

Date: 17 April 2013
Contact number: 01395 517542
E-mail: hwhitfield@eastdevon.gov.uk



To: Members of the Standards Committee:
(Councillors Peter Bowden, Geoff Chamberlain, Peter Halse,
Frances Newth and Tim Wood)

Substitute members for information:
Councillors Alan Dent and Douglas Hull

Co-opted non-voting members (Parish/Town Councillors):
Councillors David Mason and Courtney Richards

Co-opted non-voting member (Independent)
Ray Davison and Tim Swarbrick

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

DX 48705 Sidmouth

Tel: 01395 516551

Fax: 01395 517507

www.eastdevon.gov.uk

For information:

Chief Executive
Monitoring Officer
Corporate Legal and Democratic Services Manager
Appointed Independent Person (non-voting) - Alison Willan
Appointed Reserve Independent Person (non-voting) – John Walpole

Standards Committee
Monday 29 April 2013
10 am
Council Chamber

Members of the Council who do not sit on this Committee are welcome to attend as observers.

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.

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Hannah Whitfield (contact details at top of page).

Councillors and members of the public are reminded to switch off mobile phones during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

			Page/s
1	Public question time – standard agenda item (15 minutes) Members of the public are invited to put questions to the Committee through the Chairman.		
2	To receive any apologies for absence.		
3	To confirm the minutes of the Standards Committee meeting held on 29 January 2012.		4 - 8
4	To receive any declarations of interests relating to items on the agenda.		
5	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.		
6	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).		
7	Draft Social Media Use Policy – for debate before adoption by Council.	Deputy Monitoring Officer / Communications and Public Affairs Manager	To follow
8	Openness and transparency on personal interests: guidance for councillors	Deputy Monitoring Officer	9 - 19
9	Protocol for Independent Person	Monitoring Officer	20 - 22
10	Complaints update	Monitoring Officer	23 - 25
11	Forward Plan	Monitoring Officer	26

Members and co-opted members remember!

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.

Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken. Where there is a high or medium equalities impact Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Getting to the Meeting – for the benefit of visitors



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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.

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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.

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 29 January 2013

Present:

Councillors:
Peter Halse (Chairman)
Peter Bowden
Geoff Chamberlain
Douglas Hull
Frances Newth
Tim Wood

Co-opted non-voting members:

Cllr David Mason, Parish/Town Council member
Cllr Courtney Richards, Parish/Town Council member
Ray Davison, Independent member
Tim Swarbrick, Independent member

Also present:

Councillors:
Alan Dent, substitute Standards Committee Member
Tony Howard
Douglas Hull, substitute Standards Committee Member

Alison Willan, Independent Person
John Walpole, Reserve Independent Person

Officers:

Tim Borrett, Communications and Public Affairs Manager
Denise Lyon, Monitoring Officer
Shona Medcroft, Social Media Apprentice
Rachel Pocock, Corporate Legal and Democratic Services
Manager
Hannah Whitfield, Democratic Services Officer

The meeting started at 10.02 am and ended at 11:45 am

***16 Public question time**

Tony Green, a Sidmouth resident, referred the Committee to the minutes of the previous Standards Committee meeting when Members had raised the issue of misinformation, sometimes slanderous, being presented by the public at meetings and in the media. Mr Green advised that he had produced a paper on East Devon Business Forum and its relationship with the Council and his conclusion was that there were conflicts of interest between the two. He felt that legitimate concerns raised by the public, such as those in relation to the East Devon Business Forum and its relationship with the Council, should be taken seriously by the Council.

The Monitoring Officer advised the Committee that she was dealing with a complaint from Mr Green in relation to the Council's relationship with East Devon Business Forum. As this complaint case was still under investigation Members did not feel it would be appropriate to discuss the issue further.

The member of the Committee who had raised concerns about misinformation being presented at meetings and in the media at the previous meeting clarified that the comments he had made had not been in relation to the East Devon Business Forum.

The Committee welcomed the public bringing issues/concerns to the Council's attention and discussed the need to look at public input in Council business at a future meeting.

The Chairman thanked Mr Green for his comments.

RESOLVED that public input in council business be discussed a future Standards Committee meeting.

*17 **Minutes**

The minutes of the meeting of the Standards Committee held on 16 October 2012 were confirmed and signed as a true record.

