



Agenda for Standards Committee Tuesday, 13th October, 2020, 10.00 am

Members of Standards Committee

Councillors: C Gardner (Chairman), Goscomb, D Barrow,
P Twiss, B Nelson, P Stott, E Rylance and S Bond

Venue: On line via the Zoom App. All Councillors and registered speakers will have been sent an appointment with the meeting link.

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Monday, 5 October 2020

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1 Public speaking

Information on [public speaking](#) is available online

2 Minutes of the previous meeting (Pages 3 - 5)

3 Apologies

4 Declarations of interest

Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)

5 Matters of urgency

Information on [matters of urgency](#) is available online

6 Confidential/exempt item(s)

To agree any items to be dealt with after the public (including the Press) have been excluded. There are no items which officers recommend should be dealt with in this way.

7 East Devon's Standards Regime (Pages 6 - 44)

8 Dispensation request by Cllr Paul Hayward (Pages 45 - 47)

9 Code of Conduct complaint update (Pages 48 - 75)

10 Forward Plan

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL**Minutes of the meeting of Standards Committee held at Blackdown House, Honiton on 21 January 2020****Attendance list at end of document**

The meeting started at 10.00 am and ended at 11.35 am

9 Public speaking

The Chairman advised that this was Mr Tim Swarbrick's last meeting and thanked Mr Swarbrick for his eight years of service which had greatly assisted the Standards Committee.

There were no questions asked.

10 Minutes of the previous meeting

The Monitoring Officer advised that the attendance list in the minutes of the meeting held on 13 August 2019 would be corrected to include the 4 co-optees and to record Alison Willan's attendance under the appropriate heading.

Regarding item 6 of the minutes of 13 August 2019, it was noted that Cabinet did not wish to reconsider its previous recommendation for district councillors to only have voluntary DBS checks.

Regarding item 7 of the minutes of 13 August 2019, there was discussion as to whether the minutes accurately recorded the decision taken by the Committee on the process of recruiting co-optee members. Members expressed concern that, as recorded in the minutes, the process may result in the recruitment panel not being politically balanced.

The Monitoring Officer advised that the agenda item was to consider the accuracy of the minutes as a true record of decisions taken at the meeting. Concern was raised that it would be unwise to ignore the advice of independent co-optees and to preclude them from the recruitment process.

Following discussion, it was agreed that the Monitoring Officer would circulate details of the recruitment process, as set out in the minutes of 13 August 2019, and that this process would be followed to recruit a co-optee to replace Mr Swarbrick. The process would then be reviewed and amended if considered necessary.

Subject to the amendments to the attendance list and the correction of the minimum number of Standards Committee members on the recruitment panel to read 3, the minutes of the meeting held on 13 August 2019 were confirmed and signed as a true record.

11 Declarations of interest

Minutes of the previous meeting.

Councillor Phil Twiss, Personal, DCC Councillor who sits on their Standards Committee.

12 Matters of urgency

There were none.

13 **Confidential/exempt item(s)**

There were no items which officers recommended should be dealt with in this way.

14 **Code complaint update**

The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on Code related cases received from 1 May 2019 to 13 January 2020.

RESOLVED that the report be noted.

15 **Gifts and Hospitality Register Annual Report**

It was noted that this was a new report to ensure that the Standards Committee are aware of gifts and hospitality being received by members and officers. The Monitoring Officer advised that the guidance note on updating gifts and hospitality through Modern.Gov had now been uploaded to the member library.

The Committee discussed whether the limit of £25 should be reviewed and whether an upper limit for gifts and hospitality would be appropriate.

The Monitoring Officer advised that the limit of £25 had been reviewed in January 2018 and found to be reasonable. It was noted that members may also declare gifts and hospitality below the £25 threshold if they considered it appropriate to do so in the interests of transparency. It was a matter for members themselves to decide whether or not to accept gifts and hospitality and if accepted, to ensure that these were registered. Under the Code of Conduct any relevant interests should also be declared at meetings when gifts and hospitality had been accepted.

In response to a question, the Monitoring Officer advised that failure to disclose gifts and hospitality would be dealt with under the Code of Conduct for members and as a disciplinary matter for officers. It was emphasised that the context and nature of a gift or hospitality, rather than just the monetary value, was vital when members or officers were considering whether to accept or not.

It was agreed that the Monitoring Officer would remind members of the requirement to register gifts and hospitality as part of the annual reminder of members' responsibilities.

