

Date: 13 January 2014
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To: Members of the Standards Committee:
(Councillors Susie Bond, Peter Bowden, Geoff Chamberlain,
Graham Godbeer and Frances Newth)

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

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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
Tuesday 21 January 2014
10 am
Council Chamber

Members of the Council who do not sit on this Committee and members of the public are welcome to attend this meeting.

- There is a period of 15 minutes at the beginning of the meeting to allow members of the public to ask questions.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.
- All individual contributions will be limited to a maximum 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.

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 their mobile phones to silent during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

AGENDA

Page/s

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|----|---|---------------------------|---------|
| 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 9 October 2013. | | 5 - 26 |
| 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 | Public speaking at committee meetings – Cabinet recommendations
The recommendations of the Standards Committee meeting of 9 October 2013 on public speaking arrangements were referred to Cabinet prior to consideration by Council. The Standards Committee had included a requirement in its recommendations for any amendment on this issue to be referred back to the Committee for further consideration.

Cabinet at its meeting on 27 November 2013 considered a report on public speaking arrangements at committee meetings (attached) and recommended approval to Council of the proposed changes as set out in the attached minute. This was subject to amended recommendation (c) being referred back to the Standards Committee for consideration.

Standards Committee members are asked to consider Cabinet's recommended amendment to (c) and make recommendations to Council.
(Cabinet's recommendations: (a), (b), (d) and (e) are in line with those of the Standards Committee). | Monitoring Officer | 27 - 33 |
| 8 | Complaints procedures review – The Committee is asked to consider the report and recommendations. | Monitoring Officer | 34 - 42 |
| 9 | Updated Member Code of Conduct and Planning Code – The Committee is asked to consider the report and recommendations. | Deputy Monitoring Officer | 43 - 59 |
| 10 | Copy of memo sent to all councillors about updating interests and registering gifts and hospitality - (for information) | Monitoring Officer | 60 - 62 |

			Page/s
11	Complaints update – The Committee is asked to note the update report.	Monitoring Officer	63 - 67
12	Forward Plan	Monitoring Officer	68

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



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 Poppleford – 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.

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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 Wednesday, 9 October 2013

Present: Councillors:
Graham Godbeer (Chairman)
Susie Bond
Peter Bowden
Frances Newth
Co-opted non-voting members:
Cllr David Mason, Parish/Town Council member
Ray Davison, Independent member

Also present: Alison Willan, Independent Person
John Walpole, Reserve Independent Person

Councillors:
Ray Bloxham, Portfolio Holder – Corporate Business
Maddy Chapman, Member Development Champion
Roger Giles
Claire Wright

Officers: Denise Lyon, Monitoring Officer and Deputy Chief Executive
Rachel Pocock, Deputy Monitoring Officer and Corporate Legal
and Democratic Services Manager
Hannah Whitfield, Democratic Services Officer

Apologies: Councillors:
Cllr Geoff Chamberlain, Committee member
Cllr Alan Dent, Substitute Committee member
Cllr Courtney Richards, Co-opted Parish/Town Council member
Tim Swarbrick, Co-opted Independent member
Karen Jenkins, Corporate Organisational Development Manager

The meeting started at 10:00 am and ended at 11.33 am

***18 Public question time**

There were no questions asked.

***19 Minutes**

The minutes of the special meeting of the Standards Committee held on 23 July 2013 were confirmed and signed as a true record.

***20 Declarations of interest**

There were none.

***21 Social Media Use Policy**

At the special Standards Committee meeting held in July Committee members discussed the draft Social Media Use Policy in detail and recommended that Council adopt the Social Media Use Policy subject to a few minor changes. The Policy then went on to be considered by Council at their meeting on 24 July where

***21 Social Media Use Policy cont...**

during debate a number of issues were raised, which were confined to the guidance to Councillors, and it was decided that the Policy would be referred back to the Committee for further consideration.

Since the Council meeting in July Officers had further refined the Policy to incorporate the recommendations the Committee made at its last meeting and to take into consideration the issues raised at Council. The Corporate Legal and Democratic Services Officer highlighted the changes that had been made to Appendix C to the Policy, Guidance for Councillors, to the Committee. The changes included:

- An additional bullet point had been added to paragraph 2.2 – ‘Avoid conducting yourself in a manner or behaving in such a way so as to give a reasonable person the impression you have brought your office or Council into disrepute’. This was to repeat the provision already within the Council’s Code of Conduct.
- The data protection obligation had been clarified in the fourth bullet in paragraph 2.2 with the word ‘sensitive’ removed.
- A summary of the Code of Recommended Practice had been added to paragraph 2.4.

The Corporate Organisational Development Manager would bring the Policy to the attention of the Staff Joint Forum at their meeting in November.

The Portfolio Holder for Corporate Business endorsed the changes made, which helped to make the Policy clearer and to reflect the Council’s Code of Conduct. He thanked the Independent Person for her input in the drafting process.

In response to a number of questions raised during discussion the Corporate Legal and Democratic Services Officer clarified the following:

- ‘Reasonableness’ (in the context of the Code of Conduct) was not defined and it was largely dependent on context and circumstances; ‘reasonableness’ being a commonly accepted and effective test appearing in legislation and codes without further definition. Social Media was just one of many forms of communication available to Members and the Policy sought to offer guidance and help to Members to understand their obligations. The Policy did not introduce anything new in respect of not bringing the Council into disrepute, as this was a repeat of the provision already contained within the Code of Conduct. It was not considered appropriate to include examples of what would be considered to be bringing the Council into disrepute as circumstance and context played an important part.. ‘Fair comment’ was acceptable but Members needed to think about the impact and balance of their communications.

Comments made during a discussion about the revised Social Media Use Policy included:

- Social media was a new and sometimes informal communication. The Policy and Code of Conduct outlined obligations and offered guidance to Members when using this form of communication.
- Training on social media would benefit Members.
- Each Member was responsible for their actions and needed to consider the impact of their communication.
- The Policy was sufficient as currently written.

***21 Social Media Use Policy cont...**

- The reference to publishing content for the promotion of 'personal campaigns' required clarification/explanation as it was considered to be too restrictive to the work of Ward Members as currently written. The Portfolio Holder for Corporate Business advised that reference to personal campaigns was included to avoid Members using their position as a Councillor to personally promote themselves. The Committee discussed alternative wording.

RECOMMENDATION that the Standards Committee endorses and recommends Council adoption of the Social Media Use Policy appended to the minutes, which incorporates the amendment to the bullet point in Appendix C – guidance for Councillors, paragraph 3.2 which reads (you must not) 'Publish content that promotes personal/family interests, personal financial interests or any personal commercial ventures'.

22 Public speaking at committee meetings

At their last meeting, the Committee had a lengthy discussion about public speaking at committee meetings and had generally supported a number of changes being introduced to the 'public question time' element of the public speaking arrangements (excluding Licensing and Development Management Committees). The Corporate Legal and Democratic Services Manager advised that the Chief Executive had requested that the proposed changes to be referred to Cabinet for consideration prior to being recommended to Council. The Committee supported this approach, subject to any changes proposed by Cabinet being brought back to the Committee before being referred to Council.

The Committee had resolved at their last meeting that they wished to give further consideration to the public speaking arrangements for Development Management Committee. The Chairman advised that introducing changes to the speaking arrangements for this Committee was not about controlling speakers but was instead about the effective management of meetings. The number of applications being considered at Committee meetings was currently very high which was leading to longer meetings. The Chairman outlined an additional suggestion to those that had been considered by the Committee at their previous meeting. This suggestion essentially involved the requirement for speakers to register to speak prior to the final agenda being published and would restrict speakers to those that had sent in a written representation in respect of the application. The Committee discussed this suggestion and revisited those that had been considered at the last meeting. Members also briefly discussed the future management of Development Management Committee agendas and meetings, however it was felt that this was an issue that needed to be debated by that particular Committee.

The Chairman advised that there had been general support from the Standards Committee members for introducing public speaking on policy items considered by the Development Management Committee (under the current arrangement members of the public can only speak on applications). The Committee confirmed that this was a proposal that they would support being introduced. As had been explained at the previous Standards Committee meeting, there was already provision in the Council's Constitution for Members not on the Development Management to speak on policy items subject to the Chairman's agreement.

RESOLVED

that the proposed changes to the 'public question time' element of the public speaking arrangements (excluding Licensing and Development Management Committees), endorsed by the Standards Committee and as set out below, be referred to Cabinet for consideration prior to being recommended to Council. Any additional changes or amendments to the Standards Committee's proposed changes by Cabinet to be referred back to the Committee for consideration.

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;
- b) Where a question is put, this to be put first, with any explanation or background to follow;
- c) Where possible, questions to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who submitted the question to be able to ask a supplementary question;
- d) Where questions were submitted in advance they should be displayed on a screen to help the public to see what the issue was together with the written answer, if available (otherwise a verbal reply would be given);
- e) Questions to be limited to those that relate to matters that were within the remit of the Council or related to matters the Council could influence.

RECOMMEDATION:

- 1. that the proposed change to the public speaking arrangements for Development Management Committee to introduce public and non-committee speaking on policy agenda items, as endorsed by the Committee, be referred to the Development Management Committee for consideration prior to being recommended to Council.
- 2. that due to the length of recent Development Management Committee meeting, Members of that Committee be asked to consider future agenda and meeting management.

***23 Progress update on the Councillor paper light initiative**

The Member Development Champion, Cllr Maddy Chapman, updated the Committee on the progress of the Councillor paper light initiative. This initiative sought to reduce Councillor reliance on paper documents (such as agendas and reports) through the increased use of tablet computers/laptops. Two of the main drivers for pursuing the initiative was the reduction in print and post costs that could be achieved and improved efficiency. Mentoring was being made available to all Members and this approach was working well. The Portfolio Holder for Corporate Business advised that he would be taking a report to the November Cabinet meeting on the initiative. The timescale for launching the paper light initiative was May 2015.

In response to a question about whether paper copies of agendas would continue to be made available for members of the public at committee meetings, the Portfolio Holder for Corporate Business advised that alternative projection/digital options were being considered.

The Committee also heard that a new email system was in the process of being rolled out to all Councillors. ICT were offering individual training sessions on the new software.

***24 Protocol for Audio Recording of Council Meetings**

At the Council's Annual meeting in May 2013, Members agreed to permit audio recordings of the Council's main Committee meetings (when held in the Chamber) and publish its own recording of individual meetings on the Council website. A pilot programme had been launched initially to enable technical quality, user friendliness and resource issues to be properly assessed. The introduction of audio recordings was currently being rolled out to all the main Committees, with the intention that all main Committees would be recorded from the New Year.

A protocol for audio recording of council meetings had been produced and this was included with the Committees' agenda papers for information.

In response to a question about whether audio recordings would be broken down into and uploaded as individual agenda items, the Democratic Services Officer advised that Officers were currently familiarising themselves with the new software. The timings for the main committee items discussed at the last Overview and Scrutiny Committee meeting had been uploaded with the audio recording to aid listeners. The audio recording for the September Development Management Committee had been broken down into individual applications due to the length of the recording and it was considered appropriate to continue to do this with future recordings for this particular Committee. However, for all other Committees a judgement was required whether the number of listeners of the audio recordings justified the officer time spent breaking the recording down into individual items.

The Corporate Legal and Democratic Services Manager advised the Committee that audio and video recording of committee meetings was a discretionary matter for the Council. In addition to audio recording the Council was looking to produce a draft protocol for public video recordings of committee meetings, which would include permitting still pictures to be taken - something the Council's constitution did not currently permit. Webcasting had been investigated but was found to be expensive.

RESOLVED that protocol for audio recordings of council meetings be noted.

***25 Complaints update**

The Committee considered and noted 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.

At the request of the Standards Hearing Committee, the Decision Notice issued following the Hearing held on 3 July 2013 was included with the report for the Committee Members' information.

The Monitoring Officer advised the Committee that over the next couple of months she would be reviewing the complaints and hearing procedures, which had now been in place for over a year. An analysis of how the procedures were working in practice along with recommendations, if required, to ensure that complaints were dealt with efficiently as possible would be presented to the Committee in the New Year.

