

Date: 22 October 2010  
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Our Reference: DV/StandardsCom



To: Members of the Standards Committee  
(Cllr P Bowden, Mr E Butt, Cllr G P Chamberlain, Mr R Davison,  
Cllr G K Liverton, Cllr Mrs A E Liverton, Cllr D Mason, Cllr S Pollentine  
Cllr C Richards, Ms A Willan)

Chief Executive  
Monitoring Officer  
Head of Legal, Licensing and Democratic Services

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Devon  
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Dear Sir/Madam

**Standards Committee  
Tuesday 2 November 2010 at 10.00 am**

The above meeting will be held in the Committee Room at East Devon District Council Offices, Knowle, Sidmouth, to consider the matters detailed on the agenda below.

Yours faithfully,

MARK WILLIAMS

Chief Executive

**Members of the public are welcome to attend this meeting.**

- A period of 15 minutes has been provided at the beginning of the meeting to allow members of the public to raise questions.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman of the Committee will ask if any member of the public would like to speak in respect of the matter and/or ask questions.
- All individual contributions will be limited to a period of 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of the group.
- The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.

## AGENDA

### Part A

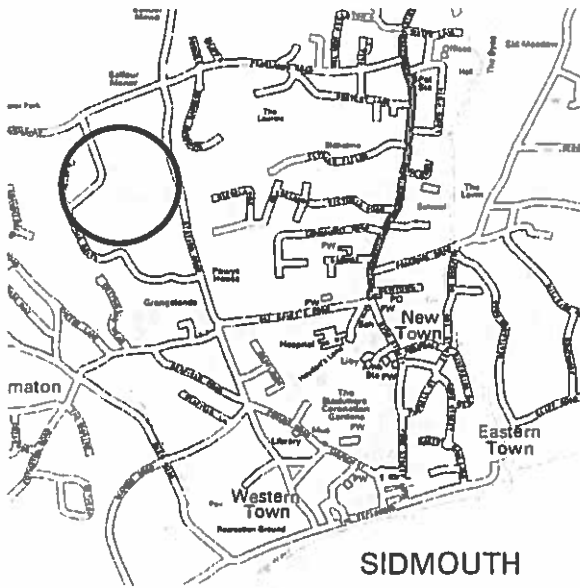
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- |    |   |  |        |
|----|---|--|--------|
| 1  | Welcome to Councillor David Mason as Parish Council Representative.   |  |        |
| 2  | Public question time – standard agenda item (15 minutes)<br>Members of the public are invited to put questions to the Committee through the Chairman.<br>Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public                   |  |        |
| 3  | To receive any apologies for absence  |  |        |
| 4  | To confirm the minutes of the meeting held on 6 July 2010.  |  |        |
| 5  | To receive any declarations of interests relating to items on the agenda.   |  |        |
| 6  | 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  | To consider any items which in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances. (Note: Such circumstances need to be identified in the minutes. If you wish to raise a matter under this item, please do so in advance of the meeting by notifying the Chief Executive who will then consult with the Chairman). |  |        |
| 8  | Changes to standards regime - update on the Government's intention to abolish Standards for England   | Monitoring Officer                               | 6      |
| 9  | Update on action agreed on Working Party recommendations  | Monitoring Officer                               | 7      |
| 10 | Complaints received by the Monitoring Officer – July 2010 to date   | Monitoring Officer                               | 8 – 12 |
| 11 | Member training and development – verbal update   | Head of Legal, Licensing and Democratic Services |        |
| 12 | New or amended legislation – verbal update  | Head of Legal, Licensing and Democratic Services |        |
| 13 | Forward Plan  | Monitoring Officer                               | 13     |
| 14 | Date of Next meeting – currently programmed for 15 March 2011   |  |        |

### Members remember!

- You must declare any personal or prejudicial interests in an item whenever it becomes apparent that you have an interest in the business being considered.
- Make sure you say the reason for your interest as this has to be included in the minutes.
- If your interest is prejudicial you must leave the room unless you have obtained a dispensation from the Council's Standards Committee or where Para 12(2) of the Code can be applied. Para 12(2) allows a Member with a prejudicial interest to stay for the purpose of making representations, answering questions or giving evidence relating to the business but only at meetings where the public are also allowed to make representations. If you do remain, you must not exercise decision-making functions or seek to improperly influence the decision; you must leave the meeting room once you have made your representation.
- You also need to declare when you are subject to the party whip before the matter is discussed.

### Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. Parking is limited during normal working hours but normally easily available for evening meetings.

The following bus service stops outside the Council Offices on Station Road:

**From Exmouth, Budleigh, Otterton and Newton Popleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

**From Exeter – 52A, 52B**

**From Honiton – 52B**

**From Seaton – 52A**

**From Ottery St Mary – 379, 387**

Please check your local timetable for times.

The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users. The doors to the civic suite (meeting rooms) will be opened ¼ hour before the start time of the meeting. Councillors are reminded to bring their key fobs if they wish to access the area prior to that time. A hearing loop system will be in operation in the Council Chamber.

**For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546**

# EAST DEVON DISTRICT COUNCIL

## Minutes of a Meeting of the Standards Committee held at Knowle, Sidmouth on 6 July 2010

<b>Present:</b>	Mr E Butt	Independent Chairman
	Cllr G P Chamberlain	EDDC Councillor
	Mr R Davison	Independent member
	Cllr Mrs A E Liverton	EDDC Councillor
	Cllr G K Liverton	Chairman, EDDC Council
	Cllr S P Pollentine	Parish representative
	Cllr C Richards	Parish representative
	Ms A Willan	Independent member
<b>Officers:</b>	Denise Lyon	Monitoring Officer
	Debbie Meakin	Democratic Services Manager

**Apology:** Cllr P Bowden EDDC Councillor

The meeting started at 10.00 am and ended at 10.41 am

\*1 **Minutes**

The minutes of the meeting of the Standards Committee held on 16 March 2010 were confirmed and signed as a true record.

\*2 **Local Government Ombudsman's Annual Review for year ended 31 March 2009**

Bob Darbourne, Communications and Improvement Manager, highlighted some points of interest of the Annual Review. 57 enquiries had been received by the Local Government Ombudsman (LGO) in 2008/09, an increase on the previous year. This number was the highest ever recorded for the authority, but reflected the method of counting complaints that the LGO used: each individual is recorded rather than the complaint issue. Therefore, citing one example of a complaint that reached a local settlement, the complaint issue was raised by eleven individuals to the LGO, therefore recorded as eleven complaints.

The majority of complaints, as in previous years, related to planning issues. Work was in progress to improve communications in relation to planning decisions, but due to the controversial nature of the planning process, this was likely to continue as the main source of complaints.

The average response date had increased during 2008/09 due to maternity absence and the complexity of the cases received during that year. Bob Darbourne was confident, now that the officer had returned from maternity leave, that the response date would reduce back to the LGO target response time or better.

In response to questions from the Committee, the Complaints officer has undergone LGO training as offered in the annual review. The Committee will consider the annual review for 2009/10 at their next meeting in November.

**RESOLVED** that the Local Government Ombudsman's Annual Review for year ended 31 March 2009 be noted.

**\*3 Update on progress of the Standards Committee Working Group**

Denise Lyon presented the update on the actions agreed on the recommendations of the Working Group. All actions had been carried out with the issue of raising awareness set for debate at the November meeting of the Committee.

The Chairman recounted his efforts to raise awareness, after a press release was not taken up for publication by the press. He had a letter published instead, which had made reference to planning; this had led to a number of responses, many passionate and angry about the planning process. He had responded accordingly to set out what the role of the Committee was in dealing with the code of conduct.

The letter sent to clerks defining the purpose of the Committee was agreed as a useful contribution to the towns and parishes, in particular the helpful flow chart. The work on Council publications and leaflets would be closely monitored and reported back to the Committee.