*18 **Communications and media (including social media)**

The Communications and Public Affairs Manager introduced the Social Media Policy to the Committee. This draft was being finalised by Organisational Development, before adoption by Council. Members were asked to consider the principles set out in the Policy, which would remain unchanged.

The Committee heard that the Council was increasingly using social media as a way of providing important messages to the public and had corporate accounts on both Twitter and Facebook. These accounts were administered by the Communications Team's Social Media Apprentice who sent out posts/tweets on behalf of other Teams in the Council, with management oversight from the Communications and Public Affairs Manager. A business case was required for individual Teams wishing to set up their own accounts (Tennant Participation and the Waste Management Team had their own accounts); the Communications Team also monitored individual accounts. Policy changes to Facebook meant that personal accounts no longer needed to be used for corporate business.

Members noted that although the Council had control of its own posts/tweets it did not have control over others. The Policy addressed this potential risk by setting out clear guidance to Councillors and Officers about not bringing the Council into disrepute when using their own personal social media accounts. Third parties who used social media on behalf of the Council would also be required to adhere to the Policy – it was noted that this would be a rare occurrence.

Observations and comments made during discussions about social media included:

- The Social Media Policy needed to be to the point and written in Plain English – the existing Policy was too bureaucratic.
- There was concern raised about the level of resource required to provide regular posts/tweets - the Communications and Public Affairs Manager advised that one Officer in the Communications Team would upload all posts/tweets (except for those Teams who had individual accounts). No response would be made to comments on post/tweets unless it was felt that a response would be constructive and helpful.

- Every post/tweet made by the Council would be public and permanent. Even if a post was deleted it would still be held in search engine records and could have been recorded or reposted by other users.
- Councillors needed to be mindful of the Code of Conduct when making comments/posts/tweets via social media. Although dealing with a different form of communication the fundamentals of what would be considered acceptable were the same.
- The Policy required that when an employee of the Council or Councillor used social media in a personal capacity and made reference to their relationship with the Council they must use a disclaimer on their profile page, such as 'The posting on this site are my own and do not necessarily represent East Devon District Council's position, strategies and opinion'.
- Concern raised that it was possible to disguise your identity using social media.
- A suggestion was made that the Council take advice from other local authorities who have been using social media for a longer period – The Communications and Public Affairs Manager advised that in a former post he had engaged with Teignbridge District Council, Devon County Council and Plymouth Unitary Council who were further ahead with their use of social media.
- Clarification was sought as to whether all Councillors could post/tweet via the Council's corporate accounts. The Committee was advised that there were no restrictions on which Councillors could submit ideas for a post/tweet. A judgement would be made, as with all post/tweets from the Council, on appropriateness of the content for a corporate account. It was recognised that Councillor's postings on their own personal accounts might not necessarily represent the Council's corporate view and therefore a disclaimer, as set out in the Social Media Policy, was required.
- An informative training session had been held for Councillors the previous day on social media. It would be helpful for all the Committee to receive the presentation from the session.
- Members need to be clear as to what would be classed as libellous or slanderous when using media.

RESOLVED

1. that a copy of the Social Media training presentation be circulated to the Standards Committee;
2. that the Deputy Monitoring Officer provide guidance to Members on what was appropriate and what was not when using social media, for example what could be considered slanderous.
3. that the Standards Committee endorse the principles set out in the Social Media Policy and that the updated Policy be circulated to the Committee for comment before being referred to Cabinet.

***19 Role of the Independent Person and Protocol**

The Monitoring Officer advised the Committee that Hoey Ainscough Associates Ltd had held a series of regional workshops on the role of the Independent Person (IP), where Monitoring Officers and IPs had compared and contrasted how the new Standards arrangements had been working since introduction in July 2012.

Members considered the summary notes of the main discussion points from the workshops, along with recommendations as to how the role of the IP could work effectively, and a draft protocol for Independent Persons. Members were advised that EDDC was further ahead than many local authorities in respect of embedding the new processes and handling cases successfully.

