

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **STANDARDS COMMITTEE** held on Wednesday 12 November 2014 at 6.00pm

Present:

Councillors: R M Deed (Chairman), R J Chesterton, Mrs F J Colthorpe, R Evans, Mrs L J Holloway, C Slade, Mrs M E Squires, P F Williams and Mrs N Woollatt

Also Present:

Councillors: D F Pugsley and Mrs J Roach

Officers

Present: A Tregellas (Head of Communities and Governance) and J Stuckey (Member Services Officer).

28. **PUBLIC QUESTION TIME**

There were no members of the public present.

29. **MINUTES OF THE PREVIOUS MEETING**

Clarification was sought with regard to Minute 27 where Members resolved to draft a constitutional amendment for the Audit Committee. It was agreed that the Audit Committee was the appropriate route for this to take.

The Minutes of the previous meeting held on 28 August 2014 were approved as a true record and signed by the Chairman.

30. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

31. **MOTION 495 (COUNCILLOR D F PUGSLEY – 4 SEPTEMBER 2014)**

To Committee had been asked by Council to consider the following Motion referred by the Council to the Standards Committee.

This Council resolves to amend the Constitution by adding the following sentence at the end of Procedure Rule 16.1:

"If in any year the Leader fails to call a debate, it may be called by notice in writing to the Chief Executive signed by any 5 members of the Council."

Councillor Pugsley clarified that it was his intention that this would come into force after May 2015 as a State of the District debate had already been called for the current municipal year. It was agreed that by year the Committee were referring to the municipal year.

Discussion took place regarding;

- Whether 5 Members were enough and whether a larger number would be more appropriate to ensure that there was enough support for the debate;
- The wording 'The State of the District' and how debates in the past had not necessarily met this description;
- How to define when the Chairman had 'failed to call a debate'
- The debate should be about the state of the district rather than held as a question and answer session on a specific topic;

It was therefore

RECOMMENDED to Council that the Constitution be amended by adding the following sentence at the end of Procedure Rule 16.1:

If in any municipal year the Leader declines to call a debate, or fails to call a debate within nine months, it may be called by notice in writing to the Chief Executive signed by any 10 Members of the Council.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr P F Williams)

32. **REQUEST FOR CONSTITUTIONAL CHANGE** -

Cllr Mrs J Roach had requested that the following constitutional change to Standing Order 13 be discussed by the Committee.

"If notice is given of any original motion that, in the opinion of the proper officer is out of order, illegal, irregular or improper, then the proper officer shall immediately submit such notice to the Chairman and it shall be not accepted and placed on the agenda without his sanction. In the event of non-acceptance, the proper officer shall inform the member giving notice as soon as reasonably possible".

Councillor Roach explained to the Committee that previously she had submitted a motion for Council which had been added to the summons. Less than 24 hours before the meeting she had been informed that the motion would not be allowed.

Discussion took place regarding;

- If a motion had been put onto the summons and been issued it should be allowed to stand;
- If a motion was to be refused the Chairman must inform the Member as soon as possible to allow time for the motion to be amended and resubmitted;
- The reason for the refusal should be clearly stated;
- Unsuitability would be in the opinion of the Proper officer, if Members disagreed with this decision they should go to the Monitoring Officer.
- Training for new Members and Chairman from May 2015 would give clear guidance about Motions.

It was therefore

RECOMMENDED to Council that the following Constitutional change to Standing Order 13 be made:

If notice is given of any original motion that, in the opinion of the proper officer is out of order, illegal, irregular or improper, then the proper officer shall immediately submit such notice to the Chairman of the Council and it shall be not accepted and placed on the agenda without his sanction. In the event of non-acceptance, the proper officer shall inform the member giving notice as soon as reasonably possible and stating the reason for rejection.

(Proposed by Cllr R Evans and seconded by Cllr C R Slade)

33. **CONSTITUTION WORKING GROUP**

The Committee received a verbal update from the Monitoring Officer outlining the ongoing work of the Constitution Working Group.

The Officer explained that progress was now being made and that sections of the Constitution would be reported to this Committee in early 2015.

Councillors Williams and Holloway reported that although it had not been a simple task they were pleased with progress and hoped to produce a Constitution that was clearer and more usable than the current version.

34. **STANDARDS SUB COMMITTEE HEARINGS – JOINT WORKING WITH OTHER AUTHORITIES (00.53.18)**

The Committee received a verbal update from the Monitoring Officer regarding correspondence with other District Councils.

The Officer explained that she had written to other Devon authorities to ask if they would be prepared to work in partnership with Mid Devon regarding Conduct Hearings in respect of District Councillors. The Committee had previously agreed that it would be preferable for conduct hearings to be dealt with independently by a neighbouring authority.

The Monitoring Officer would update the Committee with any responses received.

35. **STANDARDS SUB COMMITTEE HEARINGS (00.56.38)**

The Committee had previously requested information regarding sanctions open to them following an Ethical Standards Hearing.

The Monitoring Officer tabled information regarding this. It was **AGREED** to defer this matter until a future meeting, to allow the Constitution Working Group to discuss the matter further before reporting back to this Committee.

36. **COMPLAINTS (01.07.00)**

The Monitoring Officer updated the Committee regarding complaints that she was investigating.

During discussions regarding a particular Town/Parish Council it was necessary to pass the following resolution to protect the business affairs of the specific Council identified.

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority hold that information).

(Proposed by the Chairman)

37. **MATTERS ARISING RELATING TO A TOWN/PARISH COUNCIL**

The Monitoring Officer outlined issues regarding a particular Town/Parish Council that she had been working with and requested the Committee to consider the issues that she had raised.

RESOLVED that: a sub-committee be set up to consider various matters regarding Town/Parish Councils and that the Sub Committee comprise of Councillors R M Deed, P F Williams and Mrs N Woollatt.

(Proposed by the Chairman)

Note: Following discussion of this item the committee returned to public session

38. **TRAINING (01.09.00)**

The Monitoring Officer explained that in May 2015 training would be held in the three main towns for new Members. The Officer also offered to provide training to a Member of the Committee that had recently re-joined.

39. **IDENTIFICATION OF ITEMS AND DATE FOR THE NEXT MEETING – 14 January 2014**

No items were identified.

(The meeting terminated at 7.30pm)

CHAIRMAN