**RESOLVED** that the progress of the Standards Committee Working Group be noted.

**\*4 Update on standards complaints April – June 2010**

Members considered the complaints received since the March committee, with an update on the progress of the outstanding complaints. Those complaints marked for review of decision were being considered on the 8 July 2010.

**RESOLVED** that the progress on complaints received be noted.

**\*5 Latest news on the Standards Framework.**

The Monitoring Officer presented the review of the local standards framework, highlighting in particular the difference between Member and officer confidence in a local authority in dealing with a breach in the code, and that of public confidence which was significantly less. There were suggestions in the review about reducing waste in procedures, which were welcomed by the Committee.

The issue of design statements and parish plans was discussed, concerning the need to communicate clearly the differences between those and planning reasons and policy in the planning decision process. This was being progressed by the service.

**RESOLVED** that the review of the local standards framework document by the Standards Board, be noted.

**\*6 Update on the Annual Assembly of Standards for England**

The Monitoring Officer presented a letter from Standards for England informing all local authorities that, due to the provisions declared by the new government to abolish the Standards for England regime, the annual assembly for 2010 was cancelled.

**\*7 Forward Plan**

Members noted the forward plan, with the next meeting of the Standards Committee scheduled for 2 November 2010 at 10am.

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

## Agenda Item 8 – Background information

Message Developer Add-ins

Reply Reply Forward Delete Move to Create Other Block Safe Lists Categorize Mark as Find  
to All to-ll Folder Rule Actions Sender Junk E-mail Options Unread Related  
Responses Actions Find Select

You forwarded this message on 18/03/2010 10:04.

From: AuthorityReturns [AuthorityReturns@standardsboard.gov.uk]  
To: Denise Lyon  
Cc:  
Subject: IMPORTANT INFORMATION: Standards for England's monitoring returns CRM-00040545

Sent: Mon 16.03.2010 17:05

Dear Ms Lyon

It has been our normal practice to ask each local authority to complete a quarterly monitoring return to support our role in ensuring the effectiveness of local standards arrangements

On 18 June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter.

This was because we were reviewing our activities and updating our Business Plan in light of the Government's announcement that it intends to bring forward legislation to abolish the Standards Board regime and because we have a reduced budget for this year.

We have concluded this review and monitoring returns are no longer part of our Business Plan activities. This means that there will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following

- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email your request to [authorityreturns@standardsforengland.gov.uk](mailto:authorityreturns@standardsforengland.gov.uk)

Aggregated summary statistics of the quarterly return information are still available online at <http://www.standardsforengland.gov.uk/CaseInformationReporting/LocalStatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings, and a full list of all the most common responses to each question.

An email announcement will be sent to monitoring officers when the report is published.

We would like to take this opportunity to extend our gratitude to all monitoring officers, and their colleagues, who have submitted quarterly or annual returns over the course of the past two and a half years.