The Monitoring Officer highlighted some of the issues with the new arrangements that were discussed at the workshops. These included:

- The recruitment of more than one IP to an authority and whether when there was more than one IP there should be involvement of more than one in each case. In EDDC's case, the Council had appointed a lead IP and a reserve IP to cover when the lead IP was unavailable or when there might be a conflict of interest. The EDDC reserve IP did not feel sufficiently engaged in the process. For clarity and efficiency, it was recommended that there should only be one IP per case. However, the possibility of involving the reserve IP more in the complaints process would be investigated. Any significant changes to the complaints process and procedures would need Council's approval.
- Whether IPs should submit their views on a case in writing to the Monitoring Officer. Currently the Monitoring Officer was making a note of the views of the IP following conversations about individual cases rather than requesting the views in writing. This was felt to be less bureaucratic.
- Process required for the IP to complain if their views were repeatedly ignored by the Monitoring Officer. The draft protocol recommended that the IP make their complaint to the Chief Executive.

In response to a question from a member of the Committee, the Monitoring Officer confirmed that she consulted with the Independent Person on each complaint case.

The reserve IP agreed with the comments of the Monitoring Officer that he did not feel part of the standards process and asked that consideration be given to greater involvement of the reserve IP in the complaints process.

A co-opted Member also spoke of not feeling engaged, as co-opted members were no longer a voting member on the Committee. The Chairman advised that unfortunately, they were constrained by legislation regarding the voting rights of co-opted members. Councillors and Officers respected the input of the co-opted members.

The Chairman congratulated the Monitoring Officer for the efficient introduction of the new Standards arrangements and spoke of the valued work of the Independent Person.

RESOLVED

1. that the Committee endorse Hoey Ainscough Associates Ltd's draft protocol relating to the Independent Person being adopted as Council's protocol for its appointed Independent Person (and reserve Independent Person) and that the final protocol be brought to the next Committee meeting.
2. that the Monitoring Officer and Deputy Monitoring Officer investigate the possibility of giving the reserve Independent Person more involvement in the complaints process.

***20 Complaints update and statistics**

The Committee considered the report of the Monitoring Officer, which detailed the level and types of complaints received by the Monitoring Officer for the Standards Committee since the last meeting. The Monitoring Officer advised that MO-C011 had been included in error and should be disregarded.

The Monitoring Officer reported that she was receiving an increasing number of complaints about Members having undue influence and behaving improperly when carrying out Council business, however insufficient evidence had been found to support the allegations.

The Committee discussed the Council’s engagement with the business community and the East Devon Business Forum. In response to a question raised the Monitoring Officer clarified that a Business Task and Finish Forum had been set up to consider the Council’s relationship with the business community and any specific allegations that East Devon Business Forum had undue influence regarding any planning matters needed to be submitted to the Monitoring Officer as a complaint.

RESOLVED that the report be noted.

***21 Dispensations**

The Committee noted the letter sent by the Monitoring Officer to all Members of the Council stating that a dispensation had been granted for the period 1 December 2012 to 30 April 2015, permitting them to speak and vote on matters relating to the setting of the Council Tax or Precept.

***22 Forward Plan**

The Committee noted the contents of the Forward Plan and future meeting date. Independent Person Protocol would be included in the items to be considered at April’s Committee meeting.

Public input in Council business would be added to the list of future items.

Before the Chairman closed the meeting, a member of the Committee raised concern about the way minutes were sometimes challenged and sought clarification on the correct process. In response the Deputy Monitoring Officer advised that this should be done at the following meeting when Chairman asked for the minutes to be agreed. She stated that it would be inappropriate for a Member to publicly criticise an Officer. Any corrections to the minutes before signing would need to be agreed on by that Committee.

Chairman Date.....



Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

March 2013
Department for Communities and Local Government

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Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

March 2013

ISBN: 978-1-4098-3604-9

The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**'⁴

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district of borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

PROTOCOL RELATING TO EAST DEVON DISTRICT COUNCIL'S INDEPENDENT PERSON

This protocol sets out the relationships between the Independent Person (IP) (and reserve IP) and the various parts of the local authority involved in the process of handling standards complaints and wider promotion of standards. The aim of this protocol is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the IP.

(Where the protocol refers to the IP this also applies to the reserve IP)

Points to note:

- EDDC has a 'lead' IP and a reserve. The reserve IP will be consulted on at least one complaint case per quarter. Only one IP will be consulted in any case.
- The Monitoring Officer (MO) makes the decisions whether or not any further action should be taken on an initial complaint.
- The IP is consulted on allegations by the MO before a decision is reached.
- EDDC's adopted complaints procedure allows for complainants to have access to the IP.
- Where the Investigator concludes that there has been a breach of the Code of Conduct, the MO will try to facilitate a local resolution where appropriate. If this is not appropriate or possible, the MO will arrange a Standards Hearing Sub Committee.

Considering written allegations

1. The Monitoring Officer (MO) will seek the views of the Independent Person (IP) before reaching a decision on whether any further action should be taken on a written complaint.
2. When issuing the decision letter, the MO will record that the IP has been consulted and that their views have been taken into account. Where the view of the MO and IP differ, the MO will record the reasons for following a particular course. The letter will make clear that it is the MO and not the IP who is the decision-maker.

Matters under investigation

3. A member of the principal authority or a town or parish council who is the subject of a complaint may seek the views of the IP. A member wishing to contact the IP should do so via the MO who will arrange for a meeting to take place. These arrangements will be communicated to the subject member by the MO in the decision notice.

4. Where the IP has given views to the subject member, those views shall be put in writing and made available to all relevant parties in the case.
5. The IP will need to agree in advance with the subject member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential and, even where there is confidential information disclosed to the IP, there should be a public statement that confidential matters were discussed.
6. The complainant may also seek the views of the IP. As with the subject member, contact should be arranged through the MO and any views expressed should be put in writing and made available to all relevant parties in the case.
7. The MO may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.
8. Where a matter has been referred to the Standards Hearing Sub Committee for determination, the committee must seek the views of the IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome reasons must be given for any differences. However, it must be clear that it is the Standards Hearing Sub Committee and not the IP who is the decision-maker.
9. The IP shall not make any comments to the media on any matter without prior agreement of the MO or Council's Communications Team. Any requests for comments from media shall be referred in the first instance to the MO who may refer these to the Chair of the Standards Committee as appropriate.
10. The IP may be requested by the MO or Standards Hearing Sub Committee to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
11. The IP may be requested by the MO or Standards Committee to assist in any training on conduct issues as appropriate.
12. Where the IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by the reserve IP.

Relationship with the Standards Committee

13. The IP and reserve shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to request for items to be added to the agenda with the agreement of the chair and to speak at the committee.

14. The IP and reserve are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the chair.

Other matters

15. The IP has the right to raise any concerns about standards issues or implementation of the process with the Chief Executive and has the right to address a meeting of the full council about any concerns.

16. The Council, through its Standards Committee and MO, is responsible for ensuring that the council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.

17. The IP has the right of access to any confidential information required to carry out their role. Access to such information and its storage shall be agreed with the MO.

18. The IP has the right of access to council buildings in order to carry out their role. Access should be agreed in advance with the MO.

19. The MO will meet every 6 months with the IP, reserve and Chairman of Standards Committee to review relevant matters.

20. The IP and reserve will agree to sign a code of conduct, including a register of interests to be held by the MO and will declare any relevant interests in relation to cases to the MO who will decide whether the interest conflicts them out of involvement in the matter.

21. The IP is to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and is therefore entitled to be covered by the council's indemnity insurance provided they act reasonably and within the terms of this Protocol.

22. Should the IP (or reserve) feel that their views are being ignored by the MO, the IP can complain to the Chief Executive.

Monitoring Officer

15 April 2013

Standards Committee, 29 April 2013

Item 10 - Code of Conduct complaints update

Outstanding complaints update and new cases received since the last Standards Committee meeting (29 January 2013) to date:

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct and outcome following consultation with Independent Person
Outstanding complaints:		
MO-C003	EDDC Councillor	Investigation found breach of Code - Para 4a - treat others with respect and courtesy. No resolution possible. Hearing to be arranged.
MO-C005	EDDC Councillor	8.2 – declaration of interests at meetings No breach. Case closed.
MO-C007	EDDC Councillor	5a – you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage and 5h – must not bring your office or council into disrepute No breach. Case Closed.
MO-C008	EDDC Councillor	4a – you must treat others with respect, 4c – before making any allegation to the Monitoring Officer about the conduct of another member of this authority or a member of one of the parish councils within East Devon you shall first consult with the Council’s Monitoring Officer, 5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any person, an advantage or disadvantage, 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. Resolution being sought
MO-C009	Town Councillor	5a - you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage. No breach found following assessment of complaint. Case Closed.
MO-C010	EDDC Councillor	5a - you must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage. No breach found following assessment of complaint. Case Closed.

