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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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Appointed Reserve Independent Person (non-voting) – John Walpole

Standards Committee

Tuesday 8 April 2014

9.30 am (please note the earlier start time)

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/make statements. If a question does not relate to an agenda item, there is now a requirement (Council meeting 26 February 2014) for the question to be submitted to Democratic Services two working days before the meeting. This arrangement is in place to enable a considered response to be given at the meeting. The speaker is entitled to ask a supplementary question relevant to the advance-notice question. If a member of the public wishes to speak on an agenda item or to make a statement which does not require a response, no notice is required.
- The Chairman has the right and discretion to control questions to avoid disruption, repetition and to make best use of the meeting time.
- In addition, the public may speak on items listed on the agenda. After a report has been introduced, the Chairman will ask if any member of the public wishes to speak and/or ask questions.
- 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
1	Public speaking – 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 21 January 2014.	5 - 17
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	Standards review 2013/14 – The Committee is asked to note the review.	Monitoring Officer 18 - 26
8	Definition of a friend or close associate – Committee to note: The references we use to refer to a friend or close associate: 'a person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.'	Monitoring Officer -
	Investigators work to that definition and in practice ask questions such as how long have you known each other? In what context? Do your families know each other? Do you socialise with each other? Are they someone who you'd pop round to have a cup of tea with? Are they someone you feel loyalty towards? Would you be invited to their daughter's wedding?	

		Page/s
9	Guidance /advice on Councillors meeting with developers – As requested by the Committee at its last meeting a copy of the guidance/advice given to Town Councils is included for information.	Monitoring Officer 27
10	Motion on lobbying referred to Standards Committee by Council The Committee is asked to note that at the Council meeting held on 26 February 2013 Members agreed that the motion set out below be referred to the next meeting of the Standards Committee for clarification and debate. Motion - "Openness and transparency in the planning process is vital. This Council therefore agrees to include an item on the agenda of all Development Management Committee and Planning Inspections Committee meetings, requiring Members of those committees to declare if and who they have been lobbied by, about items on the agenda." There has not been sufficient time to prepare a report for this Committee meeting; however the Committee is advised that a report on this subject will be presented to the June Standards Committee. The Committee can use this opportunity to give their views on what should be included in the report.	Monitoring Officer -
11	Complaints update – The Committee is asked to note the update report.	Monitoring Officer 28 - 34
12	Forward Plan	Monitoring Officer 35

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 Tuesday, 21 January 2014

- Present:** Councillors:
Graham Godbeer (Chairman)
Susie Bond
Graham Chamberlain
Frances Newth
Co-opted non-voting members:
Cllr David Mason, Parish/Town Council member
Cllr Courtney Richards, Co-opted Parish/Town Council member
Ray Davison, Independent member
Tim Swarbrick, Co-opted Independent member
- Also present:** Alison Willan, Independent Person
- Councillors:
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 Peter Bowden, Committee member
Cllr Alan Dent, Substitute Committee member
Cllr Douglas Hull, Substitute Committee member
John Walpole, Reserve Independent Person

The meeting started at 10:00 am and ended at 11:17 am

- *28 **Public question time**
There were no questions asked.
- *29 **Minutes**
The minutes of the Special Meeting of the Standards Committee held on 9 October 2013 were confirmed and signed as a true record.
- *30 **Declarations of interest**
There were none.
- 31 **Public speaking at committee meetings – Cabinet recommendations**
Following their last meeting, the Standards Committee’s recommendations on public speaking arrangements were referred to Cabinet prior to consideration by Council. In their recommendations, the Committee had included a requirement that any amendment by Cabinet on this issue be referred back to the Committee for consideration.

31 **Public speaking at committee meetings (continued)**

Cabinet at its meeting on 27 November 2013 considered a report on public speaking arrangements (this report was circulated to the Committee for information) and recommended approval to Council of the changes proposed by the Standards Committee, subject to amended recommendation (c) being referred back to the Committee for consideration.

Cabinet had recommended approval of the Committee's four other proposed changes to the public speaking arrangements (a, b, d and e) and therefore it was not considered necessary to debate these further. The Chairman invited the Committee to consider Cabinet's recommended amendment to (c) before making recommendations to Council. This amendment sought to differentiate between questions relevant to the agenda and those that did not relate to agenda items. Where the public wished to raise a question on an issue not listed as agenda item for that meeting, it would need to be submitted in writing two clear working days in advance. This would allow Officers and Councillors preparation time, which was felt to be of greater benefit to the public as it would enable responses given to be well considered and researched. The speaker would be able to ask a supplementary question relevant to the original question. Notice of the question would not be required if the question related to an item on the agenda. The Monitoring Officer advised that the recommendation was in line with arrangements operated by other councils in Devon and sought to maximise the opportunity for good communication with the public in council meetings by providing a reasonable and accurate response.

