



Agenda for Standards Committee Tuesday, 21st January, 2020, 10.00 am

Members of Standards Committee

Councillors: S Hughes (Chairman), Goscomb, Swarbrick, J Bailey, D Manley, K McLauchlan, P Twiss, B Nelson, P Stott and A Willan

Venue: Blackdown House, Honiton

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(or group number 01395 517546)

Monday, 13 January 2020

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1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 5)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 Code Complaint update (Pages 6 - 10)

8 Gift and Hospitality Register Annual Report (Pages 11 - 13)

9 Members Declaration of Interest Audit Report (Pages 14 - 15)

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Standards Committee held at Blackdown House, Honiton on 13 August 2019****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.28 am

1 Public speaking

Councillor Paul Hayward asked whether the Ledbury Standards case decision was going to have any effect on this council's Standards Committee's work and workload. The Monitoring Officer replied that a Code of Conduct complaints procedure was in place and presently did not see this decision having any impact. However, each case would be considered on its merits in consideration of the circumstances relevant at the time.

2 Minutes of the previous meeting

The minutes of the Standards Committee held on 16 April 2019 were confirmed and signed as a true record.

3 Declarations of interest

Councillor DBS checks.

Councillor Ian Hall, Personal, DCC Councillor for Axminster who through this role had been DBS checked.

Councillor DBS checks.

Councillor Phil Twiss, Personal, DCC Councillor who sits on their Standards Committee and who through this role had been DBS checked.

Recruitment procedures for co-opting to the Standards Committee

Councillor Pauline Stott left the meeting during the discussion on this item as it had arisen as a consequence of her appointment by Council at 24th July 2019.

Forward Plan.

Councillor Paul Hayward, Personal, Assists Town and Parish councillors with their register of interest forms.

4 Annual report 2018/19

The Monitoring Officer presented the report which reviewed the 2018-19 year in the life of the Committee and outlined the work done. There was discussion concerning the cost of dealing with Town and Parish councils' code of conduct complaints. The Monitoring Officer confirmed that Town and Parish councils were the largest impact on resources and Code of Conduct training had been offered, although this had been poorly attended. The difficulty of engaging Town and Parish councillors on the issue of standards was discussed with reference to the debate by the Standards Committee in relation to this particular issue at one of its previous meetings. All of this workload was specifically down to the behaviour of all councillors across the district but there were certain councils that generated more work than others, although on the whole this was cyclical in nature

depending on whether there were any particularly contentious local issues that caused complaints to arise.

RESOLVED that the review of 2018-19 year be noted.

5 **Code complaint 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 2019.

RESOLVED that the report be noted.

6 **Councillor DBS checks**

Members received a verbal update from the Monitoring Officer on uptake of Councillors undertaking voluntary basic DBS checks following the resolution of Cabinet on 6 September 2017. Councillor Ian Hall led discussions and said that although this was agreed by most members at the time, there had not been much take-up. He suggested that perhaps this should be refocused as the council was now into a new civic term. He wished that this issue was audited to ascertain any possible risks with councillors not being DBS checked.

Further discussions included the following:

- The public perception was that councillors were DBS checked
- A basic DBS check should be mandatory
- The fee should be paid for through councillors' allowances
- Safeguarding training was more important to councillors than these checks
- Emergency and first aid should be given whether a person was DBS checked or not
- All councillors including Town and Parish confirm that they are not disqualified to serve due to any criminal convictions, when they sign their nomination papers
- As the suggestion is for voluntary DBS checks this would not create any data protection issues
- Decision needs careful thought, how helpful is this really to have a list on a website just because it's popular
- A blanket approach may not be necessary but could be relevant in the right situation where checks were needed.

RESOLUTION that Cabinet are asked whether they wish to reconsider their previous recommendation for district councillors to only have voluntary DBS checks.

7 **Recruitment procedure for co-opting to the Standards Committee**

The report considered the process of recruiting co-optee members to the Committee. Through a discussion it was decided to have additional committee members involved in the recruitment process to ensure as wider a member involvement as possible.