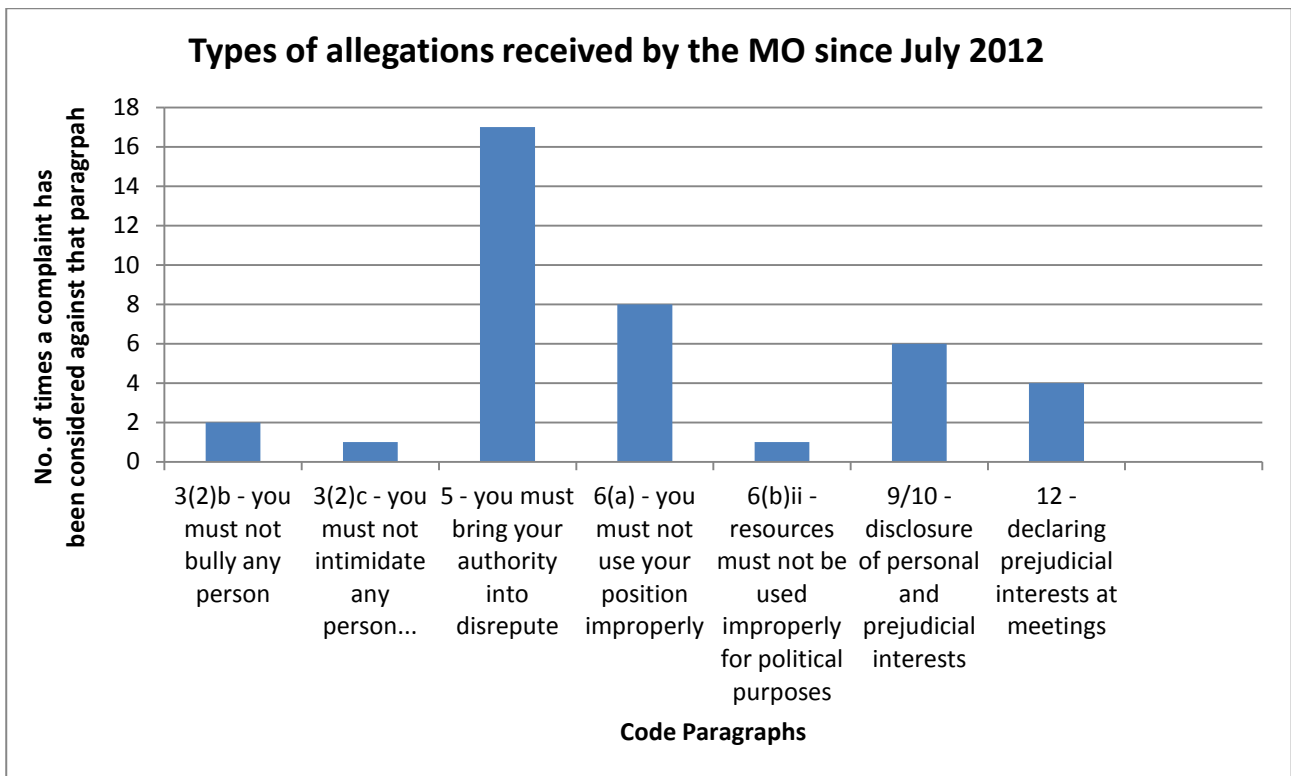
New complaints:		
MO-C011	Town Councillor	5c – you must not bully any person and 5h – you must not conduct yourself in a manner or behave in such a way as to give a reasonable person the impression that you have brought your office or the Council into disrepute. Complaint under assessment.
MO-C012	Parish Councillors (x 5)	4a – you must treat others with courtesy and respect; 5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, and advantage or disadvantage; and 8.1 & 8.2 – disclosure of interests at meetings. Complaint assessed and no breach found. Recommendation from the MO that the Parish Council considers a reminder session on the Member Code of Conduct, particularly in relation to treating others with respect. Case closed.
MO-C013	Parish Councillor	5a – you must not attempt to use your position as a Member improperly to confer on or secure for yourself or any other person. Complaint assessed and no breach found. Case closed.
MO-C014	EDDC Councillor	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. Resolution being sought

Since the last Standards Committee meeting there have been two issues raised by complainants which have been discussed by the Monitoring Officer and Independent Person that were not found to be Code of Conduct complaints.