RESOLVED that the content of the report and the gifts and hospitality received by members and officers during 2019 be noted.

16 **Members Declaration of interest Audit Report**

The report advised the Standards Committee of the outcome of a recent audit into member declarations of interest following the May 2019 election and introduction of Modern.Gov. The Committee was concerned to note that 56% of members did not complete their register of interests within the 28 day legal requirement. The Monitoring Officer advised that it was a potential criminal offence not to declare pecuniary interests within 28 days.

Following the election, members had been made aware of the 28 day requirement during mandatory Code of Conduct training and by way of follow-up emails from the Monitoring Officer.

Members would be advised of the need to check their Register of Interests on an annual basis and of the on-going requirement to register any changes within 28 days of the change occurring.

Further discussions included the following:

- The caveat for ward members to state that they are keeping an open mind is specifically pertinent for members of the Development Management Committee who need to protect their future decision making
- Regarding Part B items, it was noted that all members have access to Part B reports which should remain confidential within the Council at all times and should not be discussed publicly

..... Clarity regarding the role of substitute members of the Committee

RECOMMENDATION to the Council that the findings of the Audit Report be noted, highlighting the fact that 56% of members did not complete their declarations of interest within the required 28 days following the election, with the potential consequence of committing a criminal offence. All members would be provided with a copy of the Declaration of Interest Audit Report and reminded of the importance of updating their Register of Interests within 28 days of any changes.

17 **Forward Plan**

Carried forward from the previous meeting:

- Experiences of Standards training from town / parish councils

Members wished to add the following items to the Forward Plan for consideration at a future meeting:

- Report on the Committee on Standards in Public Life report on ethical standards (January 2019)
- Report on having electronic voting at Development Management Committee

Attendance List

Councillors present:

S Hughes (Chairman)

J Bailey

D Manley

K McLauchlan

P Twiss

Others present:

Martin Goscomb, co-opted independent member

Cllr Pauline Stott, co-opted town/parish council member

Tim Swarbrick, co-opted independent member

Councillors also present (for some or all the meeting)

M Armstrong

S Bond

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing

Sarah Jenkins, Democratic Services Officer (minutes)

Christopher Lane, Democratic Services Officer

Apologies:

Cllr Bob Nelson, co-opted town/parish council member

Alison Willan, independent person

Chairman

Date:



Report to: Standards Committee

Date of Meeting 13th October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon's Standards Regime

Report summary:

The report provides a review of the current standards regime in East Devon and considers it in the context of possible forthcoming changes and recommended best practice following the Committee for Standards in Public Life report of January 2019. It also explains the complaints process and invites the committee to consider whether it wants to make changes to it. It also identifies that the Committee could also consider reviewing the nature of interests that are required to be declared and the nature of information disclosed on a member's register of interest form.

Recommendation:

That the Committee;

- 1. Review the Committee on Standards in Public Life best practice recommendations and consider whether any changes need to be made.**
- 2. Decide whether it wants to further review or revise the standards process for dealing with complaints that members have not complied with the Code of Conduct and to determine whether to make any recommendations to Council in that regard.**
- 3. Decide whether to recommend increasing the size of the Standards Committee to Council.**
- 4. If the decision is to recommend adopting a revised complaints process along the lines detailed in the report or to require all decisions to be written up and published to recommend to Council that the Monitoring Officer be provided with extra resources in the likely form of a Grade 7 post (whether full time or part time to be determined).**
- 5. Consider whether to review or revise the Member's Register of Interest forms.**
- 6. Consider whether to review the nature of interests that are currently required to be declared in the Code of Conduct.**

Reason for recommendation:

To appraise the Committee of the current position in relation to standards at East Devon and to enable the Committee to consider whether it wants to make any changes to the existing process or review other matters further.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

To be completed by Finance.

