

# Agenda for Standards Committee

## Tuesday, 14 August 2018; 10.00am



### [Members of the Committee](#)

**Venue:** Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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- 1 [Public speaking](#)
- 2 Minutes for 23 January 2018 (page 3 - 5)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

### **Part A Matters for Decision**

- 7 **Annual Report 2017-18** (pages 6 -15)  
Strategic Lead – Governance and Licensing & Monitoring Officer
- 8 **Code Complaints update ( 1 May 2018 – to date)** (pages 16-17)  
Strategic Lead – Governance & Licensing & Monitoring Officer
- 9 **Forward Plan** (page 18)

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# EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 23 January 2018

## **Attendance list at the end of the document**

The meeting started at 10.00am and ended at 11.20am

- \*14 Public speaking  
There were no questions asked.
- \*15 Minutes  
The minutes of the meeting of the Standards Committee held on 17 October 2017, were confirmed and signed as a true record, subject to reference in minute \*11 to debate on field numbers.
- \*16 Declarations of interest  
There were none.
- \*17 Councillor Gifts and Hospitality  
The Committee considered the report of the Monitoring Officer, which considered the Council's approach to Councillor Gifts and Hospitality and declarations in that regard. The Committee at its meeting on 17 October 2017 (minute \*13 refers) had requested a report be brought before it for consideration.

Discussion included the following points:

- Reference to the Guidance on Gifts and Hospitality produced by Somerset County Council, which were considered to be very helpful;
- The Constitution would need to be altered to reflect changes to the way gifts and Hospitality were declared;
- Possible suggestion of a zero limit for Gifts and Hospitality. There were concerns raised over the practicality of the implementation of this limit;
- Councillors could also declare any gift or hospitality received under £25 and this could be considered to be good practice;
- It was also noted that members could decline any hospitality if it was felt that it would be inappropriate, irrespective of value;
- The issue was does declaring a gift or hospitality received make decision making by Councillors better?
- Importance of transparency for Councillors as a reassurance for the public.
- The new online Register of Gifts and Hospitality would be viewable by the public;
- It was discussed whether there should be regular training on Member's responsibility in relation to Gifts and Hospitality. It was noted that the compulsory training requirement, should be adopted in May, would cover this;
- The Monitoring Officer noted that he would prepare guidance, like that for Somerset County Council that would appear on a discrete section of the website in relation to Members, Gifts and Hospitality and this is where the online register would be found.

The Chairman thanked the Monitoring Officer for his report.

**RESOLVED:**

1. that the content of the report be noted;
2. that the Member's Code of Conduct and Register of Interests be amended in accordance with the details set out in the report as part of the changes to the constitution to be presented to annual Council.
3. that the Monitoring Officer review the approach to the online Register of Gifts and Hospitality with a view to finding a workable solution.

\*18 Code Complaints update

The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on new Code related cases received since 1 May 2017. A member raised concerns over the behaviour of some Councillors at Town Council meetings and whether these meetings being audio recorded would improve the behaviour and reduce the number of Code of Conduct complaints. It was agreed that recording would act as a way of improving conduct. It was noted that some Town Councils did already audio record their meetings. The Monitoring Officer noted that he could write to the town's and Parishes and recommend that meetings were recorded but this was as far as it could be taken.

**RESOLVED:** that the report be noted.

\*19 Forward Plan

Committee members were asked to advise of any items for the Forward Plan. Members discussed the issue of starring/non-starring of minutes, an issue which had been raised by Cllr Megan Armstrong following the last Council meeting. It was considered that this could be a confusing issue as to what could or could not be debated by members.

The Monitoring Officer reported that the use of 'starred items' was a local convention and was an approach which was used to help Members distinguish between resolved matters (which were not open to change) and recommendations (which were), it was noted that their use was not part of the formal procedures. Confusion in particular had arisen where one part of an unstarred minute was a resolution and therefore not available to change and another a recommendation and able to change. There was some concern that the general public also may not understand this system.

It was suggested that the Monitoring Officer prepare a briefing note for Members to explain the starring/non-starring of items in the Council minute book.

**RESOLVED:** that the, Monitoring Officer be requested to produce a briefing note for Members on the issue of starring/non-starring of items in the Council minute book and some of the procedures regarding decision making more generally.