RESOLVED that the process should be as it is currently but that the interview panel should comprise a maximum of 5 and minimum of 2 Standards Committee members with the Monitoring Officer. The panel shall be open to all committee members and shall comprise 3 district councillors and 1 of each of the independent and parish / town council

representatives. If either or both of the independent and parish / town council representatives positions are unable to be filled then their position may be filled by a district council member from the committee.

8 **Forward Plan**

The Committee noted the contents of the Forward Plan. Discussions included the need for more detail to be added to register of interests concerning land ownership in order to give more open and transparent information.

Members wished to add the following items to the Forward Plan for consideration at a future meeting:

- Experiences of Standards training from town/parish councils
- Gifts & Hospitality Register for Councillors with annual report to January committee
- Gifts & Hospitality Register for senior officers with annual report to January committee

Attendance List

Councillors present:

S Hughes (Chairman)
J Bailey
K McLauchlan
P Twiss

Councillors also present (for some or all the meeting)

P Arnott
S Bond
A Dent
I Hall
P Hayward

Also Present:

Martin Goscomb, Co-opted Independent member
Cllr Pauline Stott, Co-opted Parish/Town Council member
Cllr Bob Nelson, Co-opted Parish/Town Council member
Tim Swarbrick, Co-opted Independent member
Alison Willan, Independent Person

Officers in attendance:

Amanda Coombes, Democratic Services Officer
Henry Gordon Lennox, Strategic Lead Governance and Licensing

Councillor apologies:

D Manley

Chairman

Date:

Standards Committee

Item 7 - Code of Conduct complaints update

This paper provides an update for the Committee on Code related cases since the 1 May 2019 – 13th January 2020:

Case # Date received	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct it is alleged has been breached and nature of complaint	Monitoring Officer assessment and outcomes following consultation with Independent Person
2019/C10 29.7.19	Parish Councillor	<p>Councillor behaved in a rude and inconsiderate manner by bursting into and thus interrupting a private meeting being held by the complainant and other councillors.</p> <p>Relevant paragraph of the code; 4a - Not showing courtesy and respect. 1.2 - You should have regard to the Principles of Public Life 5c - You <u>must not</u> – bully any person</p>	<p>Complaint upheld;</p> <p>Breach of paragraph 4a – not showing courtesy and respect.</p> <p>Seeking satisfactory resolution</p>
2019/C11 2.9.19	EDDC Councillor	<p>Councillor behaviour/attitude towards complainant during a telephone conversation.</p> <p>Relevant paragraph of the code; 1.2 - You should have regard to the Principles of Public Life. 1.3a - You <u>must</u> act solely in the public interest and not act to gain financial or other material benefits for yourself, your family, a friend or close associate. 1.3j - You <u>must</u> declare any private interests, whether disclosable or personal, that relate to your public duties. 1.6 - The reputation of the Council depends on your conduct and what the public believes about your conduct.</p>	<p>No Breach. Complaint not upheld. Case closed.</p>

		<p>1.7 - You should at all times avoid any occasion for suspicion or appearance of improper conduct.</p> <p>3b - Whenever you are acting in your official capacity you <u>must</u> behave so as to give a reasonable person the impression that you are acting as a representative of the Council.</p> <p>4a - You <u>must</u> treat others with courtesy and respect.</p> <p>5c - You <u>must not</u> – bully any person</p> <p>5d - You <u>must not</u> – intimidate or attempt to intimidate any person who is or is likely to be;</p> <p>(i) a complainant</p>	
2019/C12 13.11.19	Town Councillor	Cllr made derogatory comments about another Cllr in an email which was circulated to a wider audience.	Awaiting completed complaint form to be returned @ 10/01/2020
2019/C13 15.10.19	EDDC Councillor	<p>Alleged that a Cllr made a two fingered gesture to the complainant during a meeting and shared medical details of complainant via email to other members.</p> <p>Relevant paragraph of the code;</p> <p>5(b) - You <u>must not</u> – do anything which may cause the Council to breach a statutory duty or any of the equality enactments</p> <p>5(f) - You <u>must not</u> – disclose information given to you in confidence</p>	Currently being investigated by the MO
2019/C14 15.11.19	EDDC Councillor	<p>Alleged that a Cllr booed the speech that the complainant made at a meeting.</p> <p>Relevant paragraph of the code;</p>	Currently being investigated by the MO.