***26 Openness and transparency on personal interests – updated guidance**

The Corporate Legal and Democratic Services Manager advised that the guidance from DCLG (Department for Communities and Local Government) on openness and transparency on personal interests had been updated to include the need for Members to register any membership of a Trade Union. The Committee noted that the provision to register this particular interest was already written into EDDC's Code of Conduct and the updated guidance was highlighted for information purposes.

***27 Forward Plan**

The Committee noted the contents of the Forward Plan and future meeting dates.

A non-Committee member queried when the Committee would consider the Overview and Scrutiny Committee's recommendation that the Standards Committee look into lobbying guidelines. In response, the Monitoring Officer advised that she would look at the recommendation from the Overview and Scrutiny Committee and report back to the Committee at their next meeting.

Chairman Date

East Devon District Council

Social Media Policy

Purpose of the policy	Social Media - its use by Council Employees and Members and Third Party Contractors
Officer responsible	Corporate Organisational Development Manager
Authorisation	Council
Authorisation date	23 October 2013
Review date	October 2014

Related Policies/Strategies, Procedures and Legislation

Communications Plan

ICT Plan

Customer Plan

Acceptable Behaviour Policy

Equality and Diversity Policy

Codes of Conduct for Councillors and Employees

Disciplinary Policy and Procedure

Standing Orders

Whistle Blowing Policy

Information Security Policy

Information Protection Policy

Data Protection Policy

Council's Constitution

1. Why has the Council introduced this policy?

1.1 This policy supports our Communications Plan and together these policies aim to improve the Council's communication with customers and residents (including harder to reach groups) through the effective use of social media.

1.2 The policy aims to ensure that the public are clear at all times about whether the employee, councillor or third party contractor is communicating on behalf of the Council or as an individual.

1.3 Councils can use social media in many ways, including:

- Providing information about services
- Supporting local democracy
- Gathering customer insight and managing customer relationships
- Promoting cultural and leisure events
- Supporting local communities and developing a neighbourly approach.

1.4 Councillors who wish to help build a sense of belonging in a neighbourhood, increase resident satisfaction levels and reduce social problems can do much with social media as it is a way of connecting people, encouraging conversation and building trust.

1.5 Social media includes (but is not limited to) social networking sites (such as Facebook and LinkedIn); video and photo sharing websites (such as Flickr, YouTube and Instagram); blogs and microblogs (such as Twitter); 'wiki' sites that can be edited by the public (such as Wikipedia) and forums or discussion boards.

1.6 This policy aims to make sure that employees, councillors and third party contractors can actively take part in social networks so that local government keeps pace with the ways in which people like to engage.

1.7 This policy and associated guides will help ensure that employees, councillors and third parties understand and comply with all relevant legislation and Council policies which are relevant to the use of social media - whether the use is for official council business or personal.

1.8 Contractors are required to comply with this policy in the same way as employees and Members of the Council and this requirement will form part of contractual agreements.

2. What is the Council's policy?

2.1 The Council is keen to maximise its use of social media wherever this is helpful to our customers and residents as a communication channel. This policy is consistent with our Communications Plan and operates within the guidelines set out in the Council's Information Security Policy.

2.2 Material published by the Council will not contain party political material and will not persuade the public to a particular political view, promote the personal image of a particular councillor, promote a particular councillor's proposals, decisions or recommendations or personalise issues.

2.3 The Council's Communication Team will manage the implementation of this policy as well as manage the Council's corporate social media site and oversee other official sites which are service specific. Other methods of communication, such as press releases and the Council's website will continue to be used as appropriate.

2.4 Service specific social media sites may only be created if agreed by a Deputy Chief Executive, Head of Service or Corporate Manager. The Council's Corporate Communications Team will be consulted to ensure that sites are consistent with the Council's Communications Plan and to confirm whether or not the sites are actually required or whether the Council's corporate site should be used.

2.5 The Communications Team will maintain a register of all Council social media sites and their users and the Communications Team will have access and administration rights to these.

2.6 Appendix A lists current authorised sites used by the Council.

2.7 Official Sites may only be accessed and edited by those who have been authorised to do so by their Head of Service or Corporate Manager.

2.8 Those accessing and editing sites must attend Social Media training organised by the Council.

2.9 Heads of Service and Corporate Managers who have an Official Site which allows for the posting of material by third parties must:

- put in place a system for moderating or removing unacceptable material;
- notify the Communications Team of Authorised Users; and
- ensure that there is cover in the event of sickness or absence.

3. Legal considerations – staying out of trouble online

3.1 Any form of communication is rife with the possibility of misunderstandings. Social media is perhaps no more or less vulnerable to this but there are some new ways to misfire with your message!

3.2 Although the best use of social media is conversational in tone, publishing on the web is still publishing. It is important to remember that you are responsible for what you publish on social media. Authorised Users need to be acutely aware that anything on an Official Site, published on behalf of the Council, reflects upon the Council and its reputation.

3.3 In general terms, content must not be published which may result in actions which may be discriminatory, defamatory, breach copyright, data protection or other claims for damages. This includes (but is not limited to) material of an illegal, sexual or offensive nature.

3.4 Content for the promotion of personal financial interests, personal commercial ventures or personal campaigns must not be published.

3.5 Authorised Users must never publish pictures of children or young people aged under-18 on social media unless they have express written parental permission as part of a signed official permission form. This form is available from the Communications Team.

3.6 Officers should refer to the **Guidance for Officers (Appendix B)** which forms part of the Council's Social Media Policy. This outlines important rules when using social media in either a Council or personal capacity.

3.7 Councillors should refer to the **Guidance for Councillors (Appendix C)** which forms part of the Council's Social Media Policy. This outlines important rules for using social media either as a Councillor or as an individual.

4. General application of this policy

4.1 All employees, whether Authorised Users or not, are required to adhere to this policy and guidance which forms part of the policy even when they are using social media for personal use. Employees should note that any breaches of the policy and guidance, for example, bullying of colleagues or social media activity causing serious damage to the organisation, may constitute gross misconduct and lead to summary dismissal.

4.2 If you discover defamatory, confidential, obscene or otherwise unlawful material that you consider affects the Council or any of its employees you should draw it to the attention of the Communications Team immediately. You must take their advice [and that of the legal team where necessary] before taking any action on the social media site in question.

5. Appendices and where to find out more

Appendix A Official Council Social Media Sites

Appendix B Guidance for Officers

Appendix C Guidance for Councillors

Appendix D Flowchart for Officers and Councillors

Appendix E Social Media Application Form

www.geturvoiceheard.co.uk/doc/sn.php – provides advice on safeguarding children and vulnerable adults: any Official Sites set up by the Council must ensure that these groups are closely monitored.

www.thinkuknow.co.uk – provides advice information and resources about online safety, including how to use custom settings.

Appendix A

Official Social Media Sites Twitter (www.twitter.com)

Corporate	@eastdevon
Waste and Recycling	@recyclingEDDC
Procurement	@EDDCprocurement



Facebook (www.facebook.com)

Corporate:	/eastdevon
Waste and Recycling:	/eddc recycle
Tenant Participation:	/ EDDCtenantparticipation
Switch Project:	www.facebook.com/pages/SWITCH/124817784260256

You Tube YouTube (www.youtube.com)

Growth Point:	/user/EEDGP
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Appendix B

Guidance for officers (this guidance forms part of the Council's Social Media Policy)

1 What to bear in mind to keep you protected online either at work or at home

- 1.1 When you engage online it is important to use your common sense. The things that can get you into hot water anywhere else are just the same things to avoid in social media.
- 1.2 You are personally responsible for what you publish on social media. It is important that you think before you publish as words can't be unspoken. Even if you delete a hastily fired off blog or tweet, it will probably already have been read and will be indexed or duplicated in places beyond your reach.
- 1.3 Remember that the law of defamation applies to social media in the same way as written or spoken communication and people can sue you personally for damages if they consider their reputation has been or may be harmed.

2 Use of Social Media at work

- 2.1 When using any Official Site, **Authorised Users must:**
 - Clearly identify yourself as a Council employee and either include your name or job title as appropriate where you have been authorised by your Head of Service or Corporate Manager to act as a representative of the Council or to comment on behalf of the Council and are making comments on a social media site not specifically branded as belonging to the Council;
 - Make sure all content published is accurate, not misleading and complies with any relevant Council policy;
 - Comply with the terms and conditions of the social media site being used;
 - Be polite and treat other users of the social media site with respect;
 - Use the flowchart at the end of this guide to decide how and if to respond to customer comments, particularly negative ones;
 - Remember to keep key Members and other officers updated on your work.

2.2 When using any Official Site, **Authorised Users must not:**

- Make any comment or post any material that may cause damage to the Council's reputation or bring it into disrepute. This includes making negative or disparaging comments about the Council or its employees;
- Make any political comment; state any political preference or make any kind of partisan comment that may compromise the reputation of the Council or appear to put the Council in a conflict of interest;
- Post, publish or respond to any material that is defamatory, offensive, obscene, harassing or bullying; racist, sexist or otherwise discriminatory; infringes copyright or any person's right to privacy; constitutes contempt of court or is otherwise unlawful.

3 Monitoring use of social media at work

- 3.1 Authorised Users should not spend more time using social media sites in the course of their employment than is necessary for the purposes of Council public communication. Priority should be given to sites which are widely read by the general public and communicate information about services or service changes that relate to key Council proposals or affect significant numbers of residents.
- 3.2 They should ensure that the use of social media does not interfere with their other duties. Authorised Users spending an unnecessary or excessive amount of time using social media sites may be subject to disciplinary action.

4 Open Access Editable "Wiki" Sites Such As Wikipedia

- 4.1 Most wiki sites record the IP address of the editing computer. Alterations to such wiki sites may appear as if they have come from the Council itself. Officers should not act in a manner that may bring the Council into disrepute and should not post derogatory or offensive comments on any online wiki sites.
- 4.2 Prior to altering any wiki site entry about the Council or any entry which might be deemed a conflict of interest, employees should read the terms and conditions of the site concerned and, if necessary, ask permission from the relevant wiki editor. They should also seek advice from the Communications Team.

5 Personal use of social media

- 5.1 Access to social media sites for personal use using the Council's IT systems is not allowed.
- 5.2 Employees should be aware and recognise that there is a risk of damage being caused to the Council through their personal use of social media when they can be identified as an employee of the Council. This may be by direct identification (because a profile or content expressly states a Council association) or indirect identification (because friends, family or others know the user works for the Council).
- 5.3 If in respect of any personal use of social media an employee can be identified as associated with the Council by the profile or content then the following guidance should be complied with:

You should:

- Expressly state (through a disclaimer) on any profile or content that identifies you as an employee (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and are not those of the Council. You can use something like 'the views I express here are mine alone and do not reflect the views of my employer' or 'all tweets personal';
- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not;
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy;
- Comply with the terms and conditions of the social media site being used;
- Be polite and treat other users of the social media site with respect;
- Tell the Communications Team if you discover defamatory, confidential, obscene or otherwise unlawful material that you consider affects the Council or any of its employees.

In addition to the provisions outlined in point 3 of the main body of the Social Media Policy, you must not:

- Publish content for the promotion of personal financial interests, personal commercial ventures or personal campaigns;
- Publish content in an abusive manner or in a way that contravenes the Council's Acceptable Behaviour Policy;
- Publish content in a way which appears as if the Council has endorsed it;
- Share sensitive or confidential information about the Council or its employees or councillors nor upload any photos or videos of colleagues without their express permission;
- Use your Council email address or any Council logos or copyright material for personal use.

The Council's Acceptable Behaviour Policy must be complied with at all times.