**Attendance list**

**Present:**

Councillors:

Andrew Moulding (Chairman)

Graham Godbeer

Douglas Hull  
Stuart Hughes

**Co-opted non-voting members:**

Martin Goscomb, Co-opted Independent member  
Jessica Bailey, Co-opted Parish/Town Council member  
Tim Swarbrick, Co-opted Independent member  
Frances Newth, Co-opted Parish/Town Council member

**Also present:**

Alison Willan, Independent Person  
Councillor Megan Armstrong

**Councillors:**

Susie Bond – substitute Committee member

**Officers:**

Henry Gordon Lennox, Monitoring Officer and Strategic Lead – Governance & Licensing  
Chris Lane, Democratic Services Officer

**Apologies:**

Alan Dent – substitute Committee member  
Dawn Manley

Chairman ..... Date .....

**Report to:** **Standards Committee**

**Date of Meeting:** 14<sup>th</sup> August 2018

**Public Document:** Yes

**Exemption:** None

**Review date for release** None

**Agenda item:** 7

**Subject:** **Annual report 2017/18**

**Purpose of report:** This report reviews the 2017/18 year in the life of the Standards Committee and outlines the work done.

**Recommendation:** **Members note the review of the 2017/18 year**

**Reason for recommendation:** To monitor and plan activities in relation to the Standards Committee.

**Officer:** Henry Gordon Lennox, Monitoring Officer

**Financial implications:** No financial implications have been identified as a consequence of the report.

**Legal implications:** These have been incorporated within the report.

**Equalities impact:** Low Impact

**Risk:** Low Risk

**Links to background information:** ) None

**Link to Council Plan:** Living in this Outstanding Place

## Report in full

### Main Body of the Report

1. The Council, through its Standards Committee, has a duty to promote and maintain high standards of conduct by members. In July 2012, in response to the Localism Act 2011, the Council introduced a new Code of Conduct for councillors and revised standards arrangements, which were revised and updated in 2013/14. These were further reviewed in October 2016 by the Committee.
2. During the 2017 / 18 year the Committee met three times (July, October and January) but overall it was a relatively quiet year for the Committee. At those meetings it considered; the Annual report (16/17); complaints updates; a review of the public speaking arrangements introduced at Development Management Committee in October 2014 (with confirmation that the arrangements should permanently remain as currently operating); a review of Member's interests and code of conduct training (it was decided that subject to some amendments to the Constitution in respect of personal interests the nature of the interests were otherwise acceptable and also compulsory code of conduct training should be introduced following May 2019 elections, which was dealt with in the Constitution changes made this year) and a review of the Council's approach to Councillor gifts and hospitality (changes were agreed to the



Constitution to remove gifts and hospitality from being a personal interest but nonetheless receipt of the same should still be declared where appropriate, these changes were made to the Constitution this year).

3. One item that remains outstanding in terms of the Committee's requested actions of the Monitoring Officer was the production of a briefing note on the issue of starring / non-starring of items and on the procedures regarding decision making more generally. The briefing note has been written but the Monitoring Officer has not had a chance to review this yet with a view to issuing to Members.
4. One of the Parish Council Representatives Cllr Jessica Bailey (West Hill Parish Council) resigned following appointment to a new job. The recruitment process for her replacement is currently underway and the appointment will be made this year.
5. Appendix 1 contains a summary of the complaints made to the Monitoring Officer in the year 2017 / 18 which were treated as Code complaints. While the report focusses on code complaints, there is a table highlighting issues that have not been treated as code matters.

So in short;

