provide clarity and should her findings be such that the sentence was not required, it be removed.

| d) The Monitoring Officer's updated delegations be approved.

(Proposed by the Chairman)

| e) The Local/Informal Resolution Process be approved.

(Proposed by the Chairman)

| f) The Procedure for investigating the Complaint be approved.

(Proposed by the Chairman)

| g) The Hearing Panel Procedure be approved subject to the addition of the wording 'no new evidence may be introduced at this stage' on page 79 3.8 (a).

(Proposed by the Chairman)

| h) The Independent Person/s Protocol be approved.

(Proposed by the Chairman)

| i) Members Register of Interest form and guidance be approved, this to include disclosable pecuniary interests.

(Proposed by the Chairman)

| j) The request for dispensation and the procedure for granting dispensations be approved.

(Proposed by the Chairman)

| k) The dispensations Procedure Guide for Parish Councils be approved.

(Proposed by the Chairman)

| l) The guidance note on bias and predetermination process be approved subject to the insertion of the wording 'and developers' after objectors.

(Proposed by the Chairman)

| m) That an appeal/review procedure be approved.

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

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

37 **COMPLAINTS (1.08)**

The Deputy Monitoring Officer provided an update regarding complaints since the last meeting on 25 January 2017.

She had provided advice to Member Services on two general matters which had since been closed, provided Monitoring Officer advice on 13 matters to six different Town and Parish Councils for which she was expecting a call back on one matter and the rest had been closed. She had also provided advice on Code of Conduct on 10 matters to 8 different Councils, for which she was expecting to receive 5 formal complaint forms.

The Chairman enquired as to whether there were any themes regarding the information requested and complaints made and the Deputy Monitoring Officer replied that enquiries tended to be regarding the completion of forms and disclosure of interests. It was **AGREED** that training should be provided.

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

An introduction to the Monitoring Officer
Member Training
Training for Town and Parish Councils

(The meeting ended at 7.15 pm)

CHAIRMAN