Appendix C

Guidance for Councillors (this guidance forms part of the Council's Social Media Policy)

1 What to bear in mind

- 1.1 When you engage online it is important to use your common sense. The things that can get you into hot water anywhere else are just the same things to avoid in social media.
- 1.2 You are personally responsible for what you publish on social media. It is important that you think before you publish as words can't be unspoken. Even if you delete a hastily fired off blog or tweet, it will probably already have been read and will be indexed or duplicated in places beyond your reach.
- 1.3 Remember that the law of defamation applies to social media in the same way as written or spoken communication and people can sue you for damages if they consider their reputation has been or may be harmed.
- 1.4 Be mindful if using social media during an official Council meeting or event that the use does not negatively impact on the proceedings or contravene the Constitution or other Council protocol.
- 1.5 At all times, whether posting in a personal or professional capacity, councillors must be clear whether they are writing as an elected member or private individual. Including 'Cllr' or 'Councillor' in a name is taken to mean that the councillor is writing in the capacity as an elected member. Councillor profiles, websites and use of social media should clearly be either 1) private and personal or 2) in their capacity as a councillor. This is particularly important as mixing these uses is likely to cause confusion to the electorate.

2 Members' Code of Conduct

- 2.1 This applies to your online activity in the same way it does to other written or verbal communication. You should comply with the general principles of the Code in what you publish and what you allow others to publish.

2.2 You will need to be particularly aware of the following sections of the code and their practical application:

- Treat others with respect. Avoid personal attacks and disrespectful, rude or offensive comments;
- Avoid conducting yourself in a manner or behaving in such a way so as to give a reasonable person the impression you have brought your office or the Council into disrepute.
- Comply with equality laws. Take care not to publish anything that might be considered as sexist, racist, ageist, homophobic or anti-faith;
- Refrain from publishing anything which is confidential or breaches the Data Protection Act;
- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not;
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy;
- Comply with the terms and conditions of the social media site being used.

2.3 Members of the public (or other members or officers) may make a complaint about you if you contravene the Code of Conduct. You should also follow the guidance in the **Protocol for Relationships between Members and Officers** which is contained in **Part V of the Constitution** and can be found on the Council's website. This includes media relations.

2.4 You should also comply with the Code of Recommended Practice on Local Authority Publicity when publishing material which is hosted by the Council. Section 2 of the Local Government Act 1986 prohibits the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Local authorities are required by section 4(1) of the Act to have regard to the Code of Recommended Practice in coming to any decision on publicity.

The principles of the Code of Recommended Practice are that publicity by local authorities should be lawful, cost effective, objective, even-handed, appropriate, have regard to equality and diversity, and be issued with care during periods of heightened sensitivity [such as election periods].

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5670/1878324.pdf

3 **Personal use of social media**

- 3.1 Councillors should be aware and recognise that there is a risk of damage being caused to the Council via their personal use of social media when they can be identified as an elected Councillor. This may be by direct identification (because a profile or content expressly states a Council association) or indirect identification (because friends, family or others know the user works for the Council).
- 3.2 If in respect of any personal use of social media a Councillor can be identified as associated with the Council by the profile or content then the following guidance should be complied with:

You should:

- Expressly state (through a prominent disclaimer) on any profile or content that identifies you as a Councillor (or otherwise refers to or implies a relationship with the Council) that the stated views are your own personal views and are not those of the Council;
- Ensure that readers are not misled into believing that any material published by you is on behalf of the Council, authorised by the Council or official Council policy if it is not;
- Ensure all content that relates to the Council or Council business is accurate, fairly balanced, not misleading and complies with any relevant Council policy;
- Comply with the terms and conditions of the social media site being used.

In addition to the provisions outlined in point 3 of the main body of the Social Media Policy, **you must not:**

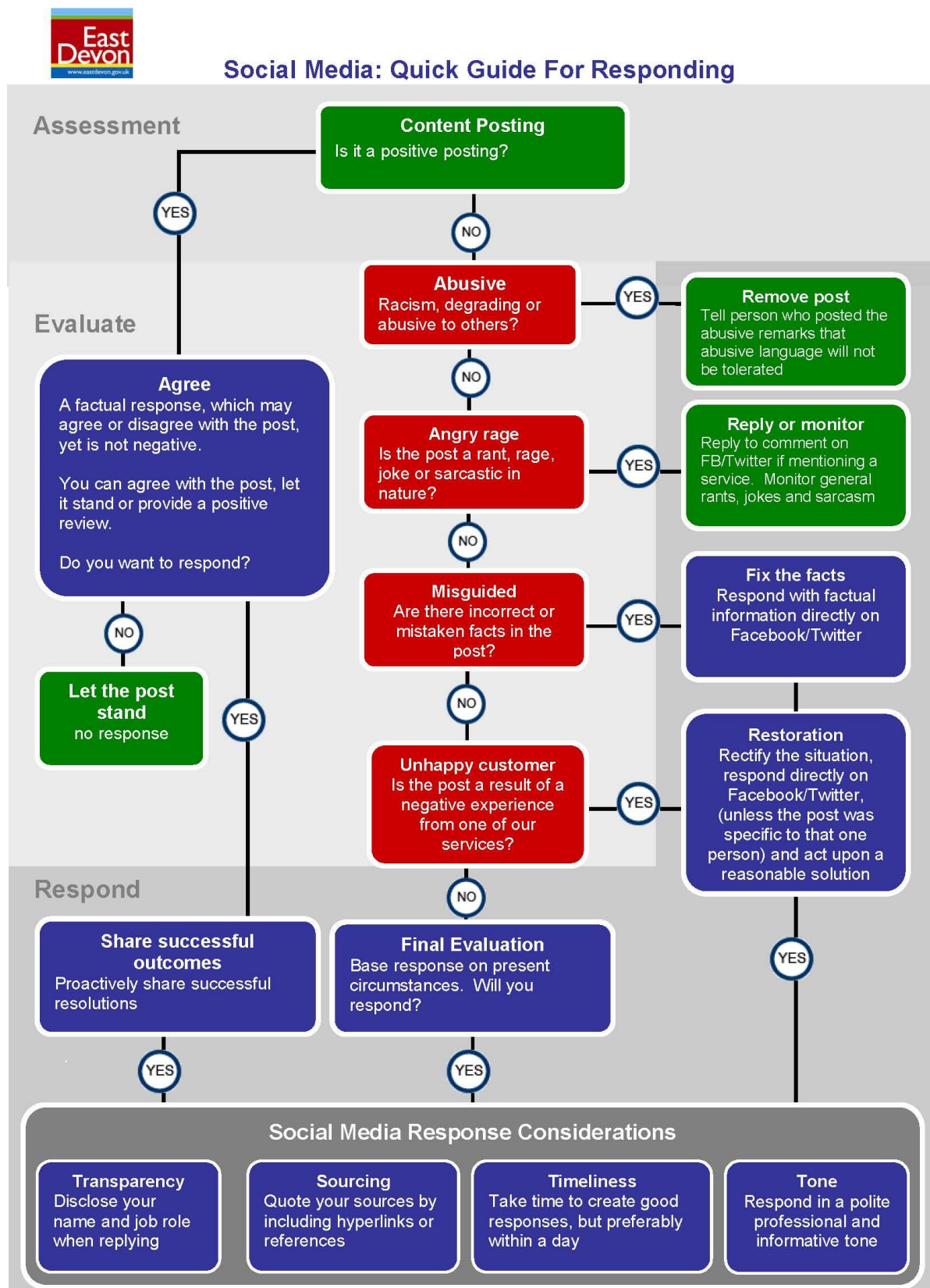
- Make any comment or post material so as to give a reasonable person the impression that you have brought your office as Councillor or the Council into disrepute;
- Present political or personal opinion as fact or as representative of the Council;
- Imply that you are authorised to speak as a representative of the Council nor give the impression that the views you express are those of the Council;
- Post or publish any material that is harassing or bullying. Harassment may include personal attacks on officers;
- Publish content that promotes personal/family interests, personal financial interests or any personal commercial ventures Publish content in a way which appears as if the Council has endorsed it;
- Publish content in an abusive manner or contravenes the Council's Acceptable Behaviour Policy;
- Disclose confidential information, including matters considered under Part B of any Council meeting. If you are in any doubt about this you should first speak to the Monitoring Officer.

4 Open Access Editable “Wiki” Sites Such As Wikipedia

- 4.1 Most wiki sites record the IP address of the editing computer. Alterations to such wiki sites may appear as if they have come from the Council itself. You should not act in a manner that may bring the Council into disrepute and should not post derogatory or offensive comments on any online wiki sites.
- 4.2 Prior to altering any wiki site entry about the Council or any entry which might be deemed a conflict of interest, you should read the terms and conditions of the site concerned and, if necessary, ask permission from the relevant wiki editor. You should also seek advice from the Communications Team.

Appendix D

Response Flow Chart for Officers and Councillors



Appendix E: Social Media Application Form

Please ensure all content providers, moderators and your service lead have read the Social Media Policy and Guidance before completing this form.

Project Details	
Platform: Facebook, Blog, Twitter?	
Proposed URL or page name:	
Business Purpose/Objective: What are you hoping to achieve?	
Target audience: Who are you targeting with your social media communications and what is your strategy for engaging with them?	

Frequency of use: How often will you update your chosen platform? (please tick).
Once a day 3 times week Once a week
Moderation: How often will you moderate the site for offensive or negative posts?
Once a day 3 times a day More
E Evaluation - How will you evaluate the success of your social media communications and whether the social media presence is sustainable?

Please return the completed form to:

Communications and Public Affairs Manager
Room 36, Knowle

Agenda Item
Cabinet
27 November 2013
RP/DL/HW



Public speaking arrangements at committee meetings

Summary

At the Annual Council meeting on 22 May 2013, Members agreed for the Standards Committee to consider public speaking issues further and make recommendations to Council. There was no suggestion that public speaking would be stopped but rather reviewed with the potential for increasing the contributions and improving the current arrangements.

The Standards Committee have discussed public speaking arrangements at length on three separate occasions. At its last meeting (9 October 2013) the Committee referred a number of proposed changes to 'public question time' (excluding Licensing and Enforcement and Development Management Committees) to Cabinet prior to consideration by Council.

This report sets out the Standards Committees' proposed changes to the public speaking arrangements and reasoning behind them. Officers have made a further recommendation for Cabinet to consider in respect of differentiating between whether the subject of the public question is an agenda item or not. Any proposed changes to the Constitution will require full Council approval.

The Standards Committee has considered the speaking arrangements for Development Management Committee and has made recommendations directly to that Committee. A report on public speaking and agenda management will be considered by Development Management Committee at its December meeting. The Standards Committee has not considered or proposed any changes to the public speaking arrangements for the Licensing and Enforcement Committee as these are largely governed by statutory regulations.

Recommendation

That Cabinet consider changes to the 'public question time' element of the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees), proposed by the Standards Committee and as set out below, prior to being referred to Council. Any additional changes or amendments by Cabinet to the Standards Committees' recommendations to be referred back to that Committee prior to consideration by Council.

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;
- b) Where a question is put, this to be put first, with any explanation or background to follow;
- c) Where the public wish to raise a question on an issue which is not included as an agenda item for the meeting, this to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who has submitted the question two clear days in advance to be able to ask a supplementary question relevant to the original question. Two days' notice is not required if the question being put to the Committee relates to a subject already included as an agenda item.
- d) Where questions are submitted in advance they should be displayed on a screen together with the written answer, if available (otherwise a verbal reply would be given). This approach to help Committee and the public better understand the issue(s);
- e) Questions (or statements) to be limited to those that relate to matters within the remit of the Council or related to matters the Council is able to influence.

a) Reasons for Recommendation

To allow Cabinet to consider changes to the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees) as proposed by the Standards Committee and Officers, prior to being referred to Council.

b) Alternative Options

Recommend that public speaking arrangements remain unchanged.

c) Risk Considerations

Well thought out public speaking arrangements can enhance democratic participation and Council reputation. Members are not being asked to withdraw or restrict public speaking, they are instead being asked to consider the potential for increasing the contributions and improving the current arrangements

d) Policy and Budgetary Considerations

The additional democratic services officer time involved in facilitating the changes set out within the recommendations can be accommodated within existing staff levels.

e) Date for Review of Decision

Members may wish to consider trialling new arrangements or alternatively recommend a specific review date.