		5(b) - You <u>must not</u> – do anything which may cause the Council to breach a statutory duty or any of the equality enactments	
2019/C15 5.12.19	Parish Councillor	Alleged that a Cllr made defamatory comments in an email thread accusing complainant of stifling debate. Complainant felt bullied and humiliated as the email was copied to all members. Relevant paragraph of the code; 4(a) - You <u>must</u> treat others with courtesy and respect 5(c) - You <u>must not</u> – bully any person	Awaiting initial assessment by MO.
2019/C16 5.12.19	Parish Councillor	Alleged that a Cllr made defamatory comments in an email thread accusing complainant of deliberately fuelling aggressive behaviour. Relevant paragraph of the code; 1.2 - You should have regard to the Principles of Public Life 1.6 - The reputation of the Council depends on your conduct and what the public believes about your conduct. 1.7 - You should at all times avoid any occasion for suspicion or appearance of improper conduct. 5c - You <u>must not</u> – bully any person 5h - You <u>must not</u> – conduct yourself in a manner to give the impression that the office or council has been brought into disrepute.	Awaiting initial assessment by MO.

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 1st May 2019 to date:

Case #	Details of non-code complaint	Outcome
14.5.19	Complainant made allegations against Parish Cllr which has to date, been unsubstantiated.	Complainant currently pursuing FOI request.
12.6.19	Complaint regarding conduct of Town Council staff	Complainant sent complaint forms and complaint process documents. Complainant did not complete and return complaint forms. Matter closed.
18.6.19	Complaint about social exclusion and potential racism by Town Councillor	Basis for complaint unclear. Further detail requested but not provided as of yet.
25.6.19	Complaints regarding conduct of Town Council staff and co-opting process	Role of MO explained and the process of co-opting by the Town Council. No further action. Matter closed.
25.6.19	Complaint about Parish Cllr behaviour in a public space/office	The Cllr has apologised to the complainant, which has been accepted. Matter closed.
27.6.19	Complainant alleged breach of conduct by a Town Cllr	Formal complaint forms and complaint process have been sent to complainant. Case closed as no response from complainant.
3.7.19	Complainant alleged breach of conduct by a Parish Cllr	Formal complaint forms and complaint process have been sent to complainant. Case closed as no response from complainant.
3.7.19	Complaint about alleged comments made on social media by a District Cllr.	Cllr had already made an apology to a judgement of error comment on social media. Matter closed.
9.7.19	Complaint in respect of Parish Cllr behaviour at Town Council meeting	Preliminary review of this complaint resulting in no further action. Matter closed.

10.7.19	Complaint about alleged Parish Cllr behaviour in a public space	Cllr was not acting in official capacity at time of alleged incident. No further action. Matter closed.
22.7.19	2 complaints regarding alleged Parish Cllr behaviour.	MO has reminded the complainant in respect of lawful actions of a sovereign body and advised that the filling of the Clerk post should resolve issues going forward. Matter closed.
13.8.19	Complaint regarding alleged Parish Cllr behaviour	Sent out complaints form for completion. No response after 30 days. Matter closed.
18.9.19	Parish Cllr contacted us about a potential complaint about him and to seek guidance about potential complaint.	Complainant never brought complaint to fruition. No further action required. Matter closed.
11.12.19	Alleged that a Parish Cllr was rude and insensitive during the public session of a meeting, where the complainant was making his presentation. The Cllr was heard to say 'get on with it'.	Awaiting completed complaint form to be returned.
11.12.19	Alleged that a Parish Cllr behaved in an unprofessional manner towards her in public but clarification is being sought as to whether this was in his official capacity as a Cllr.	Awaiting completed complaint form to be returned. Still open.



