

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Standards Committee held Online via the Zoom app on 19 January 2021

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.37 pm

27 Public speaking

There were no members of the public registered to speak.

28 Minutes of the previous meeting

The Monitoring Officer advised that the Chair was present at the last meeting but not recorded as being so at the time. It was noted that Mr Martin Goscomb, Cllr Bob Nelson and Cllr Pauline Stott had also been present, but had not been recorded.

Subject to the above corrections to the attendance list, the minutes of the meeting held on 13 October 2020 were agreed as a correct record.

29 Declarations of interest

Minute 32. East Devon Standards Regime.
Councillor Paul Millar, Personal, Councillor was the subject member of a Sub-Committee hearing.

30 Matters of urgency

There were no matters of urgency.

31 Confidential/exempt item(s)

There were no confidential / exempt items.

32 East Devon Standards Regime

Members considered the report of the Monitoring Officer regarding the approach which members would like to adopt in relation to East Devon's Code of Conduct in light of the recent LGA Model Code of Conduct. The report also addressed what members should be including on their register of interests, declarations at meetings and the practicalities around the potential introduction of a Standards Assessment Sub Committee, including possible stakeholder engagement on any proposed changes. The report also considered the voting rights of co-opted members following a question from one of the Town / Parish Council representatives.

Discussion included the following points:

- That decisions made at the last meeting should stand and the agreed changes to the Register of Interest forms to distinguish member interests from relevant person interests should proceed

- Regarding acceptance of gifts and hospitality, the LGA Model Code was weaker than the current EDDC Code of Conduct as there was the potential for multiple donations from a single donor which were each under the limit, but which cumulatively could amount to a gift or hospitality far exceeding the limit above which they must be declared
- Consideration as to whether all gifts and hospitality should be declined, although it was recognised that there could be occasions when it would be appropriate for members to accept
- Guidance on the Code could include organisations, the membership of which could potentially result in a conflict of interest for councillors. Membership of those organisations could be included on Register of Interest forms
- Consideration of whether a working group or sub-committee would be the best method of reviewing the EDDC Code of Conduct or whether to request the Portfolio Holder for Democracy & Transparency to convene her portfolio team
- A review of the Code of Conduct could include stakeholders, specifically town and parish councils as many adopt all or parts of the EDDC Code
- The Monitoring Officer advised that recommendations would need to be agreed at the April meeting of the Standards Committee in order to meet the deadline of the Annual Council meeting in May 2021
- Consideration of the practicalities and various approaches taken by other councils with regard to a Standards Assessment Sub-Committee, examples discussed included arrangements at East Riding of Yorkshire and Wiltshire Councils
- It was noted that the introduction of a Standards Assessment Sub-Committee could protect the Monitoring Officer from partiality when deciding which complaints should be progressed
- It was also noted that the introduction of a Standards Assessment Sub-Committee would require additional staffing resource if members approve a revised complaints process
- A Standards Assessment Sub-Committee could be difficult to administer as the membership of the Council changed over time whereas the current Monitoring Officer was a legally trained paid professional. Other authorities in the South West relied on the post of Monitoring Officer to undertake this work, rather than on members
- The Monitoring Officer advised that the critical question to consider in any of the approaches taken was at what point the decision is made as to whether a breach of the Code of Conduct has occurred
- There was discussion on the use of training as a sanction when a breach of the Code had been determined and whether training should be viewed as punitive or as an opportunity to increase a member's effectiveness, or both. It was noted that the different views taken had implications as to who should meet the cost of the training
- It was noted that training as a sanction may not result in the desired outcome and further noted that training for members following the May 2019 election had not been well attended
- Where training was imposed as a sanction, the training need should be clearly identified and completion of training should be reported back to the Committee
- Regarding co-opted members of the Committee, it was agreed that their contribution was much valued and that a minor adjustment to procedures could allow for an informal vote to obtain their views before any formal decision was taken by voting members

RESOLVED:

1. That the Committee noted the content of the Monitoring Officer's report in relation to the LGA's Model Code of Conduct and East Devon's Members' Code of Conduct and agreed that there should be a further review of the content of the Members' Code of Conduct with a view to possible adoption of a new or revised Code at the Annual Council Meeting in May 2021.
2. That a working group be established comprising ten members, politically balanced, and that delegated authority be given to the Monitoring Officer in consultation with Group Leaders to agree the membership, for the purpose of progressing a further review of the Members' Code of Conduct and that stakeholder engagement should be included both during the review and as part of the final review of any proposals.
3. That the Monitoring Officer would bring a report to the next Committee meeting detailing possible arrangements for the introduction of a Standards Assessment Sub-Committee to carry out an initial decision of complaints that should progress to investigation and decision by the Monitoring Officer in accordance with the existing procedure.
4. That the Committee noted that introducing a different system could result in an increased workload with implications for extra staff resources and that this would be addressed in the Monitoring Officer's report.
5. That where a training requirement is imposed as a sanction that the training requirement is to be specified and that the Committee will monitor compliance with sanctions through the complaint updates presented to the Committee.
6. That consideration of who should pay the cost of any training imposed by way of sanction be deferred to the next Committee meeting in April.
7. That, as co-opted members of the Standards Committee are precluded from voting on the committee or any sub-committee, an informal vote be introduced to obtain their views prior to the formal decision being taken.

33 Code of Conduct complaint update

The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on Code related cases received from 1st January 2020 to 31st December 2020.

It was noted that complaint C21 had been closed with a finding of no breach since the report was published.

The Monitoring Officer advised that the reporting of complaints does not distinguish whether the complainant is a Councillor or an Officer. Complainants could also be members of the public.

It was agreed that future reports could include the number of complaints by category of complainant whether District Council Member / Officer; Parish Council Member / Officer; member of the public.

RESOLVED that the report be noted.

34 **Forward Plan**

Members did not have any items to add to the Forward Plan.

Attendance List

Councillors present:

C Gardner (Chair)

D Barrow

E Rylance

S Bond

Co-opted members present:

M Goscomb

Cllr B Nelson

Cllr P Stott

A Willan

Councillors also present (for some or all the meeting)

A Moulding

P Arnott

D Bickley

P Faithfull

P Hayward

D Ledger

T McCollum

K McLauchlan

P Millar

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing

Susan Howl, Democratic Services Manager

Sarah Jenkins, Democratic Services Officer

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

P Twiss

Chair

Date: