

## MID DEVON DISTRICT COUNCIL

**MINUTES** of a **MEETING** of the **STANDARDS COMMITTEE** held on 26 July 2017 at 6.00 pm

### **Present**

#### **Councillors**

Mrs J B Binks (Chairman)  
Mrs F J Colthorpe, C J Eginton,  
Mrs J Roach, F J Rosamond, C R Slade and  
Mrs M E Squires

### **Apologies**

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

L D Taylor, Mrs N Woollatt and Mrs E J Slade

### **Also Present**

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

Kathryn Tebbey (Legal Services Manager and Monitoring Officer), Sally Gabriel (Member Services Manager), Maria De Leiburne (Solicitor) and Julia Stuckey (Member Services Officer)

## 39 **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 2017/18.

Cllr Mrs Binks then took the Chair.

(Cllr Mrs J Roach requested that her vote against the decision be recorded)

## 40 **ELECTION OF VICE CHAIRMAN**

**RESOLVED** that Cllr C R Slade be elected Vice-Chairman of the Committee for the municipal year 2017/18.

## 41 **APOLOGIES AND SUBSTITUTE MEMBERS**

Apologies were received from Cllr Mrs E J Slade, Cllr L D Taylor and Cllr Mrs N Woollatt who was substituted by Cllr Mrs J Roach.

## 42 **PUBLIC QUESTION TIME**

Referring to item 12 on the agenda (the Constitution) Mr N Quinn said that having a limit of only one person being able to speak in objection of an application appears biased towards the applicant since there is normally only one applicant but tend to be many objectors. Mr Quin went on to raise the following points and questions:

"If it is merely a matter of time, I believe that most objectors would prefer that Councillors spend as much time as is needed to discuss all aspects of an application. Saving a Council 10 minutes is a poor price to pay against the impact that some decisions can have on a person's life. Would this Committee please raise the number of objectors that can speak during an application?"

The public are often not consulted about applications prior to submission and have little time to put their case in writing. Access to information is difficult for some without computers or bus services. The planning files which are supposed to be accessible on line are often out of date or incomplete. Officers are supposed to record meetings, phone conversations and advice but don't always do this.

Objectors tend to be normal people who see things in a way that normal people do. They are not versed in Planning Law and have not had the specialist training those officers and Members have. When they make objections, they write what they feel. Once they do, the officer summarises the lovingly crafted points into a number of short bullet points in no particular order or leaves their objections out altogether 'because they are not valid planning points'. There is currently no feedback on letters of objection. Could the system be changed to offer more support for this who are obviously concerned but whose objection is invalid?

It is difficult to choose who should speak and what they say since everybody believes that their objection is the most important. Even a small application can create a large number of objectors. I have recently spoken to Committee as an objector spokesperson representing more than 50 households because the proposed development is on a public amenity area located in the middle of a housing estate and everybody is concerned about it. It was easy for us to talk and discuss but more scattered objectors, or where there is animosity, could have great difficulty in agreeing on one person to talk. Could the system be changed where there was a disagreement on who should speak?

Objectors tend to be normal people, unused to the ways of Council Committees and procedures. We are generally not used to public speaking. There is currently a restriction of only 3 minutes in which to make the case for everybody. This places a lot of pressure on the individual concerned. It is too short a time to cover what may be large number of objector points so the speaker may have to talk so fast as to sound like the terms and conditions people on adverts. This is not good for either the speaker or the Committee. Would this Committee consider a requirement to offer support to objectors to help them with their presentation and/or do it for them?

There is no written record in the Minutes of the verbal presentations made during the consideration of an application. The rigid order of speaking and the inability to respond to statements is a problem as well. Please consider that there may be statements made in speeches which may be untrue and which nobody can correct because they have already spoken and are not allowed to. Members may well make decisions based on incorrect information. Can this Committee make some provision to allow for the challenge of a verbal statement made during the consideration of an application?"

The Chairman informed Mr Quinn that his questions would be considered with the agenda item.

#### 43 **MINUTES**

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

#### 44 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed Members that she was pleased to say that two thirds of Members had attended Code of Conduct training set up by the Monitoring Officer.

The Chairman advised Members that from now on Standards Committee meetings would be calendared for three a year, rather than on the ad hoc basis that had happened in the past.

Following the Peer Review and discussions at the Programming Panel the Chairman proposed that an informal workshop between meetings be put in place to encourage Members to become more involved with moving items forward and to flag important issues. This was **AGREED**.

#### 45 **START TIME FOR MEETINGS**

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

#### 46 **MONITORING OFFICER'S UPDATE**

The Monitoring Officer confirmed that the purpose behind scheduling meetings for the municipal year was to ensure that Standards issues were addressed in a proactive rather than a reactive way, as had been the case in the past. The informal workshops proposed by the Chairman would also assist in Members taking charge of the Standards agenda in the Council. The officer had appointed the two Deputy Monitoring Officers and started to meet with them regularly. Meetings had taken place with the newly appointed Independent Members and Code of Conduct training had been provided to Members.

#### 47 **THE ROLE OF THE INDEPENDENT PERSONS**

The Monitoring Officer explained that the Independent Persons were a statutory appointment and that although the requirement was for one it was a good idea to have two. The role was set out within the Constitution and mainly involved providing support, advice and assistance in relation to complaints; however, these duties could be extended with their agreement and the approval of Members. The Monitoring Officer proposed that the Independent Persons could be charged with attending a number of meetings throughout the year, reporting back to the Standards Committee (via the Monitoring Officer) on how it had felt to be at the meeting as a member of the public. The feedback provided could be used to shape future discussions.