Report to: **Standards Committee**

Date of Meeting: 21st January 2020

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Gifts and Hospitality Registers Annual Report 2019**

Purpose of report: To consider member and officer gifts and hospitality

Recommendation: **Members consider the content of the report and note the gifts and hospitality received by members and officers during 2019.**

Reason for recommendation: To ensure the Standards Committee are aware of gifts and hospitality being received by members and officers.

Officer: Henry Gordon Lennox, Monitoring Officer

Financial implications: There are no financial implications arising.

Legal implications: There are no direct legal implications arising from the content of the report.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Low Risk

Links to background information:

- [Member's Code of Conduct](#)
- [Standards Committee 23rd January 2018](#)
- [SWAP Audit - Members Declaration of Interests \(Moderngov\)](#)
- [Employee Code of Conduct](#)
- [SWAP Audit – Declaration of Officers Personal and Business Interests](#)

Link to Council Plan: Outstanding council and council services

Report in full

1. The Standards Committee at its meeting on 13th August 2019 requested an annual report be brought to the January 2020 meeting in relation to the member and officer Gifts and Hospitality Registers.

Members

2. Members should be aware that a report on member gifts and hospitality was presented to the Standards Committee at its January 2018 meeting (see background links). The recommendations were agreed at the meeting. Since then, the Code of Conduct (and Register of Interest form) has been amended as detailed to give greater clarity to the requirements. Essentially, the Member's Code of Conduct (see background links) in Section 3 requires members to declare gifts and hospitality with an estimated value of £25 which they have received by virtue of their office. In addition, and notwithstanding any entry

in the register, members should also disclose at any meeting any gift or hospitality received where it is relevant to the matter of business being discussed.

3. Until last year, the Register was actually a physical book that was completed on their behalf by Democratic Services following a notification to them. Once a notification was received it was entered in the Register and then it was also recorded on the website so that it was available online and transparent. There were issues with this, as detailed in that report, and so a different electronic solution was sought, which is now being provided by Modern.Gov. This went live in May 2019 at the time of the election of the new Council. This is a self-service approach and so members themselves register their gifts and hospitality and it is an open and transparent way for anyone to see what gifts and hospitality a member is receiving by simply clicking on their profile on the website.
4. While the issue of gifts and hospitality was covered at the mandatory Code of Conduct training given to the new membership following the election in May, it remains the case that the onus and responsibility is on individual members to update the Register if they receive any gifts and hospitality. A failure to do so is a breach of the Code of Conduct and is capable of being dealt with through the councillor complaint / standards process.
5. In terms of the declarations that the Council is aware of;
 - a. there are no declarations in the physical register from 1st January 2019;
 - b. in Modern.Gov there are only two showing;

Cllr Ingham (21.8.19)	£30 for a dinner to discuss Exeter Airport Strategy
Cllr Hartnell (25.5.19)	£200 rugby hospitality from Baker Estates Ltd

6. It is worth noting that while all members were trained in May 2020 on the use of Modern.Gov, there appears to be a need for further support to highlight that members can register gifts and hospitality through Modern.Gov as well as how to do it. This was revealed through a SWAP audit report on Members Declaration of Interests (ModernGov) (see background links). Unfortunately the guidance note on updating gifts and hospitality through Modern.Gov has not been completed due to a long term staff sickness. However this will now be prioritised and uploaded to the member library on Modern.Gov, hopefully before the committee meeting.
7. In addition, Democratic Services will send an annual reminder in May 2020 to all members reminding them of the need to ensure they register any gifts and hospitality received and also whether it is necessary to update their Register of Interest details. This email will highlight that this can be done through Modern.Gov and that there is a guidance note on how to do it.