Yours sincerely

**The Monitoring Team**  
T: 0161 817 5300  
F: 0161 817 5499  
Standards for England

Start Denise Lyon - Deleted It... IMPORTANT INFORMA... Links 10:15

**Update on Action agreed on Working Party recommendations**

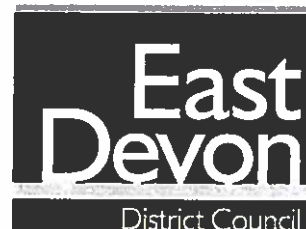
	<b>Action</b>	<b>Action taken</b>
1.	that the Standards Committee meet quarterly, subject to there being sufficient business, with consideration being given to including relevant training opportunities,	<b>Actioned:</b> 4 meetings are now timetabled: 6 July 2010 2 November 2010 25 January 2011 15 March 2011
2.	that representatives from the Council's ICT team and from the Policy and Communications Team be invited to a future meeting of the Committee to look at possible further ways to raise Councillor and public awareness of the standards work being undertaken,	<b>Actioned:</b> Chris Powell and Karen Jenkins have been invited to 2 November meeting
3.	that a designated, autonomous Standards Committee page (with clickable links for easy access) be included on the Council's website,  The webpage is: <a href="http://www.eastdevon.gov.uk/index/your_council/councillors_and_meetings/standards_committee_agenda_mins_remit.htm">www.eastdevon.gov.uk/index/your_council/councillors_and_meetings/standards_committee_agenda_mins_remit.htm</a>	<b>Actioned:</b> Webpage set up
4.	that information on the work of the Standards Committee be included in relevant Council publications and leaflets when these are due for re-print,	Ongoing. Print room to advise on any re-prints.
5.	that a letter be sent to clerks defining the purpose of the Committee and emphasising the importance of the register of interests and declarations of interest, with the clerks being asked to forward this to all of their councillors for information and also suggesting that this information could be included in their annual report,	<b>Actioned:</b> Letter sent to Town and Parish clerks 21 June 2010
6.	that a suggestion be made to local councils that they could invite a member of the Standards Committee to attend one of their council meetings to explain the work of the Committee,	<b>Actioned:</b> Included in the 21 June letter
7.	that the Communications Team include the editors of parish magazines on their distribution list for press releases,	<b>Actioned:</b> A distribution list is maintained on the Council email system.

## Agenda Item 10

Standards Committee

2 November 2010

Monitoring Officer



### Complaints received by the Monitoring Officer – July 2010 to date

#### Summary

This report outlines the complaints received by the Monitoring Officer about Town, Parish and District Councillors, since the last Standards Committee meeting in July 2010.

#### Recommendation

That members note the complaints that have been received and the decisions taken by the Assessment and Hearings Sub Committee and the Standards Review Sub Committee between July and October 2010.

#### a) Reasons for Recommendation

For information only.

#### b) Alternative Options

No alternatives.

#### c) Risk Considerations

The risk in handling complaints about members is that the public will be unhappy if no action is taken by committee. The council mitigates this risk by having a robust and comprehensive policy/procedure in place to reassure the public that it takes this role seriously.

#### d) Policy and Budgetary Considerations

In budget and in line with current policy.

#### e) Date for Review of Decision

Not applicable.

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### 1 Main Body of the Report

- I. Complainants asked for the decisions of five cases to be reviewed. The Standards Review Sub Committee met and upheld each of three of the original decisions.
- II. There are, however, two outstanding cases awaiting a review of the original decision taken by the Assessment and Hearing Sub Committee. The reviews have been delayed as a result of the resignation of the Parish Representative



from the Standards Committee in December 2009. A new Parish Representative has now been appointed and the Standards Review Sub Committee will meet in November 2010 to review the outstanding cases.

- III. The Assessment Sub Committee that met on 22 September 2010 has referred two cases to the Monitoring Officer for investigation and one case for other action.
- IV. One recently received case is awaiting a meeting of the Assessment Sub Committee to be convened.

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### **Legal Implications**

The complaints process is governed by statute and regulations and legal advice is given as necessary.

### **Financial Implications**

There are no direct financial implications contained in the report.

### **Consultation on Reports to the Executive**

Reports to the Executive re the budget/policy framework must detail the nature, extent and outcome of consultation with stakeholders and relevant Overview Committees. Reports about other matters must give details and outcome of consultation as appropriate

### **Background Papers**

- Standards Assessment and Hearings Sub Committee agenda papers:
  - 24 November 2009
  - 23 April 2010
  - 19 July 2010
  - 22 September 2010
- Standards Review Sub Committee agenda papers:
  - 8 July 2010

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Denise Lyon  
Deputy Chief Executive and Monitoring Officer