1 Main Body of the Report

- 1.1 The current public speaking arrangements were introduced in 2008 and are due for review. In general the adopted arrangements, set out below, work very well and have raised no significant comment until the last year.

Current public speaking arrangements:

Questions and statements by the public

(Part 4 - Rules of Procedure, 4.1 procedural standing orders of the Council's [Constitution](#))

There shall be a fifteen minute period of public question time at the commencement of Council and Committee meetings with the exception of the Licensing and Enforcement Committee, the Development Management Committee and Planning Inspections Committee. Each individual questioner exercising a right during the public question time to be restricted to speaking for a total of 3 minutes.

At all meetings of the Cabinet, the Overview and Scrutiny and Audit and Governance Committees, members of the public have the general right to make statements and/or ask questions in respect of all agenda items that are not to be considered in Part B [the part of the meeting to which the public is not admitted]. The normal procedure to be that after a report has been introduced by the relevant Portfolio holder and/or officer the Chairman will enquire of any member of the public whether they wish to speak in respect of the matter and/or ask questions. In each case, contributions from members of the public will be limited to 3 minutes.

The chairman of any meeting has the right and discretion to control question time to avoid disruption, repetition and wasting of meeting time.

- 1.2 The Council has a number of initiatives for public engagement and involvement (a report setting out these initiatives was recently noted by the Standards Committee). These underline the Council's commitment to public engagement. Public speaking should be seen in the wider context of a two way exchange between the Council and the community it seeks to lead and serve.

Public question time at beginning of meetings

- 1.3 A period of 15 minutes is currently provided at the beginning of meetings as set out in their agendas, allowing for public questions. Individual questions are limited to three minutes with the expectation that where there is an interest group a spokesperson will be appointed to speak on their behalf. In general 15 minutes has provided enough time for questions.

Standards Committee reasoning for the proposed changes:

- a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes.**

The Committee considered that contributions from the public during this time should not be restricted to questions only and that it was appropriate for members of the public to also be able to make statements about matters that are within the remit of the Council or that the Council can influence. Statements made by speakers will be noted – a response should not be expected.

3 minutes was considered sufficient time for a member of the public to be able to put their question or make a statement.

b) Where a question is put, this to be put first, with any explanation or background to follow.

Feedback to the Monitoring Officer had suggested that Councillors and observers of meetings were not always clear about the question that was being asked by speakers. It was therefore proposed that speakers be asked to present their question first and then use the remaining time to give any explanation or background information.

c) Where possible, questions to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who submitted the question to be able to ask a supplementary question;

This proposed change would enable a fuller and more considered answer to be given in response to questions. Speakers have the opportunity to prepare and research before asking their question; however Councillors replying do not have that same opportunity and therefore do not always have the information required to be able to give the full response expected. [For example, the relevant key member or officer may not be a normal attendee at the meeting concerned; advance notice will enable a response to be prepared]. It is in the public interest to provide the clearest, most up to date answer to matters of public concern. Written responses to questions submitted in advance would be included in the minutes of the meeting. Speakers who have submitted questions in advance would be given the opportunity to ask a supplementary question.

Questions would still be accepted on the day of the meeting, however these may not receive same level of response as would be given if submitted in advance.

Note: Officers have made a more detailed recommendation at c) to differentiate between questions relevant to the agenda and those which do not relate to agenda items. The reason is to allow Members preparation time – this will be of greater benefit to the public as responses given will be well considered and researched.

d) Where questions are submitted in advance they should be displayed on a screen together with the written answer, if available (otherwise a verbal reply would be given);

Where questions are available in advance it was suggested that they could be displayed on a screen (if meeting in Council Chamber) which will help the public's understanding of the issue. This to be displayed with the written answer, if available (otherwise a verbal reply will be given). This is something that can easily be implemented.

f) Questions (or statements) to be limited to those that relate to matters that were within the remit of the Council or related to matters the Council could influence.

It is considered that to make the best of use of the public speaking and meeting time, questions and statements should only relate to matters within the Council's remit or those which the Council could influence.

1.4 Public speaking/questions on individual items on the Agenda

At Cabinet, Overview and Scrutiny and Audit and Governance Committees, the public may speak and/or ask questions on individual agenda items; contributions are limited to three minutes. The public have the option to ask their question at the beginning of the meeting or at the relevant agenda item. This process appears to work well and the Standards Committee did not recommend any changes to this element of the public speaking arrangements.

Legal Implications

Arrangements for public speaking are at the discretion of the council, except where there is a statutory right, for example in relation to certain licensing hearings.

Financial Implications

There are no financial implications arising from this report.

Denise Lyon, Monitoring Officer
dlyon@eastdevon.gov.uk
Rachel Pocock, Deputy Monitoring Officer
rpocock@eastdevon.gov.uk

Cabinet
27 November 2013

Extract from Cabinet minutes, 27 November 2013

132 **Public speaking arrangements at committee meetings**

Members considered the report of the Monitoring Officer on public speaking arrangements at committee meetings which had been discussed by the Standards Committee. The report set out the Standards Committee's recommendations for the Cabinet to consider.

Officers had added a recommendation to those of the Standards Committee to differentiate between whether the subject of the public question was on the agenda or not. Officers proposed that where the subject of the public question was an agenda item, then notice was not required. However where the public wished to raise a question on an issue which was not an agenda item, then it would need to be submitted in writing in advance of the meeting. This would enable any necessary research to be carried out so that a considered response could be given at the meeting. The questioner would be entitled to ask a relevant supplementary question at the meeting without notice.

Councillors noted that if the recommendations were approved, members of the public would be able to make a statement without notice. Where a response was required, a period of notice would enable the necessary research to be carried out.

- RECOMMENDED**
- (1) that the following changes to the 'public question time' element of the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees), be recommended for approval (subject to the amended recommendation at (c) below being referred back to the Standards Committee for consideration in the first instance:
 - (a) Public Question Time be amended to 'Public Speaking' and statements to be accepted as well as questions. All contributions to be limited to a total of 3 minutes;
 - (b) Where a question is put, this to be put first, with any explanation or background to follow;
 - (c) Where the public wish to raise a question on an issue which is not included as an agenda item for the meeting, this to be submitted in writing to Democratic Services in advance (two clear working days before the meeting) to enable a considered response to be given in writing at the meeting if time permits. The speaker who has submitted the question two clear days in advance to be able to ask a supplementary question relevant to the original question. Two days' notice is not required if the question being put to the Committee relates to a subject already included as an agenda item;
 - (d) Where questions are submitted in advance they should be displayed on a screen together with the written answer, if available (otherwise a verbal reply would be given). This approach to help Committee and the public better understand the issue(s);

- (e) Questions (or statements) to be limited to those that relate to matters within the remit of the Council or related to matters the Council is able to influence.

REASON

To propose recommended changes to the current public speaking arrangements at committee meetings with a view to increase the contributions made by the public at meetings and improve the current arrangements.

Agenda Item 8

Standards Committee

21 January 2014

DL/HW



Code of Conduct Complaints Process Review

Summary

This review comes after 18 months of operation of the new Code and complaints process adopted following the introduction of the Localism Act 2011 and effective since July 2012.

Recommendation

1. **Members recommend to Council the revised processes attached in Appendix A and B.**
2. **Members recommend to Council that the Reserve Independent Person be now described as Independent Person for the reasons set out in the report, the Monitoring Officer to select which one on a case by case basis, and the Independent Person protocol be updated accordingly.**

a) Reasons for Recommendation

The revisions will improve the efficiency and effectiveness of the complaints process for handling Code complaints.

b) Alternative Options

We are obliged to have a process and the proposed changes come in light of experience of using the current process.

c) Risk Considerations

The revised process may result in less cases being referred for investigation by an external investigator. This may reduce the budget for investigations, but there may also be an impact on officer time and we will need to monitor this.

d) Policy and Budgetary Considerations

There is no proposal to increase the budget as a result of these changes, however, we will continue to monitor workload and ability to meet reasonable timescales when handling complaints.

The changes to the process will be referred to Council for a final decision.

e) Date for Review of Decision

I recommend we review this process in another year.

1 Main Body of the Report

- 1.0 The complaint process has been operational for 18 months and has largely served its purpose. There are some changes recommended which officers believe will improve the process and these are set out in paragraphs 1.1 to 1.5.
- 1.1 I propose that the options at the Monitoring Officer Assessment Stage of a complaint include a further option (number 3):
1. No further action
 2. Informal resolution
 3. Other action (such as referral to Political Group Leader(s), referral to the Town/Parish Council or recommend training)
 4. Referral for investigation
 5. Referral to the Police.
- 1.2 This proposal and the revised process explanation for the public and councillors (see Appendix A) allow more flexibility for the Monitoring Officer in handling the complaints. It also strengthens the ability at the Assessment Stage for a decision that there may be evidence to suggest a potential breach of the Code of Conduct, but that the circumstances do not warrant any further action.
- 1.3 The process is currently confidential. Some members who have been complained about have asked that the decision be made available on our website. This has been in circumstances where they have been unable to comment publicly even when the press has commented on the complaint. I propose to give members the option of making the complaint decision public.
- 1.4 In the Assessment Stage of the complaints process, I ask the Independent Person for their view on the complaint and supporting evidence. I am proposing that given the number of complaints, we have two Independent Persons rather than one plus a reserve (originally agreed on the 27 June 2012). In reality, there will be no difference in my ability to consult them, and I will continue to select which Independent Person to use on a case by case basis, but the status of both will be equal.
- 1.5 I have added an extra step into the Hearings process at point 11 (see Appendix B) after feedback from complainants that they would have liked the opportunity to comment on the Investigator's and Councillor's representations.

Legal Implications

Financial Implications

No direct financial implications are apparent.

Consultation on Reports to the Cabinet

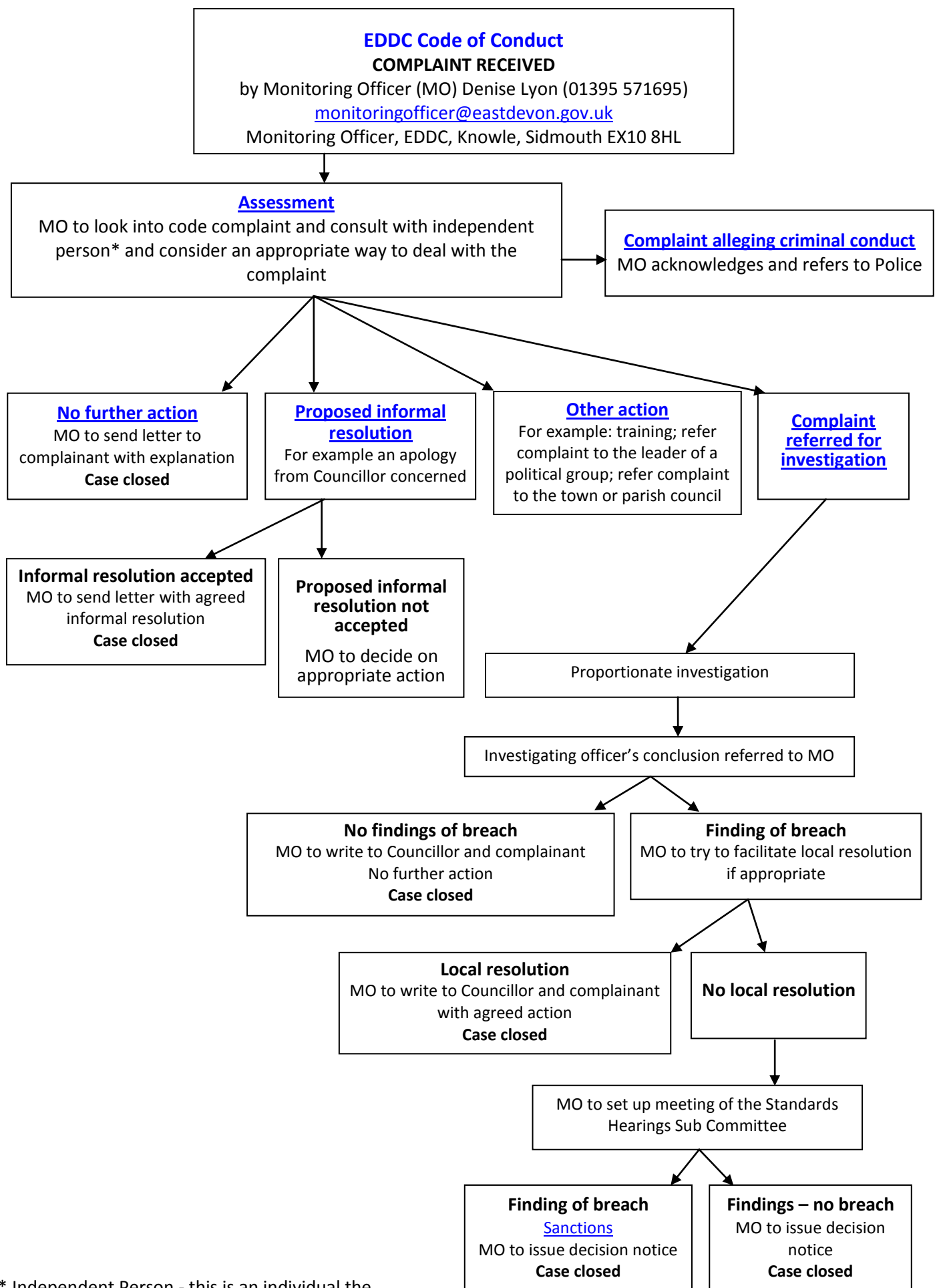
We have discussed the proposals on the Independent Person role with our current Independent Person and Reserve. I have also discussed the matter with an independent consultancy set up to support Local Authority Monitoring Officers.