Officers

8. As with Councillors, officers are subject to a requirement to ‘declare’ any gifts and hospitality which is set out in the employee code of conduct (see background links). Democratic Services hold the register and they complete it manually upon being informed by the relevant officer.
9. The register for 2019 shows 14 entries, as follows;

Officer	Donor	Gift / Hospitality	Estimated Value
Senior Manager - Regeneration & Economic Development	Dyer & Butler	Lunch following site visit	£15

EDBC Reception	Tenant	Box of chocolates	£7
Senior Manager - Regeneration & Economic Development	Big Bear Coffee	Food and beverage	£15
Senior Manager - Regeneration & Economic Development	Kier	Awards dinner	£50
Senior Manager - Regeneration & Economic Development	WSP	Beverage	£50
Deputy Chief Executive	Exeter Connects	Meeting and dinner	£30
Deputy Chief Executive	Exeter Connects	Meeting and lunch	£20
Deputy Chief Executive	Exeter Connects	Meeting and dinner	£30
Income and Payments Team Leader	Lloyds Bank	Chocolates and wine	£40
Chief Executive	Probus	Lunch	£20
Chief Executive	Axe Yacht Club	President's lunch	£20
Chief Executive	Taste of the West Awards	Lunch	£68
Chief Executive	Devon County Show	Lunch	£30
Lawyer	Francis Taylor Building Chambers	Dinner at conference	£50

10. In March 2019, SWAP carried out an audit on the Declaration of Officers Personal and Business Interests (see background links) which included 'a review of the controls around...the recording, assessing and retention of offers of gifts and hospitality'. This audit concluded with a reasonable assurance opinion but a recommendation regarding digitalisation of the process for registering gifts and hospitality as was going to be the case with members. This is currently an on-going project.
11. Officers are reminded annually of the requirement to register gifts and hospitality, the information required, how to register it and they are pointed to the relevant section of the employee code of conduct.



Report to: **Standards Committee**

Date of Meeting: 21st January 2020

Public Document: Yes

Exemption: None

Review date for release None

Subject: **Members Declaration of Interest Audit**

Purpose of report: To advise the Standards Committee of the outcome of a recent audit into member declarations of interest following the May 2019 election and introduction of Modern.Gov.

Recommendation: **Members note the findings of the audit report**

Reason for recommendation: To ensure the Council is aware of the issues surrounding declaration of interests

Officer: Henry Gordon Lennox, Monitoring Officer

Financial implications: There are no financial implications arising.

Legal implications: There are no direct legal implications arising from the content of the report.

Equalities impact: Low Impact

Climate change: Low Impact

Risk: Medium Risk

Links to background information:

- [SWAP Audit – Members Declaration of Interest \(ModernGov\)](#)
- [Standards Committee – 22nd January 2019](#)

Link to Council Plan: Outstanding council and council services

Report in full

1. Prior to the election in May 2019, the Council introduced Modern.Gov as an improved tool for meeting management, public engagement in the democratic process, administration in relation to members and to enable members to complete their register of interest and receipt of any gifts and hospitality on-line.
2. Following the election, SWAP undertook an audit of the process around member's declarations of interest which was of particular relevance given the election of a new council and introduction of Modern.Gov. The report is available through the background links. The suitability of the Member's Code of Conduct, which underpins the need to provide a Register of Interest, was reviewed at the Standards Committee meeting in January 2019 where it was determined to be fit for purpose.
3. The audit concluded '*a high reasonable assurance*' that there are robust policies and procedures for members in place which are in accordance with the Localism Act 2011. This is very positive. However, the Localism Act 2011 makes it a criminal offence to fail to disclose any pecuniary interest within the 28 days of taking office and despite the

mandatory Code of Conduct training and training on use of Modern.Gov, it is very concerning that only 44% of members completed their registers within the 28 day requirement. A further 33% took between 29 – 39 days but 23% took over 40 days to complete their registers. Thankfully all members had completed the registers at the time of the audit but the seriousness of needing to comply with the requirements of the Localism Act 2011 should be noted by all members going forward.

4. The recommendations of the audit have been picked up and are being, or will be, actioned.