Points raised during discussion about the amendment to recommendation (c) included:

- Some questions posed during public question time required technical knowledge in order for a satisfactory and accurate response to be given. Receiving the question in advance would allow arrangements to be made for an appropriate officer to be present to answer the question or for a written response from the appropriate officer to be read out.
- Submitting questions in advance should be preferable and not essential so that members of the public were not precluded from asking a question which had not been submitted in advance at the meeting. There was concern that events/issues arose at short notice and therefore it might not be possible to submit a question two working days before the meeting.
- It was dispiriting for a member of the public who had made the effort to attend a council meeting to ask a question to be told that it was not possible to give an answer and a response would be sent to them.
- Suggested that a more balanced approach might be to say that questions in advance were preferable in order for a considered answer to be given and that a response to a question not submitted in advance could not be guaranteed at the meeting.
- Concern was raised that the amendment could be seen as trying to control questions.
- Introduce the change initially for a six month trial period and bring back to the Committee to review (including gathering feedback from members of the public who had asked questions during that trial period) before making a recommendation to Council about whether or not it should be implemented permanently.

31 **Public speaking at committee meetings (continued)**

RECOMMENDATION

that Council considers the following changes, endorsed by Cabinet and Standards Committee, to the 'public question time' element of the public speaking arrangements (excluding Licensing and Enforcement and Development Management Committees):

- 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. This change would be introduced initially for a six month trial period and then reviewed by the Standards Committee;
- 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.

32 **Complaints procedures review**

The Committee considered the Monitoring Officer's report on proposed revisions to the complaints review process. This review followed 18 months of operation of the new Code of Conduct and Complaints Process adopted following the introduction of the Localism Act 2011 and effective since July 2012.

The following revisions were proposed to improve the efficiency and effectiveness of the complaints process:

- The options available to the Monitoring Officer at the assessment stage of a complaint include a further option – 'other action' (such as referral to political group leader(s), referral to the town/parish council or recommended training. This along with the proposed revised process explanation for the public and councillors, appendix A, allowed more flexibility for the Monitoring Officer in handling complaints. This also strengthened the ability at the assessment stage for the Monitoring Officer to decide that whilst there might be evidence to suggest a potential breach of the code, the circumstances do not warrant any further action.
- Subject members (councillors complained about) be given the option of making the complaint decision public. The complaint process was currently confidential (unless it reached the hearing stage) and therefore the councillor complained about was unable to comment publicly on the outcome of a complaint even when details of the complaint were in the public domain – this was seen as unfair to the subject member, particularly when a complaint was not upheld.
- Given the number of complaints received since the new Standards arrangements were introduced it was proposed that the Council had two Independent Persons rather one plus a reserve (as originally agreed by Council on 27 June 2012). The Monitoring Officer would continue to select which Independent Person to consult with on a case-by-case basis as per current practice, but the status of both would be equal.
- An extra step had been added to the Hearings process (appendix B) at point 11 following feedback from complainants that they would have liked the opportunity to comment on the investigator's and subject member's representations.

The flowchart (appendix A) designed to help the public and councillors understand the complaints' process was welcomed.

In response to questions, the Monitoring Officer clarified the following:

- Situations where a 'proposed informal resolution' might not be accepted, included the subject member not being willing to engage; the complainant not accepting the proposed offer; and the Monitoring Officer (after consultation with the Independent Person) deciding that the proposed resolution (if proposed by the complainant or subject member) was an acceptable way to resolve the complaint. The Committee was advised that in practice few complaints had been resolved through informal resolution.
- (Appendix B, Hearings process, point 15) At a Hearing the Sub-Committee might conclude that the Councillor had not failed to follow (not breached) the Code of Conduct, however they might still decide to make a recommendation to Council, for example for councillors to receive training on a particular subject. A member of the Committee suggested amended wording to make this point clearer.

32 **Complaints procedures review (continued)**

- Only the subject member would be consulted about whether they wished for details and the outcome of a complaint to be published – not the complainant.

RECOMMENDATION:

1. that Council agrees the revised complaints processes as set out in appendices A and B, which includes an amendment to point 15 of appendix B (Hearing process) to replace 'failed to follow the Code of Conduct' with 'breached the Code of Conduct'.
2. that Council agrees that the Reserve Independent Person be now described as Independent Person and that the Monitoring Officer select which Independent Person to use on a case by case basis and that the Independent Person protocol be updated accordingly.

33 **Updated Member Code of Conduct and Planning Code**

The Committee considered the Deputy Monitoring Officer's report, which pulled together and updated Members on various pieces of work undertaken following Committee recommendation and subsequent Council approvals in relation to the Member Code of Conduct and Code of Good Practice for Councillors and Officers dealing with planning matters. Both documents sat within the Council's constitution.

The Deputy Monitoring Officer advised that Council, at its meeting on 23 October 2013, had agreed to amend the Code of Conduct and Code of Good Practice for Councillors and Officers dealing with planning matters so that Members may not act as agent for people pursuing planning matters within the Council's area. Similar arrangements had been put in place for officers. The Committee noted that the updated Code of Good Practice now also referred to legislative change and recent government guidance, such as the probity in planning guidance. The Deputy Monitoring Officer highlighted that one of the results of the abolition of the national Code of Conduct was that councillors could no longer speak on their own planning applications at Development Management Committee due to them having a disclosable pecuniary interest in their own application; therefore the law did not permit them to speak or vote. In exceptional cases, a dispensation could be sought, however in practice most councillors were likely to make other arrangements such as having an agent attend the meeting.

A flow chart was incorporated within the Code of Good Practice to assist councillors with declaring personal and pecuniary interests.

A further amendment to the Code of Conduct was recommended to make it explicit that councillors should have regard to the protocols incorporated in the Council's constitution.