Background Papers

- ❑ 27 June 2012 Council report: Draft Code of Conduct, complaints process and Constitution amendment
- ❑ Localism Act 2011

Denise Lyon
Monitoring Officer

Standards Committee
21 January 2014



* Independent Person - this is an individual the Council is required to appoint to assist in dealing with complaints.

Guidance on how the Monitoring Officer (MO) will deal with your complaint

After a complaint is received by the MO, we will:

- acknowledge the complaint by email or letter
- write to the subject member (councillor complained about) to let them know that a complaint has been made against them and by whom (unless there are good reasons for the complainant's name not being disclosed).

Please note the Council has no powers to suspend or disqualify councillors or to withdraw members' or special responsibility allowances.

What happens next?

Assessment stage – at this stage the complaint is confidential and the complainant and subject member are asked not to disclose information about the complaint to anyone else.

What are we trying to achieve in the assessment phase?

- What is the action/behaviour complained about?
- What aspect of the Code is breached?
- What evidence is there to support the complaint?
- Is there a straightforward way to resolve the complaint?
- Help the complainant to understand the limited [sanctions](#) available
- A response to the complainant in 4 weeks

What does the MO take into account during the assessment stage?

- Independent Person view and comments
- Severity of the complaint
- Attitude of the complainant and subject member and the potential for informal resolution
- Circumstances and severity of the events – for example was the subject member acting in their official capacity as a councillor when the events took place

Using information gathered during the assessment stage the MO will then make a decision about how the complaint should be progressed. There are 5 options:

1. Refer to the Police - complaint alleges criminal conduct.

Where the complainant alleges criminal conduct (including failure to register or declare a Disclosable Pecuniary Interest, or voting at a council meeting where such an interest exists), this is a matter for the police and cannot be dealt with under the Code of Conduct.

2. No further action – The case is closed and a letter will be sent to both the complainant and subject member with an explanation why. The subject member will be given the option of whether they wish for details of the complaint and outcome to be published on the EDDC website. If not, details of the complaint remain confidential.

Circumstances where no further action may be appropriate:

- The complaint is the same or substantially the same as a complaint previously dealt with
- The period since the alleged behaviour is so significant that it is considered to be inequitable, unreasonable or otherwise not in the public interest to pursue
- The complaint is trivial
- The complaint discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
- The complaint is or appears to be malicious, politically motivated, tit-for-tat or otherwise submitted with an improper motive and the complaint is not considered to disclose

sufficiently serious potential breaches of the Code to merit further consideration

- The complaint is covered by the Council's persistent and vexatious complaints policy and the complaint is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration
- The councillor has provided a satisfactory remedy to the complaint
- The complaint is about a person who is no longer a member of a relevant council and there are no overriding public interest reasons to merit further consideration
- There is evidence to suggest a potential breach of the Code but the circumstances do not warrant further action.

3. Informal resolution - Where appropriate the aim is to help facilitate conciliation and local settlement - to find a fair way to resolve the complaint informally to both parties' satisfaction. If agreement is reached a letter is sent to the complainant and the subject member setting out the agreed resolution. The subject member is given the option of whether they wish for details of the complaint and outcome to be published on the EDDC website. If not, details of the complaint remain confidential.

Where it is not possible to find an agreeable way to resolve the complaint informally the MO will make a decision on what, if any, further action should be taken.

Issues that may result in informal resolution:

- Less serious complaints where the councillor wishes to put their actions right
- A general breakdown in relationships at the Council where other action such as mediation might help
- Complaints where the public interest in conducting an investigation does not justify the costs of such an investigation

4. Other action – Where action such as training or referral to the political group leaders or parish/town council would be the most appropriate way to address the issues raised by the complainant.

Where other action may be appropriate:

- Where there is a lack of experience or the councillor(s) may benefit from additional training or mentoring
- Where the issue appears to be in the political arena and therefore appropriate for referral to a leader(s) of a political group to deal with
- Where it appears that the town/parish council would be best placed to resolve the issue
- Where there is the same alleged breach of the Code by many of the council's councillors, indicating a poor understanding of the Code and authority's procedures

Where other action is taken a letter is sent to the complainant and the subject member setting out the action taken with an explanation. The subject member is given the option of whether they wish for details of the complaint and outcome to be published on the EDDC website. If not, details of the complaint remain confidential.

5. Investigation due to there being a potential breach of the Code of Conduct - Where the complaint has raised an issue that the MO, in consultation with the Independent Person, decides cannot be resolved informally and is serious enough to warrant investigation, she will appoint an investigator. This could be an appropriately skilled council officer from this or another council, or an external investigator. The investigation will be proportionate and include interviews with everyone the investigator decides will help them assess the complaint and reach a conclusion on whether there has been a breach of the Code of Conduct. In exceptional circumstances, we may keep the identity of the complainant confidential if we agree it is necessary, or we may delay notifying the councillor of the investigation where this may prejudice the investigation.

What happens when the investigator issues their final report?

Where the Investigator finds that the councillor hasn't breached the Code of Conduct, the MO will write to the subject member, the complainant and the Town/Parish Council if relevant to end the matter. The subject member is given the option of whether they wish for details of the complaint and outcome to be published on the EDDC website. If not, details of the complaint remain confidential.

Where the Investigator concludes that there has been a breach of the Code, the MO will try to facilitate a local resolution where appropriate. If this is not appropriate or possible, she will arrange a Hearings Sub Committee. This will be a public meeting in which the Investigator and the councillor concerned will be able to make representations to the Sub Committee members before the Committee decides what, if any, sanction is appropriate. In cases where the councillor persuades the Hearing that there are legitimate reasons for holding the Hearing in confidential session, the public will be excluded from all or part of the Hearing. There is a written procedure for the hearing itself.

Serious issues that are such a concern that investigation seems appropriate:

- Disclosure of confidential information, except where allowed by the Code
- Behaviour that is disrespectful, bullying or intimidating
- Conduct that might breach equality laws
- Conduct that would bring the office of councillor or the Council into disrepute, especially where the conduct is deliberate, dishonest or duplicitous

What action can the Standards Hearings Sub Committee take where a councillor has breached the Code of Conduct?

The Council has delegated to the Assessment and Hearings Sub Committee powers to take action to promote and maintain high standards of conduct. Sanctions available to the committee:

- a. Censure or reprimand the councillor
- b. Publish its findings in respect of the councillor's conduct
- c. Report its findings to Council [or to the Parish Council] for information
- d. Recommend to the councillors' Group Leader (or in the case of un-grouped councillors, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council
- e. Recommend to the Leader of the Council that the councillor be removed from the Cabinet, or removed from particular Portfolio responsibilities
- f. Recommend to Council that the councillor be replaced as Executive Leader
- g. Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member
- h. Remove [or recommend to the Parish Council that the councillor be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council]
- i. Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the councillor by the Council, such as a computer, website and/or email and Internet access
- j. Exclude [or recommend that the Parish Council exclude] the councillor from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

Please note that in relation to complaints about parish and town councillors the Hearings Sub Committee can only recommend a particular sanction to the relevant parish/town council – the Committee and the MO do not have any power to enforce compliance.

Standards Hearings Sub Committee Hearings Procedure

(a) Formalities

1. The Chairman of the Sub Committee will introduce the members of the Sub Committee, the officers supporting them, and the councillor whose actions led to the investigation.
2. The Chairman will explain the reason for the meeting and outline the procedure to be followed. The Chairman may choose to vary this procedure in any particular instance where s/he is of the opinion that such a variation is necessary in the interests of fairness.
3. The Chairman will also explain that the hearing will normally be held in public unless the Committee exercises its discretion to exclude the public from all or part of the hearing in accordance with the Local Government Act 1972.
4. The Chairman will then confirm that all those involved understand the procedure to be followed and ask if there are any preliminary procedural issues which anyone wishes to raise before the Hearing begins.
5. If any procedural issues are raised, the Sub Committee will hear representations on them, before determining them.
6. If the Councillor is not present at the start of the meeting, the Sub Committee will consider any reasons given by them for his/her non-attendance. If the Sub Committee is satisfied that there is good reason for their non-attendance, it may adjourn to another date, or proceed if it has been requested to do so by the Councillor.
7. If the Sub Committee is not satisfied that there is good reason for the Councillor's non-attendance, or if the Councillor failed to give any reason for his/her non-attendance, the Committee can decide:
 - whether to consider the matter and make a determination in the absence of the Councillor, or
 - agree to adjourn the Hearing to another date.

(b) The Hearing

8. The Committee will identify the areas of disagreement between the Investigator and the Councillor on the Investigation report's facts or conclusions.
9. The Investigator will be invited to make representations in support of his/her report and about the written pre-Hearing submission of the Councillor.

10. The Councillor will then be invited to make representations in support of the fact(s) concerned and whether the evidence gives rise to a breach or breaches of the Code of Conduct.
11. The Complainant will then be invited to comment on representations made by the Investigator and Councillor.
12. The Sub Committee has the discretion to question any of the parties at any point, as it sees fit. The Sub Committee, as a matter of course, seek the views of the Independent Person before reaching any conclusion.
13. The Sub Committee will consider what it has heard in private accompanied only by its clerk. The Sub Committee may ask the legal advisor to advise them when required.
14. The Chairman will then announce to all present at the Hearing the Sub Committee's decision as to whether or not the Councillor has failed to comply with the Code of Conduct, whilst setting out the facts upon which the conclusions have been reached.
15. If the Sub Committee decides that the Councillor has not failed to follow the Code of Conduct, the Committee will then consider whether it should make any recommendations to the Council.

(c) Sanction

16. If the Sub Committee decides that the Councillor has failed to comply with the Code of Conduct, it will consider any verbal or written representations from the Investigator, the Monitoring Officer and the Councillor as to:
 - a. whether or not the Sub Committee should impose a sanction and/or recommend to Council that a sanction be imposed; and
 - b. what form of sanction(s) is/are appropriate.
 - c. Any mitigation the Councillor wishes the Sub Committee to take into account
17. The Sub Committee will consider in private, accompanied only by its clerk [and legal advisor if required] whether or not to impose/recommend the imposition of a sanction on the Councillor and, if so, what form.
18. The Sub Committee will also consider whether or not it should make any recommendations with a view to promoting high standards of conduct among members of the relevant authority.

(d) Issue of decision

19. In announcing its decision in public at the conclusion of the hearing the Sub Committee will also provide a short written decision.
20. The Sub Committee will issue a full written decision including reasons within two weeks of the hearing.