Standards Committee  
2 November 2010

**Table of complaints received since July 2010 committee**

Date rec'd & from	Town/Parish or EDDC member	Allegation	Assessment and Hearings Sub Committee - decision
04/11/09 Member of the public <b>LSB18</b>	EDDC member	Alleged breach of Code, para 3(2)(d) by not acting in an impartial manner while acting in their capacity when chairing a committee.	Referred to Assessment Sub-Committee 24/11/2009. Potential breach: Para 3(2)(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority. No further action - insufficient evidence, no breach of the code. <b>Review requested 30/12/09 (no date set yet)</b>
12/11/09 Member of the public <b>LSB19</b>	EDDC	Alleged breach of Code, para 3(2)(d) by not acting in an impartial manner while acting in their capacity when chairing a committee.	Referred to Assessment Sub-Committee 24/11/2009. Potential breach: Para 3(2)(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the authority. No further action - insufficient evidence, no breach of the code. <b>Review requested 15/12/09 (no date set yet)</b>
10/11/09 Member of the public <b>LSB20</b>	Parish Councillor	Alleged breach of Code: bringing his office into disrepute, not declaring a personal and prejudicial interest and not withdrawing from the meeting while acting in his official capacity as Chairman of the parish council.	Referred to Sub-Committee 24/11/09: Para 5 bringing office into disrepute, Para 10 disclosure of prejudicial interests Para 12 Effect of prejudicial interest on participation Para 9 disclosure of personal interests Referred to Monitoring Officer /Senior Solicitor for investigation As at 02/03/10 Monitoring Officer has agreed to defer this investigation due to a pending Land Registry Adjudication Hearing in March and a County Court action against the Cllr. It has been agreed that bringing the investigation to a conclusion now might prejudice either of these proceedings. As at 04/10/10 the investigation is no longer deferred; the subject member is being interviewed (anticipated to be the last interviewee); and the matter will then proceed to draft report stage.
26/03/10 Parish residents <b>LSB22</b>	Parish Councillor	Alleged breach of code: Para 5 - by bringing his office or authority into disrepute. Para 3(1), treating others with respect, Para 6(a) by attempting to use his position improperly at a meeting of Seaton TC on 15 March 2010.	No further action. Sub Committee agreed that Chairman should attend next parish meeting to talk to the councillors about the issue and code of conduct.  Review requested 7 May 2010. Standards Review Sub Committee met 8 July 2010 No further action, original decision upheld
26/03/10 Parish residents <b>LSB23</b>	Parish Councillor	Alleged breach of code: Para 5 - by bringing his office or authority into disrepute. Para 6(a) by attempting to use his position improperly at a meeting of Seaton TCncl on 15 March 2010.	No further action. Sub Committee agreed that Chairman should attend next parish meeting to talk to the councillors about the issue and code of conduct.  Review requested 7 May 2010. Standards Review Sub Committee met 8 July 2010 No further action, original decision upheld
26/03/10 Parish residents <b>LSB24</b>	Parish Councillor	Alleged breach of code: Para 5 - by bringing his office or authority into disrepute.	No further action. Sub Committee agreed that Chairman should attend next parish meeting to talk to the councillors about the issue and code of conduct.  Review requested 7 May 2010. Standards Review Sub Committee met 8 July 2010 No further action, original decision upheld.