In response to a question, the Deputy Monitoring Officer advised that democratic services held a log of training undertaken by councillors. Members of both the Development Management and Licensing Committees were required to undertake mandatory training before taking part in a meeting; this training could be carried out through one-to-one training with the appropriate lead officer.

33 **Updated Member Code of Conduct and Planning Code (continued)**

The Deputy Monitoring Officer clarified that provision was made within the constitution for work of a referenced post to be delegated to another officer if that post became vacant. In the case of the vacant Head of Economy post a majority of planning related work was delegated to the Development Manager.

RESOLVED: that the Committee notes the availability on the Council's website of the updated Councillor Code of Conduct and Planning Code of Good Practice, within the constitution.

RECOMMENDATION : that Council approves an amendment to the Councillor Code of Conduct, so it contains a provision that councillors must have regard to the codes and protocols forming part of the Council's constitution.

*34 **Memo to all Councillors about updating interests and registering gifts and hospitality**

A copy of the annual memo sent to all Councillors via email reminding them of some of their responsibilities under the Code of Conduct was included for the Committees' information. The Monitoring Officer advised that the Chairman would be asked to read out a shortened version of the memo at the next Council meeting.

The memo reminded councillors of the need to:

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

In response to a query about the difference between declaring an application submitted by a friend and an acquaintance, the Monitoring Officer advised that she would circulate a useful definition.

RESOLVED 1. that the Committee notes the memo;
2. that the Monitoring Officer circulates a definition of friend and an acquaintance to councillors.

*35 **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 since the last meeting.

The Monitoring Officer reported that the level of complaints currently being received was high and was generating a lot of work. She had spoken to the monitoring officer of a neighbouring authority and they had not received anywhere near the same level of complaints.

In response to a question, the Monitoring Officer advised that a majority of recent complaints were about town councillors and covered a wide range of issues. She had met with one particular town council to try addressing some of the issues that had been raised.

***35 Complaints update (continued)**

The cost of assessing and investigating complaints was raised and in response the Monitoring Officer advised that the cost of investigations was known, but not the whole cost of in-house staff time. This was something that she could look to provide for the next meeting.

In response to questions about guidance for councillors meeting with developers, the Monitoring Officer advised that this was something she had advised on following discussions with the Devon Association for Local Councils (DALC) and would circulate to councillors. It was considered appropriate for a parish or town council to meet with a developer in private at the very early discussion stages about the principle of a development. This allowed the developer to brief the councillors and understand some of the issues a particular village/town might have with what was initially outlined, without causing unnecessary confusion or worry to the public; as an application might not ever be submitted. Notes of such meetings could be made available to the public, if appropriate. Councillors were required to abide by the Code of Conduct whether a meeting was held in public or in private. It was not believed that the developer would be seeking a technical view on whether a development was acceptable from the parish or town as this was the role of district council officers. If an application had been submitted to EDDC, it was then considered appropriate for any meetings of the parish or town council about the development to be held in public.

RESOLVED

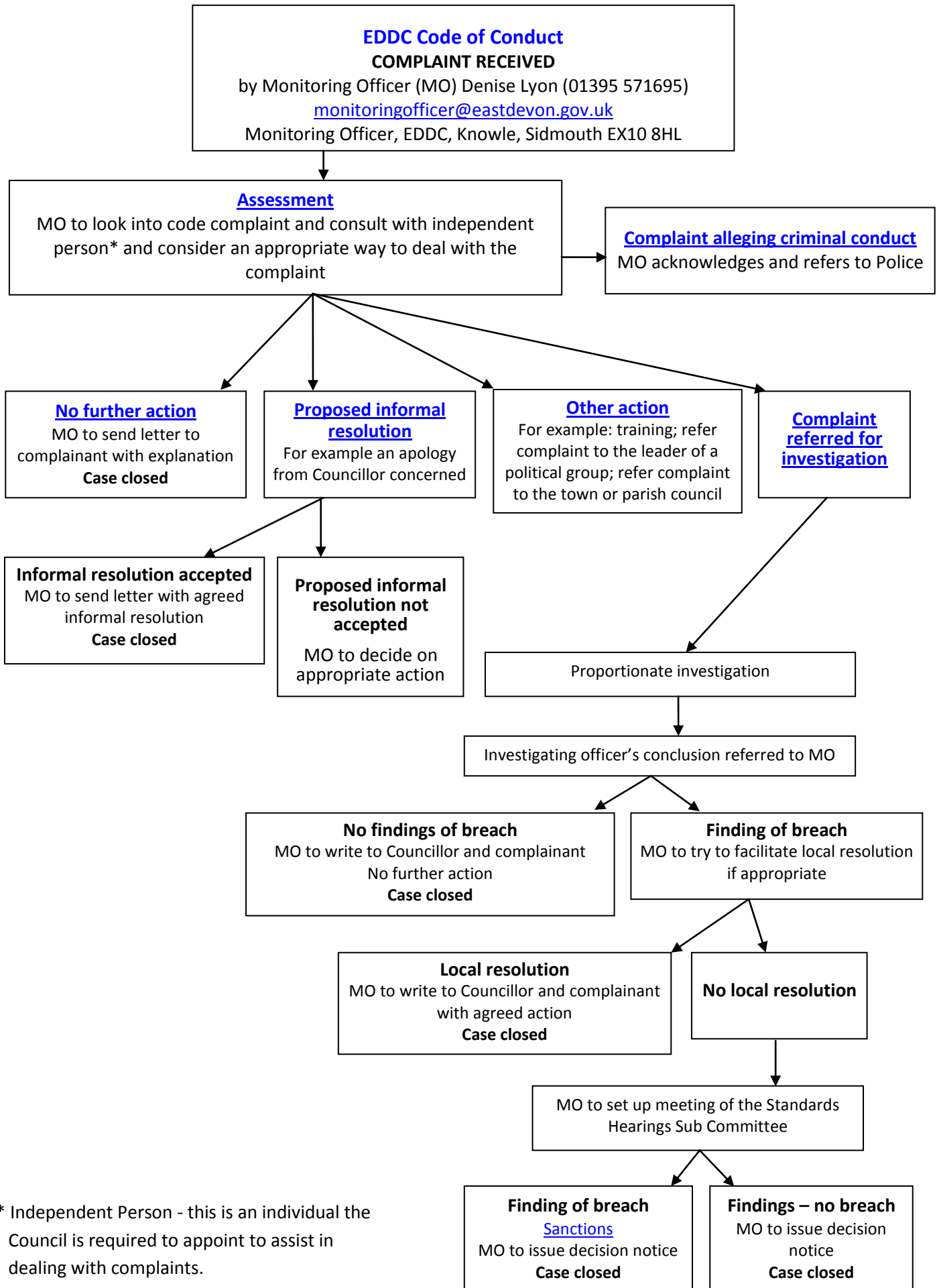
1. that the Monitoring Officer provides a cost breakdown for considering complaints for the next meeting.
2. that the Monitoring Officer circulates the guidance/advice on councillors meeting with developers.