Agenda Item 9

Standards Committee

21 January 2014

RP



Updated Member Code of Conduct and Planning Code

Summary

Following recommendation from Standards Committee, Council agreed on 23 October 2013 to amend the code of conduct so that members may not act as agent for people pursuing planning matters within the Council's area. Similar arrangements were put in place for officers. Council also approved the updating of the code of good practice for councillors and officers dealing with planning matters.

The amended code of conduct and code of good practice have been placed on the Council's website. The updated code of good practice is appended to this report, and also reflects legislative change and more recent government guidance.

A further addition is recommended to the member code of conduct, so that it is explicit that members should have regard to the codes and protocols incorporated in the Council's constitution. This will support standards generally.

Recommendations

- (i) That members note the availability on the Council's website of the updated member code of conduct and planning code of good practice, within the constitution
- (ii) That Council be recommended to approve an amendment to the member code of conduct, so it contains a provision that members must have regard to the codes and protocols forming part of the Council's constitution

a) Reasons for Recommendation

Recommendation 1 reflects previous decisions of full Council, recommendations from the Standards Committee, and legislative changes. Recommendation 2 is to update the code of conduct to cross reference other guidance in the constitution.

b) Alternative Options

Members may wish to consider additional recommendations for the future

c) Risk Considerations

The Council is required to have a code of conduct.

d) Policy and Budgetary Considerations

No budgetary implications

e) Date for Review of Decision

A full report on how the new code has worked since its introduction in July 2012 will be brought to Committee later this year, together with suggestions for possible change.

1 Updated Code of Conduct

On 23 July 2013, Standards Committee recommended to full council that East Devon councillors should not act as agent for people pursuing planning matters in East Devon. Council approved this change to the member code. Accordingly, paragraph 5 (i) reads: 'You must not act as agent for people pursuing planning matters within the Council area'. This was the only change made.

2. Changes to the code of good practice for councillors and officers dealing with planning matters

Annual Council gives delegated authority to officers to make necessary changes to the Constitution following statutory amendments and to keep documents updated.

The Localism Act 2011 abolished the old member Code of Conduct terminology of prejudicial interests and introduced the disclosable pecuniary interest. The planning code of good practice has therefore been updated to reflect these changes, and also includes reference to East Devon members not acting as planning agents. The changes are shown at Appendix A. The latest government guidance on declaring interests (already reported to this committee) has been referred to by means of a link at the end of the code of good practice. The latest guidance from the Local Government Association on *Probity in Planning*, also previously reported to Standards Committee, is also referred to.

One of the results of the abolition of the national member code of conduct is that members can no longer speak on their own planning applications at development management Committee. This is because they have a disclosable pecuniary interest in their own planning application, and the law does not permit them to speak or vote. In exceptional circumstances a dispensation could be sought from Standards Committee by the member to allow them to speak at planning committee. In practice most members are likely to make other arrangements such as having an agent or another member of their family attend Development Management Committee.

A flow chart has been incorporated within code of good practice to assist members with declaring personal interests and disclosable pecuniary interests.

Legal Implications

Included in the report

Financial Implications

There are no direct financial implication that are apparent

Rachel Pocock Ext 2601
Deputy Monitoring Officer

Standards Committee
21 January 2014

21 January 2014



5.3 CODE OF GOOD PRACTICE FOR COUNCILLORS AND OFFICERS DEALING WITH PLANNING MATTERS

Contents

- 1 General role and conduct of Councillors
- 2 Relationship to the members' code of conduct
- 3 Development proposals and interests under the members' code and those submitted by officers
- 4 Fettering discretion in the planning process
- 5 Membership of Parish Councils and Outside Bodies
- 6 Cabinet members
- 7 Contact with applicants, developers and objectors
- 8 Lobbying of councillors
- 9 Lobbying by councillors
- 10 Site visits
- 11 Public speaking at meetings
- 12 Officers
- 13 Decision making
- 14 Training
- 15 Involvement in section 106 (Planning) agreements
- 16 Breaches of the Planning Protocol
- 17 Further guidance on lobby groups, dual-hatted members and the code of conduct

1. GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 1.1 **The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.2 The Council first adopted a Local Code of Conduct with regard to Planning Matters on the 13 December 2000, and revised in 2002, 2006, ~~and 2011~~ and 2013. This Code of Good Practice continues the Council's commitment to the highest possible standards of behaviour in its operation of the planning system.
- 1.3 **The key purpose of Planning:** to control development in the public interest.
- 1.4 **Your role as a Member of the Planning Authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 1.5 **When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.6 **If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or her deputy, and preferably well before any meeting takes place.**
- 1.7 Whilst this Code of Good Practice deals primarily with planning applications the principles it endorses apply with equal vigour to consideration of the Local Plan, Development Briefs, enforcement cases and all other planning matters.
- 1.8 Officers involved in the processing and determination of Planning matters must also act impartially and in accordance with the Council's Code of Conduct for Council Employees. In addition those that are members of the Royal Town Planning Institute are required to comply with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct.

2. RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

- ☐ Do apply the rules in the Members' Code of Conduct first, which must always be complied with.
- ☐ Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning management. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of either being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Monitoring Officer.

3. DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBERS' CODE

- ☐ **Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter.**
- ☐ **Do not act as an agent for people pursuing planning matters within the Council area, even if you are not involved in decision making on it**
- ☐ **Do then act accordingly.**

Where you have a disclosable pecuniary interest [DPI] ~~is personal and prejudicial:~~

- ☐ **~~Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority; however see below for your right to attend and make representations.~~**
- ☐ **Don't try to represent ward views, or comment on the planning proposal as Ward member, but get another Ward Member to do so instead.**
- ☐ **Don't get involved in the processing of the application.**
- ☐ **Don't make written representations to members of the committee considering the application**
- ☐ **Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. You should avoid discussing an application in which you have a disclosable pecuniary ~~personal and prejudicial~~ interest with any member of the authority, in order to prevent any appearance of improper influence,. This would include, where you have a disclosable pecuniary interest ~~personal and prejudicial interest~~ in a proposal, using your position to discuss that proposal with Officers or Councillors when other members of the public would not have the same opportunity to do so.**
- ☐ **Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary ~~personal and prejudicial~~ interest to an appropriate officer, in person or in writing, the Code places greater limitations on you than would apply to a normal member of the public.**
- ☐ **~~Paragraph 12(2) of the Code of Conduct provides that you may speak at committee where you have a personal and prejudicial interest in a proposal to be put before a meeting, if there is public speaking at that committee. So, for example, under current arrangements, you would be permitted to speak for 3 minutes at Development Management Committee and answer any committee questions but must then immediately withdraw from the room whilst the meeting considers the application and makes its decision.~~**
- ☐ **Do notify the Monitoring Officer and Head of Economy in writing of your own planning, listed building or conservation area consent application (and that of any close relative or friend of which you are aware) ~~or where you are employed as an agent and note that:~~**

- notification to the Monitoring Officer and Head of Economy should be made no later than submission of the application;
- the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
- it may be advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee;
- you should take no part in the application's consideration or processing
- you do have a right to make written representations to officers about the proposal and but may not address the planning meeting unless you have obtained a dispensation from the Monitoring Officer or Standards Committee.

Officers' planning applications – the same rules apply as for councillors except that you may address the Development Management Committee/Planning Inspections Committee. You should not act as agent for people pursuing planning matters within the Council area.

4. FETTERING DISCRETION IN THE PLANNING PROCESS

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to its formal consideration at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.

Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- **Do not** use any political group meetings prior to the planning meeting to determine how you or other Councillors should vote. There is no objection to a political group having a predisposition, short of predetermination, for a particular outcome or for you to begin to form a view as more information and opinions become available but decisions can only be taken after full consideration of the Planning Officer's report and information and consideration at the planning meeting. The use of political whips to influence the outcome of a planning application is likely to be regarded as maladministration.
- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided:
 - the proposal does not affect the financial position of the consultee and is not the consultee's own planning application and

- you make it clear to the body carrying out the consultation that:
 - your views are expressed on the limited information before you only;
 - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
 - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
 - you disclose the personal interest regarding your membership or role when the Committee comes to consider the proposal.
- **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
 - **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
 - **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member where you have represented your views or those of local electors and fettered your discretion, provided you but do not have a disclosable pecuniary interest. ~~personal and prejudicial interest~~. Where you do exercise these speaking rights:
 - advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the item;
 - remove yourself from the member seating area for the duration of that item; and
 - ensure that your actions are recorded.
 - Do take advantage of the Council's Ward member consultation processes. The local knowledge of councillors means they have an important contribution to make to the planning process. The scheme of delegations [elsewhere in the Constitution] sets out the processes for ward member involvement in the planning process.

5. MEMBERSHIP OF PARISH COUNCILS AND OUTSIDE BODIES

- **Do** be aware that when deciding on a planning application at district council level, in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:
 - you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of :
 - (a) another local or public authority of which you are a member; or
 - (b) a body to which you have been appointed or nominated by the Council as its representative; or

(c) you are a trustee or company director of the body submitting the proposal and were appointed by the Council

- you should always disclose a ~~prejudicial as well as personal interest and~~ but may speak on the issue. You may also vote on the application provided you have not predetermined the application, as set out at paragraph 3 above and then withdraw.

6. CABINET MEMBERS

- There is no constitutional or legal reason why a Cabinet member should not also be a member of the planning committee and take part in the decision-making processes which are not part of the executive function.
- Be aware that you should not speak or vote on any matter which you have discussed at Cabinet unless you have demonstrated there and can do so at the relevant planning meeting that you have not predetermined the application.
- Do not take part in any planning meeting on a matter in which you may have been seen as advocating a proposal as a Cabinet Member.

7. CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

- Do refer those who approach you for planning, procedural or technical advice to officers.
- Don't agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development ~~Management~~ Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- Do otherwise:
 - follow the rules on lobbying;
 - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - report to the Development ~~Management~~ Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.
- ask relevant questions for the purpose of clarifying your understanding of the proposals but do not express any strong view or state how you or other Councillors might vote.

In addition in respect of presentations by applicants/developers:

- Don't attend a planning presentation unless an officer is present and/or it has been organised by officers.

- ❑ Do ask relevant questions for the purposes of clarifying your understanding of the proposals.
- ❑ Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- ❑ Do be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

8. LOBBYING OF COUNCILLORS

- ❑ Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may prejudice your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- ❑ Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- ❑ Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 (in accordance with the authority's rules on gifts and hospitality).
- ❑ Do copy or pass on any lobbying correspondence you receive to the Development ~~Management~~ Manager at the earliest opportunity.
- ❑ Do promptly refer to the Development ~~Management~~ Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- ❑ Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- ❑ Do note that, unless you have disclosable pecuniary interest ~~personal and prejudicial interest~~, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

- ☐ Do note that a failure to register a disclosable pecuniary interest within 28 days of election or co-option or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a councillor or co-opted member has a disclosable pecuniary interest, are criminal offences

9. LOBBYING BY COUNCILLORS

- ☐ Planning committee or local plan steering group members should in general avoid organising support for or against a planning application, and avoid lobbying other councillors
- ☐ **Do join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.**
- ☐ **Do register your membership of any lobby group. If you speak on behalf of a lobby group at a committee you should withdraw from the meeting once the public speaking on the item has been completed to avoid any suggestion of improper influence on the committee.**
- ☐ **Do declare the existence and nature of your interest in any lobby group at planning meetings so that members of the public are informed about interests that may relate to your decisions. Often this will be a personal interest and you can continue to participate but note that it can sometimes ~~be a prejudicial interest or lead to allegations of bias or predetermination~~ and in those circumstances you must withdraw from the meeting.**
- ☐ ~~Do not take part in any matter which relates directly to the lobby group of which you are a member rather than to the views it holds. If the planning meeting is discussing a planning application submitted by the group you should consider that you have a prejudicial interest and should act accordingly.~~
- ☐ **Do weigh up the following factors where your lobby group has expressed a public view on a matter and consider whether a reasonable member of the public, knowing the relevant facts, would think that you appear biased. The factors are:**
 - the nature of the matter to be discussed
 - the nature of your involvement with the lobby group
 - the publicly expressed views of the lobby group
 - what you have said or done in relation to the particular issue
- ☐ **Do not become a member of an organisation whose primary purpose is to promote or oppose specific planning proposals or those within a limited geographical area, as you may be perceived as having fettered your discretion.**
- ☐ **Do remember that if the local branch of a general interest group has been vociferous or active on a particular issue or you are closely associated with the management or decision making process of that organisation such as its Chairperson or a member of the planning meeting, it will become increasingly difficult to demonstrate your ability to judge the matter with an open mind and**

you may appear biased and therefore you should consider whether it is appropriate for you to take part in the decision making process.