Date rec'd & from	Town/Parish or EDDC member	Allegation	Assessment and Hearings Sub Committee - decision
13/05/10 Town resident LSB25	Town Councillor	Alleged breach of code: Para 5 - by bringing her office or authority into disrepute.	Assessment and Hearings Sub Committee met 8 July No further action
05/07/10 PC Chair on behalf of a group of Parish Cllrs LSB26	Parish Councillor	Alleged breach of code: Para 5 - by bringing his office or authority into disrepute. Para 3(1), treating others with respect, Para 3 (2) (c) intimidate or attempt to intimidate any person who is likely to be : (1) a complainant (2) a witness, or (3) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including himself) has failed to comply with his or her authority's code of conduct or (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, his authority	Assessment & Hearings Sub Committee met 22 Sept 2010. No further action.  Sub Committee agreed that there was no evidence for a potential breach of the code or that the Cllr failed to treat others with respect. They did not believe that his comments brought the council into disrepute as he was taking part in what was considered to be part of the 'cut and thrust' of everyday Council politics.
07/07/10 Parish Cllr LSB27	A group of Parish Cllrs	Alleged breach of code: Paras 3(1), 3(2)(b), 3(2)(c) and 5 relating to: • the nomination of Feoffees (Trustees of a local charity which finances projects for the local community) at a meeting on June 2007 of the Parish Council and the alleged fabrication of minutes of that meeting. • the subject Members covered up the alleged fabrication of the records • the subject Members deliberately made false statements to persuade the Parish Council terminate a contract with an employee of the Council • bullying behaviour by subject Members in order to threaten and silence the complainant.	Assessment & Hearings Sub Committee met 22 Sept 2010  Referred to MO for investigation:  • failing to treat others with respect • bullying • intimidating, or attempting to intimidate a person involved in an allegation against you • bringing an office or authority into disrepute
23/08/10 Member of the public LSB28	Town Cllr	Alleged breach of code: Para 3(1) you must treat others with respect; 3(2) You must not : (b) bully any person (c) (i) intimidate or attempt to intimidate any person who is or is likely to be - A complainant 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute	Assessment & Hearings Sub Committee met 22 Sept 2010 Refer to Mo for other action:  This is to be organised by the monitoring Officer to cover training and guidance on the Code of Conduct with special reference to Paragraphs 3(1)(b) (treating others with respect) and 3(2)(b) (bullying). The Sub Committee shall reconvene if the subject member refuses to accept the other action  Town Councillor has since resigned.

Date rec'd & from	Town/Parish or EDDC member	Allegation	Assessment and Hearings Sub Committee - decision
Parish Cllr LSB29	Parish Cllr	Alleged that the Cllr used threatening behaviour towards the complainant at a meeting of the Parish Council on 13 September 2010.	Assessment & Hearings Sub Committee met 22 Sept 2010  Refer to MO for investigation: • Para 3(1) failing to treat others with respect • Para 3(2)(b) bullying • Para 3(2)(c) (iii) intimidating, or attempting to intimidate a person involved in an allegation
16/09/10 Member of the public LSB30	Parish Cllr	Alleged breach of code: Para 3(1) you must treat others with respect; 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute	Assessment & Hearings Sub Committee date to be arranged
06/10/10 Parish Cllr LSB31	Town Cllr	Alleged breach of code: Para 3(1) you must treat others with respect; 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute 10(1) failing to declare a personal or prejudicial interest	Assessment & Hearings Sub Committee date to be arranged
12/10/10 Parish Cllr LSB32	Town Cllr	Alleged breach of code: Para 3(1) you must treat others with respect; 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute	Assessment & Hearings Sub Committee date to be arranged

## Standards Committee Forward Plan

<p>2 November 2010 Committee</p>	<ol style="list-style-type: none"> <li>1. Complaints update</li> <li>2. Member training and development update</li> <li>3. New or amended legislation update</li> </ol>
<p>15 March 2011 Committee</p>	<ol style="list-style-type: none"> <li>1. Annual Report covering:             <ol style="list-style-type: none"> <li>a. The role, function and membership of the Standards Committee and its subcommittees</li> <li>b. Any relevant new legislation, guidance or rules</li> <li>c. Issues considered by the Committee in the last year</li> <li>d. Complaints received during the year and the Standards for England returns data</li> <li>e. Applications for dispensations</li> <li>f. Training</li> <li>g. Advice, policy and procedures</li> <li>h. Standards for England publications</li> <li>i. Ombudsman complaints</li> <li>j. Budget</li> </ol> </li> <li>2. New or amended legislation update</li> </ol> <p>Make sure communications/letters go out from SC members that could impact on any elections</p>

These are the main items, but there may be other matters arising through the year that members want to include too.