- a. Total Code complaints made between May 2017 – April 2018 = 22 (15/16 = 20, 16/17=17). It should be noted that 9 of these related to two complaints in respect of the same Town Council and were made by the same individual.
- b. Of the 22 Code complaints received in 2017-18, the breakdown is:  
5 x District Councillor  
17 x Town / Parish Councillor
- c. Following Monitoring Officer assessment of the 22 Code complaints, the outcome was:  
Informal resolution/mediation x 1  
Investigation leading to informal resolution x 0  
Investigation leading to a Hearing x 0  
No finding of breach and complaint closed x 13  
Complaint closed for other reasons (e.g. resignation or complaint withdrawn) x 7  
Still awaiting assessment x 1
- d. The Independent Person was consulted on each case that was considered.
- e. The annual cost for assessing Monitoring Officer type complaints has previously been assessed at approximately £40,000, which has been calculated based on an estimate of officers' time spent assessing, investigating and administering complaints as part of their job role. Officers dealing with the Code of Conduct complaints process are: Monitoring Officer; Deputy Monitoring Officer, PA to Monitoring Officer, Democratic Services Officer, statutory Independent Person role and Investigating Officer when required. For the last few years the amount of time spent in the complaints process remains relatively static and therefore this figure still seems representative.
- f. Each Code of Conduct case has to have the views of the Independent Person sought. The costs associated with the Independent Person(s) for 2016/17 was £0, predominantly as Alison Willan doesn't claim. Should a breach be found by the Monitoring Officer and it cannot be resolved, then the case is sent for investigation by an Independent Investigator. Only a very few cases make it this far in the process. In 2017 / 18, there were no cases referred for investigation.
- g. There were no hearings in 2017/18.

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Item 7 Appendix 1- Code of Conduct complaints 2017/18

This paper provides an update for the Committee on Code related cases since the 1<sup>st</sup> May 2017 to 31<sup>st</sup> April 2018:

\* indicates cases where there has been an update since the last meeting

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct and outcome following consultation with Independent Person	Detail of complaint
2017-C12	Town Councillor	Complaint regarding the lack of respect shown at a town council finance meeting Relevant paragraphs of the code; 4a - you must treat others with courtesy and respect 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute. <b>No findings of breach. Case closed.</b>	Acted in a bullying and disrespectful manner by shouting abuse at the complainant and making incorrect allegations.
2017-C13	Town Councillor	Complaint regarding the lack of respect shown at a town council finance meeting Relevant paragraphs of the code; 4a - you must treat others with courtesy and respect 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute. <b>No findings of breach. Case closed.</b>	Acted in a bullying and disrespectful manner by shouting abuse at the complainant and making incorrect allegations.



2017-C14	Town Councillor	<p>Complaint regarding the lack of respect shown at a town council finance meeting</p> <p>Relevant paragraphs of the code;</p> <p>4a - you must treat others with courtesy and respect</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	<p>Acted in a bullying and disrespectful manner by shouting abuse at the complainant and making incorrect allegations.</p>
2017-C15	Town Councillor	<p>Complaint regarding the lack of courtesy and respect shown to others.</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p><b>Resignation received. Case closed.</b></p>	<p>Made a disrespectful remark that was inappropriate and unacceptable and failed to treat others with courtesy and respect and acted in a rude and belittling manner.</p>
2017-C16	Town Councillor	<p>Complaint regarding the lack of respect shown at a town council finance meeting.</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	<p>Acted in a bullying and disrespectful manner by criticising the complainant’s actions and supported a motion believing there were conflicts of interest but did not explain what the conflicts were.</p>
2017-C17	Town Councillor	<p>Complaint regarding the lack of respect shown at a town council finance meeting.</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person</p>	<p>Acted in a bullying and disrespectful manner by providing incorrect and misleading information and supported a motion believing there were conflicts of interest but did not explain what the conflicts were.</p>

		<p>the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	
2017-C18	Town Councillor	<p>Complaint regarding the lack of respect shown at a town council finance meeting.</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	<p>Acted in a bullying and disrespectful manner by lacking objectivity and by misleading and failing to declare an interest.</p>
2017-C19	Town Councillor	<p>Complaint regarding the lack of respect shown at a town council finance meeting.</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	<p>Acted in a bullying and disrespectful manner by making untrue and misleading comments and supported a motion believing there were conflicts of interest but did not explain what the conflicts were.</p>
2017-C20	Town Councillor	<p>Complaint regarding the lack of respect shown at a town council finance meeting.</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person</p>	<p>Acted in a bullying and disrespectful manner by suggesting the complainant did not act in the best interests of the council and supported a motion believing there were conflicts of interest but did not explain what the conflicts were.</p>