- ❑ **Do not** publicly support a particular outcome on a proposal within your Ward or actively campaign for it if you wish to take part in the decision making process. It would be very difficult for you to demonstrate that you had the necessary degree of impartiality to properly weigh the arguments presented and the decision would be open to challenge. Again it is a question of maintaining the fine balance between a predisposition where your mind is not totally made up and a predetermination. This would, however, not prevent you from expressing the views of your constituents provided you are capable of determining the Application in accordance with the law.
- ❑ **Don't** excessively lobby fellow councillors about your concerns or views and don't attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- ❑ **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

10. SITE VISITS

- ❑ **Do** try to attend site visits organised by the Council where possible.
- ❑ **Do** explain to the Planning Inspections Committee why you are requesting a site visit. The reasons for a site visit will be recorded at Committee and a site visit should normally only take place where:
 - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
 - details of the proposed development cannot be ascertained from plans and any supporting information to Councillors satisfaction at the planning meeting; or
 - where design considerations are of the highest importance particularly in relation to the surrounding locality.
- ❑ **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- ❑ **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- ❑ **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- ❑ **Don't** hear representations from any other party, with the exception of the Ward Member(s) or statutory consultees who must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- ❑ **Don't** express opinions or views to anyone.

- ❑ **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit,
 - you have first spoken to the Development Management Manager about your intention to do so and why (which will be recorded on the file) and
 - you can ensure you will comply with these good practice rules on site visits.

11. PUBLIC SPEAKING AT MEETINGS

- ❑ **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- ❑ **Do** ensure that you comply with the Council's procedures in respect of public speaking.

12. OFFICERS

Councillors and officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Their relationship is based upon mutual trust and understanding and this must never be abused or compromised. Instructions to officers concerning individual planning decisions can only be given through a decision of the Council or the Development Management Committee and not by individual Councillors acting outside those powers. There is also a scheme of officer delegations which includes planning decisions where the matter is not referred to committee.

- ❑ **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Management Manager, which may be incorporated into any committee report).
- ❑ **Do not do anything which compromises, or is likely to compromise the officers' impartiality or professional integrity.**
- ❑ **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- ❑ **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- ❑ **Do** be aware of the Protocol for Relationships between members and officers.

13. DECISION MAKING

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with section 7054A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.
- **Do** delegate to the Head of Economy the detailed drafting of specific conditions that the Planning meeting may wish to add or amend when considering an application, ensuring that an explanation of why the change or addition is required is given to the planning meeting.
- **Do** have recorded the reasons for Committee's decision to defer any proposal
- **Do**, where necessary, consider the drafting of conditions for sensitive applications that the planning meeting wish to approve against Officer recommendation at the next meeting of the planning meeting to allow Officers to formulate appropriate conditions and provide the planning meeting with any relevant further information.

14. TRAINING

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the mandatory training which should help you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

15. INVOLVEMENT IN SECTION 106 AGREEMENTS

The guidance in respect of planning obligations is similar to that of planning conditions in that they must be relevant to planning and directly related to the proposed development if they are to be taken into account in making a decision on a planning application. Local Planning Authorities should not grant planning permission for unacceptable development because of unrelated benefits offered by the applicant and should not be unduly influenced by any benefits offered.

- Do remember that requirements to be included within Section 106 Agreements should be considered and discussed at pre-application stage. The Officers will provide advice on general requirements, but if you are aware of any additional potential requirements please refer these to the Development Manager~~Head-of Planning and Policy~~ as soon as you become aware of them.
- Do remember that the purpose of Section 106 Agreements is to help make acceptable, development which would otherwise be unacceptable in planning terms, by prescribing the nature of the development, or compensating for loss or damage created by the development, or to mitigate a development's impact. They must therefore be relevant to planning and relate fairly and reasonably to the development.
- Do include the potential content of Section 106 Agreements in the debate that takes place at planning meetings, whether you are a member of the planning meeting or a visiting Member who wishes to speak on the application.
- Don't hold formal or informal meetings with Applicants, Developers and Objectors over the contents of potential Section 106 agreements. If you feel that a meeting would be useful to clarify the issues, you should ask the Head of Economy to arrange such a meeting. In this way the relevant Officers can be at the meeting, and those present can be made aware that the discussions will not bind the authority, and that the meeting can be properly recorded on the application file and the record of the meeting disclosed when the application is considered.
- Do remember that it is imperative that a Ward Councillor's role continues after the completion of the Section 106 Agreement, by assisting Officers in ensuring that Section 106 Agreements are complied with. This includes noting when development is being undertaken and assisting Officers in ensuring triggers within Section 106 Agreements are complied with. Ward Councillors should contact Officers for any information on completed Section 106 Agreements.

16. BREACHES OF THE PLANNING PROTOCOL

Maintaining high ethical standards enhances the general reputation of the Council, its Councillors and its officers. Open and transparent decision making enhances local democracy and should lead to better informed citizens. This Planning Protocol, along with the Members' Code of Conduct are intended to promote these standards.

- Do be aware of your responsibilities under this Code and the Members Code of Conduct.
- Do report any apparent breaches of either the Code of Conduct or the Planning Protocol to the Monitoring Officer.
- Do seek advice if you are in doubt.

- Failure to comply with the Members Code of Conduct may lead to a complaint to the Monitoring Officer and its being referred to the Council's Standards Committee, which has the power to impose sanctions for breach. ~~Standards Committee who can, in certain circumstances disqualify a Councillor.~~ Failure to comply with this Planning Protocol may lead to a finding of Maladministration by the Ombudsman or could lead to a decision being challenged in the courts.
- Allegations on any breach of this Planning Protocol by Members may be referred to the Monitoring Officer ~~for referral to the Standards Committee,~~ the relevant Leader and/or Chief Whip of the political group.

17. FURTHER GUIDANCE ON PROBITY LOBBY GROUPS, DUAL-HATTED MEMBERS, AND THE CODE OF CONDUCT

The Monitoring Officer and Deputy Monitoring Officer will be pleased to assist with councillors' individual queries on the application of the Code of Conduct or this Planning Code of Good Practice.

Probity in Planning, September 2013, issued by the Local Government Association and the Planning Advisory Service

http://www.local.gov.uk/c/document_library/get_file?uuid=0cd60061-e3bb-416e-84ae-b0fa1febd215&groupId=10171

Openness and Transparency on Personal Interests: Guidance for Councillors, Department for Communities and Local Government, March 2013. [Note this is general guidance and does not reflect any additional requirements. East Devon has chosen to include in its member Code of Conduct.]

<https://www.gov.uk/government/publications/openness-and-transparency-on-personal-interests-guidance-for-councillors>

~~Standards for England has issued a series of guidance notes which may assist Members on the interpretation of the Code of Conduct. These include 'Lobby Groups and declarations of interest under the Code of Conduct' and 'Personal and Prejudicial Interests'. Also available is Standards for England's publication 'Predisposition, Predetermination or Bias, and the Code'. These are available on the Standards for England website:~~

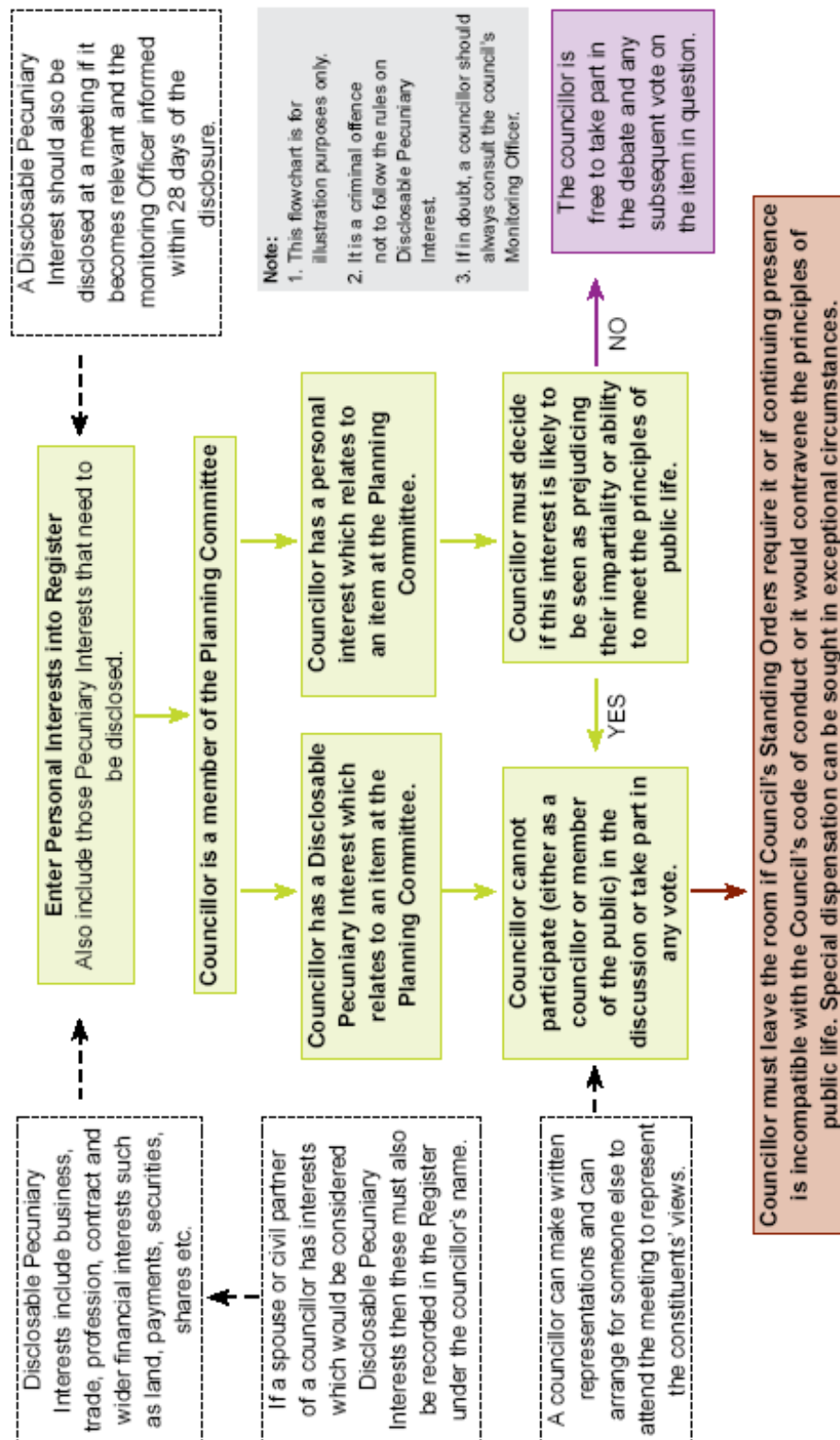
~~<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/CodeGuidance/>~~

~~<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/Quickguides/Lobbying/>~~

~~<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/Quickguides/Personalandprejudicialinterests/>~~

~~<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/Topicguides/PredispositionPredeterminationorBias/>~~

Flowchart of councillors' interests



Probity in planning for councillors and officers 17

Probity in Planning, April 2013, issued by the Local Government Association and the Planning Advisory Service

Memo

To: All Elected Members
From: Hannah Whitfield, Democratic Services
Tel: 01395 517542 Email: hwhitfield@eastdevon.gov.uk
Date: November 2013



Reminder of the need to:

- **keep your Register of Interests form up to date**
 - **register gifts and hospitality**
 - **check your online Councillor profile page**
 - **declare interests in planning matters to both the Monitoring Officer and Head of Economy (Development Manager in their absence)**
-

Register of Members'/Co-opted Members' Interests Forms

It is a legal obligation for Members to tell the Monitoring Officer in writing within 28 days of taking office, and within 28 days of any change to your register of interests, of any interests, which fall within the categories set out in the [Code of Conduct](#).