***36 Forward Plan**

The Committee noted the contents of the forward plan and future meeting dates.

A review of the public speaking arrangement requiring two days notice for questions not related to an item on a Council agenda, if agreed by Council, would be added to the forward plan.

Chairman Date



* 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 breached 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 7

Standards Committee

8 April 2014

DL



Standards review

Summary

This report reviews the 2013/14 year in the life of the Standards Committee. It outlines:

- the key areas of work for committee members
- the standards training
- local review of our processes since the localism Act 2011 changes
- analysis of Code of Conduct complaints.

Recommendation

Members note the review of the 2013/14 year and the annual events schedule.

a) Reasons for Recommendation

To monitor and plan activities in relation to the Standards Committee.

b) Alternative Options

The Committee can decide it does not wish to have an annual report.

c) Risk Considerations

No particular risks to note.

d) Policy and Budgetary Considerations

There has been a resource impact in dealing with the many issues and complaints that fall to the Deputy Chief Executive and Monitoring Officer to consider. Workload has increased for her and her Deputy, and also for one Democratic Services Officer who is training in how to assess complaints, and the Monitoring Officer's Personal Assistant who administers the complaints process. The transformation work previously undertaken by the Deputy Chief Executive and Monitoring Officer is now stalled or picked up elsewhere in Management Team in order to make this workload manageable.

e) Date for Review of Decision

Annual review

1 Main Body of the Report

1. The Council, through its Standards Committee, has a duty to promote and maintain high standards of conduct by members. In July 2012, in response to the Localism Act 2011, the Council introduced a new Code of Conduct for councillors and revised standards arrangements; the committee make up was changed to meet the new legal requirements, the process for making complaints about councillors revised and an amended registration of interests form introduced.
2. During 2013/14, the Code of Conduct and the complaints process were both reviewed in light of experience and national guidance, and the Standards Committee agreed amendments in January 2014. In effect, the complaints process became more flexible in terms of options open to the Monitoring Officer at the assessment stage, and the Code of Conduct was amended to bar sitting councillors from also operating as planning agents in the District.
3. The Standards Committee spent considerable time debating the issues introduced by the growing prominence of social media in our lives, and a Policy was agreed by Council on 23 October 2013. Linked with this was the wider debate about public engagement and speaking at Council meetings, and again, there have been several discussions over the year about the best way to enable productive dialogue between the public and the Council. Specifically, members have been considering how best to facilitate public speaking and questions at our committees.
4. An important arm in support of maintaining high standards of conduct is the training and personal development opportunities open to members. During the year, the Monitoring Officer and Deputy ran training for district councillors to remind them of the key features of the new standards regime and to update members with national messages and learning. I have attached a link to this information here:
http://www.eastdevon.gov.uk/2013_code_of_conduct_4_dec_2013_council.pdf .
A repeat is planned for May 2014 and the invite will be extended to Town and Parish Clerks. Members on Development Management Committee and Licensing Committee also have compulsory training given the quasi-judicial nature of their decisions.