		<p>the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	
2107-C21	Town Councillor	<p>Complaint regarding the lack of respect shown at a town council finance meeting.</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	<p>Acted in a bullying and disrespectful manner by supporting a motion believing there were conflicts of interest but did not explain what the conflicts were.</p>
2017-C22	Town Councillor	<p>Complaint that has brought office into disrepute</p> <p>Relevant paragraph of the code;</p> <p>4a – you must treat others with courtesy and respect.</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p><b>No findings of breach. Case closed.</b></p>	<p>Failed to provide correct official contact details.</p> <p>Failed to respond to communications and visited the complainant at home and acted in a bullying manner towards the complainant.</p>
2017-C23	EDDC Councillor	<p>Complaint regarding the lack of courtesy and respect shown to others.</p> <p><b>Complaint withdrawn. Case closed.</b></p>	<p>Made a disrespectful remark to a member of the public in an exchange of words.</p>
2017-C24	EDDC Councillor	<p>Complaint regarding the lack of courtesy and respect shown to others.</p> <p><b>Complaint withdrawn. Case closed.</b></p>	<p>Acted in a disrespectful and inappropriate manner during a distressing situation involving a council tenant who was receiving emergency medical treatment.</p>

2017-C25	Town Councillor	Complaint regarding the lack of courtesy and respect shown to others. Relevant paragraph of the code; 4a – you must treat others with courtesy and respect. 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute. <b>Breach for failing to treat complainant with courtesy and respect. Proposed informal resolution – public apology.</b>	Failed to treat the complainant with courtesy and respect by making an inappropriate analogy in a widely disseminated email. Made unfounded suggestions in response to the complainant's comments at a council meeting.
2017-C26	Parish Councillor	Complaint regarding the lack of courtesy and respect shown to others. <b>No supporting evidence provided. Case closed.</b>	Acting in a bullying and disrespectful manner by harassing a neighbour about an ongoing private dispute.
2017-C27	Town Councillor	Complaint regarding the lack of courtesy and respect shown to others. <b>Complaint withdrawn. Case closed.</b>	Acted in a bullying and disrespectful manner by ostracising the complainant at a meeting and caused anxiety and distress by undermining the complainant's role and responsibilities.
2017-C28	Town Councillor	Complaint regarding the lack of courtesy and respect shown to others. <b>Complaint withdrawn. Case closed.</b>	Acting in a bullying and disrespectful manner by ostracising the complainant at a meeting.
2017-C29	Town Councillor	Complaint regarding the lack of courtesy and respect shown to others. <b>Complaint withdrawn. Case closed.</b>	Acted in a bullying and disrespectful manner by ostracising the complainant at a meeting and undermining the complainant's capabilities.
2017-C30	EDDC Councillor	Complaint regarding the lack of courtesy and respect shown to others. Relevant paragraph of the code; 4a – you must treat others with courtesy and respect. 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.	Failed to treat the complainant with courtesy and respect by raising inappropriate questions on a sensitive matter discussed at Full Council and to the excess of emails sent on the subject to Full Council Members.

		<b>No findings of breach. Case closed.</b>	
2017-C31*	Parish Councillor	Complaint regarding the failure to disclose a personal interest or disclosable pecuniary interest. Relevant paragraph of the code; 5a – attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage. 5e – do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council 5h – conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office of the Council into disrepute. <b>No findings of breach. Case closed.</b>	Failed to declare a personal interest at a parish council meeting when the draft Villages DPD was considered.
2017-C32	EDDC Councillor	Complaint regarding the lack of courtesy and respect shown to others. Relevant paragraph of the code; 4a – you must treat others with courtesy and respect. 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute. <b>No findings of breach. Case closed.</b>	Failed to treat the complainant with courtesy and respect by painting an intentionally unfavourable image of the complainant.
2018-C01	EDDC Councillor	Complaint regarding the failure to disclose a personal interest. <b>Passed to MO for assessment</b>	Failed to declare a personal interest at a Development Management Committee.