Please note, you must also declare any interest of a 'relevant person' (spouse or civil partner or of any person with whom you are living as husband or wife or as civil partners) on sections 1 – 6 of the Register of Interests form, as defined in the Code.

An update form is attached for you to add to or amend your main Register entry. If you need to view your completed Register of Interests form, you can do so by accessing your individual Councillor Profile page on the Council website: <http://www.eastdevon.gov.uk/councillors.htm>. Alternatively, you can contact a member of the Democratic Services Team who will email you a copy.

Since 2012, failure to notify the Monitoring Officer of a disclosable pecuniary interest without reasonable excuse has been a criminal offence. It is also an offence to knowingly or recklessly provide false or misleading information about a disclosable pecuniary interest. Any person may refer possible offences to the police for investigation; the courts have power to impose significant fines and/or disqualification from being a member or co-opted member for a period of up to five years.

If you have a large number of additions/amendments to make to your main Register entry, you are advised to complete a new Register of Members' Interest Form (also attached).

Updated guidance from the DCLG (Department for Communities and Local Government) on openness and transparency on personal interests can be viewed here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf

If you believe the public disclosure of an interest could lead to you or a person connected with you being subject to violence or intimidation, please contact the Monitoring Officer.

Register of gifts and hospitality

The Code of Conduct, Section 7.5, states that Members must declare, as a personal interest, any gifts or hospitality worth more than an estimated value of £25 received through virtue of your office. Such gifts or hospitality should be declared on your Register of Interest form and also to the Democratic Services Team using the following form:

http://inhouse/laganintegrations_hospitalityandgifts/default.aspx. Alternatively you can inform a member of the Democratic Services Team who will complete the online form on your behalf. Details required for the declaration include:

- Name of donor
- Detail of the gift or hospitality (including location)
- Estimated value
- Whether there are any known permissions or work the donor is interested in securing through EDDC

You are advised to also record the rejection of any gift or hospitality in circumstances where you have any concern that the person was seeking to influence you or it could be interpreted as such.

Gifts and hospitality received from 2 April 2012 can now be viewed on the Council's website: http://www.eastdevon.gov.uk/members_gifts_hospitality_received. Entries prior to 2 April 2012 are recorded in paper form and can be viewed by appointment at the Council Offices, Sidmouth during normal office hours.

Declaring interests in planning matters

It is a requirement under the Council's Constitution for Councillors to notify **both** the Monitoring Officer and Head of Economy (Development Manager) in writing of:

1. your own planning, listed building or conservation area consent application
2. a close relative or friend's planning, listed building or conservation area consent application of which you are aware.

Please note that:

- You must email or write to the Monitoring Officer and Head of Economy (currently the Development Manager in the absence of a Head of Service) no later than submission of the application.
- The proposal will always be reported to Development Management Committee as a main item and not dealt with by Officers under delegated powers;
- If it is your own application, it may be advisable for you to employ an agent to act on your behalf on the proposal in dealing with Officers and any public speaking at Committee;
- You should take no part in the application's consideration or processing;
- You will have a disclosable pecuniary interest in your planning application or that of a relevant person
- You do have a right to make written representation to Officers about the proposal but may not remain in the council meeting while the item is being considered or address the meeting unless you have obtained a dispensation from the Monitoring Officer.

If you are notifying officers of your interest in a planning matter by email (and this is preferable) their addresses are: monitoringofficer@eastdevon.gov.uk and efreeman@eastdevon.gov.uk.

The Code for Good Practice for Councillors and Officers dealing with Planning Matters is contained within the Council's Constitution and can be viewed here (page 191 onwards): http://www.eastdevon.gov.uk/constitution_2013.pdf

(Please note that the Constitution has not yet been updated to reflect Council approval, at its meeting on 23 October 2013, of the Standards Committee's recommendation that serving

Councillors should not act as agents for people pursuing planning matters within their authority. This is the case even if they are not involved in the decision-making on it. This provision is to be included in the Members' Code of Conduct and the updated Code of Good Practice on Planning Matters. Similar arrangements are to be put in place for officers.)

The latest Probity in Planning guidance for Councillors and Officers from the Local Government Association (LGA) and Planning Advisory Service (PAS) can be viewed here: http://www.pas.gov.uk/c/document_library/get_file?uuid=e0cde66c-8cda-4f56-b784-a45cdd41f089&groupId=10180

Online Councillor profile page

Please access your online Councillor profile on the Council's website and check that the details listed are correct. If there are any changes to be made, please inform the Democratic Services Team (democraticservices@eastdevon.gov.uk or phone 01395 517546). Councillor profiles can be viewed here: <http://www.eastdevon.gov.uk/councillors.htm>

For further information contact the Democratic Services Team on 01395 517546 or email democraticservices@eastdevon.gov.uk.

Standards Committee, 21 January 2013

Item 11 - Code of Conduct complaints update

This paper provides an update for the committee on outstanding complaint cases and new cases received since the last Standards Committee meeting (9 October) to date:

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct and outcome following consultation with Independent Person
Outstanding complaints:		
MO-C015	Town Councillor	<p>Complaint arisen following an exchange between the complainant and subject member. Complainant alleges that the Subject Member was offensive in their remarks.</p> <p>4a – you must treat others with respect, 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.</p> <p>Referred for investigation</p>
MO-C020	Town Councillor	<p>Complaint alleges that the Subject Member was disrespectful to the Chairman at a public meeting.</p> <p>Investigation completed. Finding of breach:</p> <ul style="list-style-type: none"> Councillor X was discourteous and disrespectful to a fellow councillor and therefore failed to follow paragraph 4(a) of the Town Council's Code of Conduct. <p>Councillor X brought their office into disrepute and therefore failed to follow paragraph 5(h) of the Town Council's Code of Conduct.</p> <p>Possibility of local resolution being sought. If not achieved Hearing to be arranged.</p>
MO-C021	Parish Councillor	<p>Complaint submitted by the Parish Council. Number of allegations made about the Subject Member's behaviour and conduct relating to a planning application in the village.</p> <p>8.2 - You also have a personal interest in any business of your authority where a reasonable person with knowledge of the relevant facts would regard the interest as greater than would affect the majority of residents or inhabitants in the affected area such that it is likely to prejudice your judgment of the public interest</p> <p>8.2 (d) -Where you have any interest in <u>any</u> business of the Council and you attend <u>any</u> meeting at which that business is to be considered, you must not seek to influence improperly any decision about that business.</p>

		<p>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</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>Referred for investigation</p>
MO-C023	Town Councillor	<p>Complaint alleges that the Subject Member was disrespectful to the Chairman at a public meeting.</p> <p>4a – you must treat others with respect.</p> <p>Informal Resolution. Case closed.</p>
MO-C024	Town Councillor	<p>Complainant alleges that the Subject Member raised an issue that was inappropriate for a public place.</p> <p>No further action. Case closed.</p>
MO-C025	Town Councillor	<p>Complaint alleges that the Subject Member was disrespectful to the Chairman at a public meeting.</p> <p>4a – you must treat others with respect.</p> <p>Informal resolution. Case closed.</p>
New complaints:		
MO-C026	District Councillor	<p>Complaint alleges that the Subject Member was disrespectful at a councillor briefing.</p> <p>4a – you must treat others with respect.</p> <p>No further action. Case closed.</p>
MO-C027	District Councillor	<p>Complainant alleges that the Subject Member attempted to further their own interests when making comments at a councillor briefing.</p> <p>4a – you must treat others with respect.</p> <p>5a – you must not use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.</p> <p>No further action. Case closed.</p>
MO-C028	Town Councillors x 3	<p>Complainant alleges that the behaviour of the Subject Members in a private session of the Council was bullying and intimidating.</p> <p>5c – you must not bully any person</p> <p>No further action. Case closed.</p>
MO-C029	Parish Councillor	<p>Complainant alleges that the Subject Member was rude and aggressive to a member of the public at a Parish Council meeting.</p> <p>4a – you must treat others with respect.</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into</p>

		disrepute. No further action. Case closed.
MO-C030	District Councillor	Complainant alleges that through letters published in a local newspaper the Subject Member intended to insult and undermine another group of councillors. 4a – you must treat others with respect 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute. No further action. Case closed.
MO-C031	Parish Councillor	Complainant alleges that the Subject Member brought the Council into disrepute by writing and circulating emails which contained false information. 4a – you must treat others with respect 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute. MO assessing.
MO-C032	Town Councillor	Complainant alleges that the Subject Member disclosed confidential information and brought their office into disrepute. 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. 5f – you must not disclose information given to you in confidence by anyone, or information acquired to you which you believe, or ought reasonable to be aware, is of a confidential nature... MO assessing.
MO-C033	District Councillor	Complainant alleges that the Subject Member's behaviour at a town council meeting was disrespectful and through their actions has brought their office into disrepute. 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. MO assessing.

MO-C034	Town Councillor	<p>Complainant alleges that the Subject Member disclosed confidential information and brought their office into disrepute.</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>5f – you must not disclose information given to you in confidence by anyone, or information acquired to you which you believe, or ought reasonable to be aware, is of a confidential nature...</p> <p>MO assessing.</p>
MO-C035	District Councillor	<p>Complainant alleges that the Subject Member's behaviour at a town council meeting was disrespectful and through their actions has brought their office into disrepute.</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>5f – you must not disclose information given to you in confidence by anyone, or information acquired to you which you believe, or ought reasonable to be aware, is of a confidential nature...</p> <p>MO assessing.</p>
Mo-C036	Town Councillor	<p>Complainant alleges that the Subject Member was disrespectful and bullying towards another member of the Town Councillor at a Council meeting and brought their office into disrepute.</p> <p>4a – you must treat others with respect</p> <p>5c – you must not bully any person</p> <p>5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute.</p> <p>MO assessing.</p>
MO-C037	Town Councillor	<p>Complainant alleges that the Subject Member was disrespectful towards another member of the Town Council at a Council meeting.</p> <p>4a – you must treat others with respect</p> <p>MO assessing.</p>
MO-C038	Town Councillor	<p>Complainant alleges that the Subject Member was disrespectful towards another member of the Town Council at a Council meeting.</p> <p>4a – you must treat others with respect</p> <p>MO assessing.</p>

MO-C039	Town Councillor	Complainant alleges that the Subject Member was disrespectful towards another member of the Town Council at a Council meeting. 4a – you must treat others with respect MO assessing.
MO-C040	Town Councillor	Complainant alleges that the Subject Member was disrespectful towards another member of the Town Council at a Council meeting and brought their office into disrepute. 4a – you must treat others with respect 5h – you must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office into disrepute. MO assessing.
MO-C041	Town Councillor	Complaint alleges that Subject Member was bullying towards another member of the Town Council and failed to treat them with respect. 4a – you must treat others with respect 5c – you must not bully any person MO assessing.
MO-C042	Town Councillor	Complainant alleges that the Subject Member disclosed confidential information. 5f – you must not disclose information given to you in confidence by anyone, or information acquired to you which you believe, or ought reasonable to be aware, is of a confidential nature... MO assessing.

For information - Complaints C032 – C042 relate to two meetings of one Town Council.

Since the new Standards arrangements were introduced in July 2012 there have been 27 complaints made to the Monitoring Officer which have been assessed, but have not been found to be Code of Conduct complaints.

Common factors for deciding that a complaint is not a Code of Conduct complaint include:

- the subject member not acting in their official capacity as councillor at the time;
- the subject member acting in their official capacity as a councillor, however the complaint concerns processes or the skills set of that councillor.

Agenda Item 12

Standards Committee

21 January 2013



Standards Committee

Forward Plan 2013/14

8 April 2014

Annual report
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.