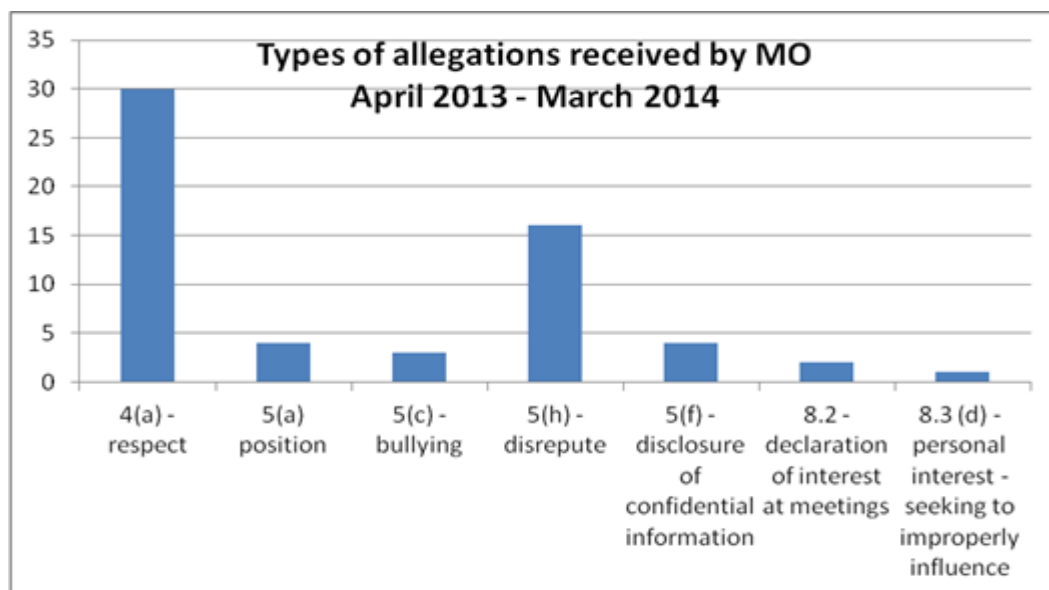
The development opportunities offered and taken up by members (details appended) were recently presented to the Overview and Scrutiny Committee (27 February 2014) by the Portfolio Holder – Corporate Services. Training/development opportunities are provided to support councillors in their various roles within the council. Rather than relying on providing one-size fits all courses and training, every effort is made to provide tailor made (often in-house) training. Best learning is when councillors take responsibility for their own development – knowing where to find information and where to go for support. For example: shadowing, attending cabinet meetings, taking an active role in working parties and task and finish forum and using the links in the Knowledge to keep up to date with local and national issues

5. The Standards Committee has the facility to communicate key messages to Council and it does this through the Chairman, for example, to remind all members at Council of the obligations in relation to registering interests amongst other things, as well as highlighting particular rules, such as the need to let the Monitoring Officer know about their own, or their friends,' planning applications.

6. There has been one request for a dispensation considered by the Committee and none by the Monitoring Officer. The June 2012 Council meeting report outlined the criteria for decision-making. As a precautionary approach, the Monitoring Officer granted all members a dispensation to enable their participation in the setting of the Council tax in 2013/14, 2014/15 and 2015/16. This was needed because of the lack of clarity in government regulations, as to whether members who paid Council Tax in East Devon had a disclosable pecuniary interest where they also had a beneficial interest in a property. Although the lack of clarity in the regulations remains, the Department for Communities and Local Government issued guidance in September 2013 to the effect that it considers dispensations are not necessary in relation to council tax setting, even where a councillor has a beneficial interest in a property in East Devon. Members will be aware that guidance cannot override legislation; however it is considered very unlikely that members risk prosecution in these circumstances given the government advice at national level.

7. Complaints made to the Monitoring Officer

- a. Total April 2013 – March 2014 = 72 (2011/12 = 42 and 2012/13 = 31)
- b. Of the 72 in 2013-14, 42 were Code complaints, 18 were non-Code (about a councillor but not alleging a breach of the Code of Conduct) and 12 were ‘other’ complaints, for example questioning events at a Town Council or asking for the Monitoring Officer review of a major piece of work, for example, the Local Plan process.
- c. The chart below sets out the type of Code of Conduct allegations received by the Monitoring Officer from April 2013 to March 2014. Often the complainant refers to more than one paragraph of the Code of Conduct in their complaint.



- d. Of the 42 Code complaints received in 2013-14, the breakdown is:
 7 x District Councillor
 25 x Town Councillor
 10 x Parish Councillor
- e. Following MO assessment of the 42 Code complaints, the outcome was:
 Informal resolution/mediation x 2
 Investigation leading to a Hearing x 2
 Other action (such as referral to Town Council) x10
 No action taken x 17
 Currently under assessment x 11

- f. One of the Independent Persons was consulted on each case.
- g. The annual cost for assessing Monitoring Officer type complaints is £64,934, which has been calculated based on an estimate of officers' time spent assessing, investigating and administering complaints as part of their job role. Officers dealing with the Code of Conduct complaints process are: Monitoring Officer; Deputy Monitoring Officer, PA to Monitoring Officer, Democratic Services Officer; and Investigating Officer. There is also a small cost associated with the statutory Independent Person role.

8. Complaints made to the Ombudsman

The average number of complaints for a district/borough council per year is 10 (according to the Ombudsman's website)

In 2012/13 we received 21.

Comparison with other local authorities in the area:

West Devon: 6

Exeter: 10

South Somerset: 12

Mid Devon: 8

Teignbridge: 13

South Hams: 25

- 9. I have attached here a table of typical annual events in the life of the Standards Committee. There are issues that arise which members add to the Committee's Forward Plan; however, this table is a prompt for key activity in the normal cycle of work.