Discussion took place regarding:

- The role of the Independent Persons regarding Town and Parish Councils;
- The use of Independent Persons at Devon County Council and how they provided feedback on areas such as audibility, presentation and behaviour;
- The Whistleblowing Policy and bullying and whether the Independent Persons could be used as a point of contact for this;

- The fact that any information that could improve the public image of Members would be helpful.
- Independent Persons may be able to highlight procedures that the public did not understand or did not work for the public, regarding areas such as public question time
- It was **AGREED** that an information sheet regarding procedures for the Planning Committee be produced to improve understanding.

The Independent Persons informed the Committee that they would not want to stifle independence in Members but that there may be some work that could be done to help improve how the Council appeared to the public in order to improve image and performance. They did not consider that the role needed to be confrontational and would like to assist in reducing the number of complaints received. Attending meetings would also raise their profile and Members would become aware of who they were, this would be an evolving process and the methods of reporting would need to be established.

The Monitoring Officer suggested that this would be a process that evolved over time. In the first instance she would meet with the Independent Persons in advance of the next meeting and would provide a report to highlight key issues that they had observed. This would help her to identify what training was required.

It was **RESOLVED** that the Independent Members be asked to attend, as observers, meetings of the Council during the remainder of the Municipal year and that an update be provided to the October meeting of the Committee.

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

#### 48 **MEMBER TRAINING**

The Monitoring Officer informed Members that she had held a Code of Conduct Training session to ensure that all Members were up to speed with the Code. She intended to hold further sessions for those that had been unable to attend. Following this she planned to hold some training for Town and Parish Councils in the autumn and was currently arranging dates for this.

The Monitoring Officer asked for suggestions for further training required and it was **AGREED** that this would be a discussion topic at the first workshop session.

#### 49 **MEMBERS CORRESPONDENCE WITH THE PUBLIC**

The Monitoring Officer explained that within the Officer Code of Conduct there was reference to timescales for responding to correspondence. The officer asked Members if they considered it necessary to have some sort of guidance on reasonable response times for Member correspondence.

Discussion took place regarding:

- It was considered good practice to acknowledge correspondence;

- The difficulty in responding to ‘round robin’ correspondence and the need to take into account that variety of correspondence received;
- The public needed to know how to interact with Members;
- The variety of methods of communication such as telephone, in person, email and by post.

It was **RESOLVED** that the Monitoring Officer be asked to provide guidance on responding to correspondence to the Committee for consideration and that this issue generally be included in Member induction training.

(Proposed by the Chairman)

## 50 THE CONSTITUTION

The Monitoring Officer informed Members that she had some concerns regarding a number of areas within the Constitution.

### State of the District Debate – Rule 17 of the Council Procedure Rules

The Officer informed Members that the wording within this section required clarification as there was currently reference to ‘calling’ and ‘holding’.

It was **RESOLVED** that the Monitoring Officer be asked to produce wording to clarify this section.

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

### Procedure for speaking at Committee – Paragraph 9 of the Protocol of Good Practice for Councillors Dealing with Planning Matters – Appendix J to the Constitution

The Monitoring Officer explained that she had some concerns with regard to this section of the Constitution due to the position of single Member wards, should the Member have a conflict of interest or was unable to attend a meeting. The constitution did not provide any flexibility or discretion to allow for this. The officer considered that it was necessary to clarify this area in order to protect the council from criticism and to make the order of speaking clear. Mr Quinn’s comments from Public Question Time needed to be given some consideration.

Discussion took place regarding:

- The issue of not being able to correct false statements and time restrictions on speakers;
- The difficulty in knowing whether it was better for the applicant or objector to speak first;
- The use of Public Question Time;
- A leaflet explaining planning procedure would clarify the situation for the public;

- Member Services Officers currently provided guidance to the public;
- A letter from the Planning Service sent to objectors outlined procedure but did not give mention to Public Question Time.

It was **RESOLVED** that the Monitoring Officer be asked to provide a report regarding the procedure for speaking at Committee and that the Member Services Manager continue work on a guide for speakers attending the meeting.

(Proposed by the Chairman)

The rights of non-Cabinet members to ask questions and make statements during the business of Cabinet

The Monitoring Officer explained that current wording within the Constitution was not clear as to whether or not non-Cabinet Members could speak to an item at Cabinet Meetings.

The Leader informed the Committee that Non Cabinet Members were currently permitted to speak and that he encouraged this.

It was **RESOLVED** that the Monitoring Officer be asked to provide wording that would ensure that at a meeting of the Cabinet the Leader may allow non cabinet Members to speak on any agenda item and that this be inserted into an appropriate place within the Constitution.

(Proposed by the Chairman)

**51 ISSUES ARISING FROM RECENT CASES AND DECISIONS**

The Deputy Monitoring Officer outlined a recent case between Hussain and Sandwell Metropolitan Borough Council which concerned an attempt to prevent a local authority from continuing with an investigation into alleged wrongdoing by elected Council Members.

**52 COMPLAINTS**

The Monitoring Officer informed the Committee that since her appointment she had received one complaint, which following consultation with the Independent Persons it had been agreed did not merit further investigation.

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

- Complaints
- Findings of the Independent Persons
- Review of the Constitutional items discussed at agenda item 12
- Draft guidelines on Members correspondence

(The meeting ended at 7.54 pm)

**CHAIRMAN**