Complainants who have made more than 2 complaints

2017-C27/28/29

One complainant has made two sets of complaints arising out of two separate incidents against multiple councillors;

Incident One – Complaints 2017-C12/13/14

Incident Two – Complaints 2017-C16/17/18/19/20/21

Subject Members who are subject to more than 2 complaints

None

An update for the Committee on Non Code related cases since the 1<sup>st</sup> May 2017 to 31<sup>st</sup> April 2018:

Case #	TC/PC or EDDC member	Details of non-code complaint	Outcome
2017-NC1	EDDC Councillor	Complaint regarding a councillor not using a microphone	The complainant was advised their complaint did not fall within the remit of the Code of Conduct.
2017-NC2	EDDC Councillor	Complaint regarding a councillors actions and comments on their twitter account	The subject member had acted as an individual and not in their councillor capacity.
2017-NC3	Parish Council	Complaint regarding a Parish Council not displaying their members Code of Conduct	The Parish Council was contacted and advised to update their website.
2017-NC4	Parish Councillor	Complaint regarding a councillor not responding to messages. The councillor had apologised to the complainant but the complainant still wanted to pursue the complaint	The subject member had been written to reminding them of their duties as a councillor.
2017-NC5	Parish Councillor	Complaint regarding a Parish Chairman also being Chairman for a CLT	The complainant was advised there was no issue for an elected member to carry out a number of

			different roles providing they had declared the appropriate interests.
2017-NC6	Parish Council	Complaint regarding the wording of a letter being sent by the Parish Council to the complainant about an overgrown hedge.	The complainant was advised to take their complaint up with the Parish Council.
2017-NC7	Town Councillor	The Clerk refused to take out the complainants name and son's name from a police report that was intended for press.	The complainant was advised the town council was a sovereign body and their actions could only be challenged in a court. The actions of the clerk did not fall under the MO jurisdiction.
2018-NC1	Town Councillor	The complainant claimed to be harassed by the councillor over a neighbour dispute.	The councillor was not acting in his councillor capacity.
2018-NC2	Town Councillor	The councillor's behaviour inside and outside of parish council meetings.	The councillor resigned.
2018-NC3	Town Councillor	The reason for the complaint is that the councillor receives some much-needed feedback and advice re his arrogant and contemptuous attitude towards members of the public, especially if they disagree with him.	The councillor resigned.
2018-NC4	Parish Councillor	Complaint regarding the wording of an email sent to the complainant	The behaviour of the councillor was not considered to be a breach of the code of conduct.
2018-NC5	Parish Council	Complaint regarding the way the clerk acted towards the complainant and the way the parish council was run.	The complainant was advised the town council was a sovereign body and their actions could only be challenged in a court. The actions of the clerk did not fall under the MO jurisdiction.

Standards Committee, 14 August 2018

Item 8 - Code of Conduct complaints update

This paper provides an update for the Committee on Code related cases since the 1<sup>st</sup> May 2018 to date:

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct and outcome following consultation with Independent Person	Detail of complaint
2018-C02	Parish Councillor	Complaint regarding the lack of courtesy and respect shown to others. 4a – you must treat others with courtesy and respect <b>Complaint withdrawn. Case closed.</b>	Failed to treat the complainant with courtesy and respect by using foul and abusive language and making untrue remarks against the complainant's actions and character.
2018-C03	Town Councillor	Complaint regarding the lack of courtesy and respect shown to others. Relevant paragraph of the code; 4a – you must treat others with courtesy and respect. <b>Informal Resolution – apology sent. Case closed.</b>	Failed to treat the complainants with courtesy and respect by not controlling his temper and brought a personal issue directed at how people feel about their business which he had no right to do.

Complainants who have made more than 2 complaints

None

Subject Members who are subject to more than 2 complaints

None



An update for the Committee on Non-Code related cases since the 1<sup>st</sup> May 2018 to date:

Case #	TC/PC or EDDC member	Details of non-code complaint	Outcome
2018-NC6	Parish Council	Complaint regarding how the parish council conduct their meetings and also the conduct of their clerk.	The complainant was advised the parish council was a sovereign body and their actions could only be challenged in a court. The actions of the clerk did not fall under the MO jurisdiction.
2018-NC7	Town Council	Complaint regarding how a Town Councillor had been criticised for expressing an opinion on a matter.	Arguably this could have been a code complaint but both parties have accepted that an apology will suffice without needing to make a formal complaint.

Agenda Item 9



Standards Committee

14 August 2018

Standards Committee

Forward Plan 2018/19

23 October 2018

Committee members to advise of any items for the Forward Plan.