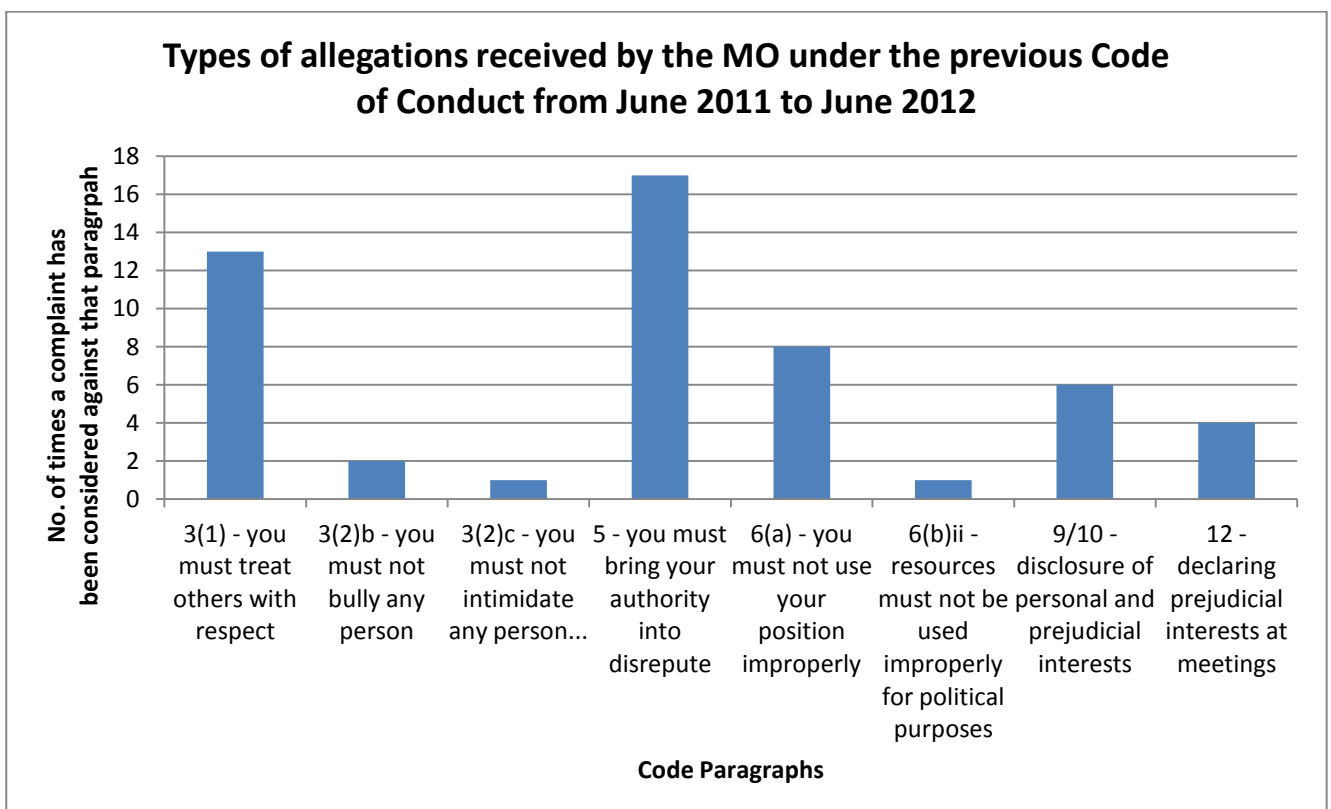
Overview of all complaints received since the new standards arrangements were introduced in July 2012.

Number of Code of Conduct complaints received = 14 (8 x EDDC Cllr, 4 x Town Cllr, 2 x Parish Cllr)

Number of Non Code of Conduct complaints received = 12



The graph below has been included to show how the types of allegations received by the MO since the new Code was adopted compares to the types allegations received under the previous Code.



Agenda Item 11

Standards Committee

29 April 2013



Standards Committee

Forward Plan 2013/14

18 June 2013	Complaints update Public input in Council business Public speaking/public engagement at Council meetings Forward Plan
29 October 2013	Complaints update Member Development update Forward Plan
21 January 2014	Complaints update Forward Plan
8 April 2014	Complaints update Forward Plan

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