Item	Date required by/how often	Comments
Review of adopted Code of Conduct complaints procedures	Every 1 – 2 years	21 January 2014 – the complaints process was reviewed and revised (including the Hearings Procedure). The Committee's recommendations were approved by Council at its meeting on 26 February.
Complaint updates	Report quarterly to committee meetings	New complaints and progress updates on existing complaints
Annual complaints report to Standards Committee	April	Year end numbers
Annual report to Standards Committee on gifts and hospitality	June	Year end numbers and review of procedures if necessary
Annual report to Council by Chairman of Standards Committee	Annual Council (May)	

Item	Date required by/how often	Comments
Annual reminder to District, Town and Parish Cllrs about updating register of interest forms and registering gifts and hospitality	Send annually in May/June – include a copy of the reminder on the Committee agenda as confirmation in June/July	Enables the Standards Committee to monitor good practice.
Review of Anti bribery policy	June 2015	
Review of Anti fraud, theft and corruption policy	June 2015	
Review of whistle blowing policy	June 2015	
Review of Social Media Policy	Oct 2015	This policy was recommended for approval 9 October 2013 and approved by Council on 23 October 2013.
Review Code of Corporate Governance statement	Annually	With the Head of Finance
Review of training needs	Monitor quarterly if required and report annually (October)	To include all aspects of District Councillor development. To cover Code of Conduct Training and associated development needs for District and Parish Councillors
Review of Code of Conduct	Periodically as needed	On-going. The Code was reviewed by the Standards Committee at its January 2014 meeting. It recommended an amendment so it contains a provision that councillors must have regard to the codes and protocols forming part of the Council's constitution. This was approved by Council at its meeting on 26 February 2014.
Review of protocol on the relationship between members and officers	May	Reviewed in constitution update at May Council

Legal Implications

These have been incorporated within the report.

Financial Implications

No financial implications have been identified in the report.

Consultation on Reports to the Cabinet

-

Background Papers

[2013/14 standards training powerpoint presentation](#)

[Council Code of Conduct](#)

[Council Code of Conduct complaints process](#)

Denise Lyon dlyon@eastdevon.gov.uk
Deputy Chief Executive and Monitoring Officer

Standards Committee
8 April 2014

Item 7 – Appendix to Standards Review

MEMBERS' TRAINING 2011-2013

Date	Training/Conference	No
17/05/2011	Member Induction and Refresher Day	49
19/05/2011	Information Security Briefing (ICT) & Citrix (Mark Snell, ICT)	16
25/05/2011	Chief Executive Briefing prior to Annual Council	36
01/06/2011	Planning Training	23
02/06/2011	Licensing Training	13
07/06/2011	Planning Training - Policy & Delegations	23
08/06/2011	Information Security Briefing (ICT) & Citrix	9
27/06/2011	Community Council Members Forum - Annual Community Visit	1
28/06/2011	Building Control Seminar	17
30/06/2011	Tobacco Control Plan Briefing Event	1
06/07/2011	Code of Conduct / Standards Training	9
07/07/2011	Chairing Meetings	1
07/07/2011	Overview and Scrutiny Training	14
07/07/2011	Sport and Play Enterprise Conference	1
08/07/2011	Development Management Committee Training	1
13/07/2011	Council Budget Workshop	27
20/07/2011	Housing Seminar	21
21/07/2011	Visit to Dunning Court, Thelma Hulbert Gallery & East Devon Business Centre	9
27/07/2011	Chief Executive's Briefing before Council	26
27/07/2011	Towards 2026: The Prospects for Farming & Rural Enterprise	24
12/08/2011	Gambling Act Training/ Seminar on Gaming Machines	1
15/08/2011	Development Management Basics	11
03/09/2011	Planning Summer School 3-5 September	2
07/09/2011	LG Group Annual Rural Conference	1
14/09/2011	Media Skills	2
21/09/2011	Observation at Delegation Session	1
22/09/2011	Audit and Governance Training	15
29/09/2011	Planning Online / Member Intranet Training	8
29/09/2011	Opening up Public Services: Transforming Public Service Delivery	1
03/10/2011	Affordable Rural Housing Seminar	2
10/10/2011	Understanding the National Planning Policy Framework	1
13/10/2011	Gambling Act Training/ Seminar	8
15/10/2011	South West Regional Tree Warden Forum	1
25/10/2011	Engaging Young People	13
25/10/2011	Young Advisors Workshop	15
14/11/2011	Chairing Skills	3
21/11/2011	Training for Members of Licensing Committees	9
21/11/2011	New Recycling Centre for Sidmouth - Exhibition Preview	3

Date	Training/Conference	No
25/11/2011	Introduction to Scrutiny	4
29/11/2011	Making it Local - The Way Ahead	4
30/11/2011	Introduction to Computing for Complete Beginners - Topsham Blind Association	1
Jan 2012	Design Review Panel	5
16/01/2012	Local Government Summit 2012: Open for Business Delivering Local Growth	2
26/01/2012	Emergency Management Training for Devon Elected Members	1
27/01/2012	Leading Myself through Tough Times for Councillors	3
07/02/2012	Exe Estuary Forum	3
07/02/2012	Permitted Development Presentation	16
07/02/2012	Town Centre Solutions Workshop	1
08/02/2012	The Localism Act - over to you'	1
15/02/2012	Planning Open Evening	42
22/02/2012	Chief Executive's Briefing	36
28/02/2012	Police and Crime Commissioners: Scrutiny Workshop	1
29/02/2012	The Housing Service - New Challenges and Welfare Reform	15
06/03/2012	Growth Point Update Seminar for Development Management Members	11
07/03/2012	Joint meeting: Corporate Services & Corporate Business Portfolio Holders Think Tanks	10
13/03/2012	Exmouth Tour	14
14/03/2012	Plain English Workshops (14 & 15 March)	22
15/03/2012	Securing the Future of Our Natural Environment	1
16/03/2012	Community Infrastructure Levy - A District Perspective	1
20/03/2012	Code of Conduct - Governance Issues; Licensing Overview & Role of Ward Member	15
27/03/2012	LGA Housing and Planning Masterclass	2
03/04/2012	Planning Training – Localism Act and its impact on planning	13
03/04/2012	Community Safety Partnership Annual Conference	1
17/04/2012	Building Control - Meet the Team	16
01/05/2012	Tour of Growth Point Sites	31
03/05/2012	Speed Reading	15
08/05/2012	Environment Seminar (Rural Services Network)	1
14/05/2012	Localism in Practice	4
17/05/2012	Queen's Diamond Jubilee Celebration	19
07/06/2012	Audit and Governance Awareness Session	7
12/06/2012	Development Management Committee Training - Appeals Process	12
27/06/2012	Code of Conduct Training	43
02/07/2012	Chairing Meetings	1
03/07/2012	Developments in Local Authority House Finance in England 2012	1
03/07/2012	Writing Persuasive Reports	2
03/07/2012	Plain English	1
04/07/2012	Police and Crime commissioner Transition Advisory and Consultative Group	1
28/08/2012	Licensing training on TENS (Temporary Event Notices)	7
11/09/2012	Annual Rural Commission and Conference (2 days)	1
24/09/2012	Stop Loan Sharks	9

Date	Training/Conference	No
26/09/2012	Neuro Linguistic Programming	1
04/10/2012	CIPFA Effective Audit Committees Course	1
09/10/2012	Environment Agency Exe Estuary Flood & Coastal Erosion Risk Management Strategy	4
10/10/2012	South West Audit Partnership – Workshop	8
10/10/2012	Domestic Violence Training	2
23/10/2012	Making it Local - Forum & Funding Fair at Bicton EaRTH	1
30/10/2012	Engagement Training	6
06/11/2012	Social Media Training	3
07/11/2012	Engagement Training	6
12/11/2012	Heritage Champions Conference	1
18/11/2012	Opening of 'The Axe Estuary Wetlands - an exciting future'	5
21/11/2012	Plain English	1
06/12/2012	Writing in Plain English	1
28/01/2013	Social Media Training	10
21/02/2013	The Future of UK Resilience	1
13/03/2013	Public Service Mutuals Roadshow	1
19/03/2013	Renewable Energy Marketplace	3
18/04/2013	(and 25/4/2013) Multi-Agency 2 Day Substance Misuse & Young People Course	1
26/04/2013	Licensing Fees - South West Regional Training Day	3
08/05/2013	Service User Engagement Strategy Policy: Engagement through Empowerment	1
16/05/2013	Communication Skills	2
May 2013	Housing Review Board briefing	1
04/06/2013	Planning Refresher Course	7
11/06/2013	Rural Youth Seminar	1
11/06/2013	Standards Committee Briefing	1
11/06/2013	Building Health into Housing: Tackling Inequalities & Improving Local Outcomes	1
20/06/2013	Creating Garden Cities & Suburbs	1
28/06/2013	Audit Committee Members Training	4
05/07/2013	A story of your place: a comprehensive analysis of the area	13
23/07/2013	Flood & Emergency Forum	17
04/09/2013	LGA Annual Rural Conference	1
17/09/2013	Facilitation & Conflict Resolution Programme	1
20/09/2013	Characterisation - making sense of place	1
07/10/2013	Airports Commission Briefing for Local Government	1
25/10/2013	Planning that meets the needs of current and future generations	2
30/10/2013	Office relocation: Confidential briefing	35
31/10/2013	The Future of the National Planning System	1
01/11/2013	Advanced Chairing Skills	5
04/12/2013	Code of Conduct Training	36
06/12/2013	Scrutiny Skills	2

Item 9

Meeting with Developers – Monitoring Officer advice to Town and Parish Councils

“It is up to each Town/Parish Council to determine whether circumstances exist to justify holding a meeting in private and EDDC has no authority to intervene in this internal process. I would say though, that the advice from the Devon Association of Local Councils and myself at the District Council is that it is helpful for town and parish councils to be briefed privately by developers in the early stages of their thinking. This allows the Council to clearly communicate known community objectives and needs to the developer, so that they can consider these in the (sometimes lengthy and expensive) process of developing the detail of the application.

I think there are two issues which are particularly relevant. One is that the plans may well be commercially sensitive if they are at a very early stage, and so not appropriate for public viewing. The second is that once developers make their minds up to actually apply for permission, the whole process is then open to the public. I think it would be confusing for the public if the early stage plans, which are likely to change, and are often put on hold, were shown in public as a step prior to the actual public consultation process.

We all, I think, would like to see a sensible way for community representatives to steer developers to well designed, well thought out development which come into the public domain as a considered and informed application. I understand that some people can jump to the conclusion that somehow these are ‘secret’ meetings with inappropriate motive, but I don’t think that is a reasonable position to take if you consider my previous paragraph. I would also point out that even in private meetings, councillors are still bound by the Code of Conduct as they are acting in their official capacity.

The Information Commissioner has recently judged that ‘pre-application’ meetings between the District Council Planning Team and developers are confidential until the application is actually made. At that point, any notes of the pre-application meetings are included on the public documents. My advice to town and parish councils is that the same principle applies to them, although clearly, they are not in a position to be advising professionally and may well not have notes given that the nature of the meetings is usually more akin to a briefing.”

Denise Lyon
Deputy Chief Executive and Monitoring Officer
April 2014

Standards Committee, 8 April 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 (21 January) 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. Final report issued – Investigator Officer finds that subject member was acting in official capacity at the time of the exchange and had failed to follow paragraph 4(a) of the Code of Conduct. Local resolution currently being discussed.</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>Local resolution not be achieved, therefore referred to Standards Hearing.</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. Final report issued – Investigator Officer finds that:</p> <ul style="list-style-type: none"> • Councillor X had a personal interest in planning applications at xxxxxxxxx, and by speaking and voting, sought to influence improperly the decisions on them. Councillor X therefore failed to follow paragraph 8.2(d) of the Code of Conduct. • Councillor X was not disrespectful to others and did not, therefore, fail to follow paragraph 4(a) of the Code of Conduct. • Councillor X did not bully any person and did not, therefore, fail to follow paragraph 5(c) of the Code of Conduct. <p>Local resolution not be achieved, therefore referred to Standards Hearing.</p>
MO-C031	Parish Councillor	<p>Complainant alleges that the Subject Member brought the Council into disrepute by writing and circulating emails which contained false information.</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 disrepute.</p> <p>MO assessing</p>
MO-C032	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>Other action – referred to Town Council. Case Closed.</p>

MO-C033	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>No further action. Case closed.</p>
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>Other action – referred to Town Council. Case Closed.</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>No further action. Case closed.</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>Other action – referred to Town Council. Case Closed.</p>

MO-C037	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 Other action – referred to Town Council. Case Closed.
MO-C038	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 Other action – referred to Town Council. Case Closed.
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 Other action – referred to Town Council. Case Closed.
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. Other action – referred to Town Council. Case Closed.
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 Other action – referred to Town Council. Case Closed.
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... Other action – referred to Town Council. Case Closed.

New complaints:		
MO-C043	Town Councillor	Complainant alleges that subject member had unfairly represented other Members and acted in a disrespectful manner. 4a – you must treat others with respect Other action – referred to Town Council. Case Closed.
MO-C044	Town Councillor	Complainant alleges that subject member had unfairly represented other Members and acted in a disrespectful manner. 4a – you must treat others with respect Other action – referred to Town Council. Case Closed.
MO-C045	Town Councillor	Complainant alleges that subject member had unfairly represented other Members and acted in a disrespectful manner. 4a – you must treat others with respect No further action. Case Closed.
MO-C046	Town Councillor	Complainant alleges that subject member made a slanderous comment about them at a Council meeting. 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-C047	Town Councillor	Complainant alleges that the subject member behaved improperly at Council meetings preventing other Members from speaking. 4a – you must treat others with respect MO assessing
MO-C048	Town Councillor	Complainant alleges that the subject member behaved improperly at Council meetings preventing other Members from speaking. 4a – you must treat others with respect MO assessing
MO-C049	Town Councillor	Complainant alleges that the subject member behaved improperly at Council meetings preventing other Members from speaking. 4a – you must treat others with respect MO assessing

MO-C050	Town Councillor	Complainant alleges that the subject member behaved improperly at Council meetings preventing other Members from speaking. 4a – you must treat others with respect Resolution reached between complainant and subject member. Case closed.
MO-C051	Town Councillor	Complainant alleges that the subject member disclosed confidential staffing matters with a member of the public, and accused the complainant of ‘libel’ in communication between them. 4a – you must treat others with respect 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... No further action. Case closed.
MO-C052	Parish Councillor	Complainant alleges that subject member behaved improperly towards them and another Councillor at a Parish meeting. 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. Councillor resigned. No further action. Case Closed.
MO-C053	Parish Councillor	Complainant alleges that subject member behaved improperly towards them at a Parish meeting. 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. Councillor resigned. No further action. Case Closed.
MO-C054	Parish Councillor	Complainant alleges that Parish Councillors trespassed on their land and were partial in their deliberations. 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-C055	Parish Councillor	<p>Complainant alleges that subject member's behaviour towards them was an attempt to intimidate them regarding a planning matter.</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>5c – you must not bully any person...</p> <p>MO assessing</p>
MO-C056	Parish Councillor	<p>Complainant alleges that the subject member breach the Code of conduct when they recorded a meeting of the Parish Council.</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>

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 **33** 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

8 April 2014



Standards Committee

Forward Plan 2014/15

17 June 2014	Complaints update Report on lobbying Annual review of gifts and hospitality Forward Plan
7 September 2014	Complaints update Member Development update Review of public speaking arrangements introduced in Feb 2014 Forward Plan
20 January 2015	Complaints update Forward Plan
7 April 2015	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.