Legal implications:

The legal position is detailed in the report and there are no further implications requiring comment.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk

Links to background information:

[Adopted Member's Code of Conduct](#)

[Complaint procedure](#)

[Hearing procedure](#)

[Articles of the Constitution](#)

[Part 3 Section 2 of the Constitution](#)

[13th August 2019 Standards Committee meeting](#)

[22nd January 2019 Standards Committee meeting](#)

[27th October 2016 Standards Committee meeting](#)

[Local Government Ethical Standards – Committee on Standards in Public Life, Jan 2019](#)

[LGA Model Code of Conduct](#)

[East Riding of Yorkshire Council Constitution](#)

[East Riding of Yorkshire Standards Committee Assessment Sub-Committee webpage](#)

Link to [Council Plan](#):

Priorities (check which apply)

- Outstanding Place and Environment
- Outstanding Homes and Communities
- Outstanding Economic Growth, Productivity, and Prosperity
- Outstanding Council and Council Services

Report in full

1. The requirements of the Localism Act 2011 replaced the previous Standards Board regime for dealing with complaints in relation to member conduct. Section 27 requires the Council to

adopt a code of conduct to govern the conduct that is expected of members and co-opted members of the Council when acting in their official capacity and which must, when taken as a whole, be compliant with the Nolan principles. Section 28(6) of the Localism Act 2011, obliges the Council to have in place arrangements under which allegations about a member's conduct can be investigated and decided upon. This process must involve an Independent Person, who as the name suggests, is independent of the Council. There are certain restrictions on who this person can be.

2. In summary, the arrangements comprise adopting a Code of Conduct and having in place a procedure to deal with complaints. Every year, as part of the adoption of the Constitution, the Member Code of Conduct is adopted by Members. There is also an adopted process and procedure for dealing with complaints. The Code of Conduct and complaint process and procedure can be found in the background links.
3. A fundamental part of the standards regime is the Council's Standards Committee. The Standards Committee is politically balanced (4 Councillors plus the Chairman of the Council) with substitute Councillors for groups entitled to seats, 2 non-voting independent members and 2 non-voting parish council members. It should be noted that the two independent members are different from the Independent Person required under the Localism Act. The Hearings Sub-Committee is drawn from the membership of this committee and comprises three district members, one independent member and one town / parish council representative. The Committee has a wider remit than just considering complaints and has a role (amongst others) in seeking to promote and maintain high standards of conduct by members and reviewing the appropriateness of the code of conduct and the nature of interests to declare and to advise Council on whether there should be changes in that regard. More detail on its purpose and terms of reference can be found in Article 9 and Part 3 Section 2 of the Constitution (see background links).
4. While the Standards Committee is currently politically balanced, it doesn't have to be. However, if it were to be decided by the Committee or the Council leadership that the Standards Committee should not be politically balanced, Council must vote unanimously for this to be the case.
5. Appointments to the committee in terms of the independent members and parish / town council representatives are made by Council at the Annual Meeting. The appointments are for four years but can be extended for a second term of four years. The same is true for the Independent Person. As reported to Council at its meeting on 24th June 2020, currently there is a vacancy for one of the independent members and the Independent Person's two terms have expired this year but a one year extension (due to COVID) was permitted and so this position will need recruitment for appointment at Annual Council next year. The Committee considered the recruitment process at its meeting of 13th August 2019 (see background links for report). It was resolved that the process should be as it is currently but that the interview panel should comprise a maximum of 5 and minimum of 3 Standards Committee members with the Monitoring Officer. The panel shall be open to all committee members and shall comprise 3 district councillors and 1 of each of the independent and parish / town council representatives. If either or both of the independent and parish / town council representatives positions are unable to be filled then their position may be filled by a district council member from the committee. This is the process that will be used to recruit a new independent member and a new Independent Person(s).
6. The appropriateness of the Code of Conduct and the complaints process is regularly reviewed by the Standards Committee. It was last reviewed by the Committee in January 2019 and prior to that October 2016 (see background links), although some amendments have been made outside of those reviews to address changes as a result of a specific review into, for example, gifts and hospitality.

7. While the current regime centres on a locally led, self-regulating regime, it is worth noting that there are concerns around the standards regime and that there may be some changes approaching in respect of it. The Committee on Standards in Public Life carried out a review of local government standards and reported on 'Local Government Ethical Standards' in January 2019 (see background links). This made 26 recommendations for Government to consider. It also included a list of 15 best practice recommendations. As yet the Government have not formally responded and the Chairman of the Committee wrote to the Secretary of State for Housing Communities and Local Government in June 2020 asking when it might receive a response. In addition the Chairman has written to Councils asking whether the best practice recommendations have been / are being implemented. How this progresses in terms of the Government's response will be interesting to see, although with COVID and the end of the transition period from leaving the EU looming it is not anticipated that this will be imminently.
8. One of the recommendations that is worth touching on - as matters are moving in relation to it - is that there should be a model code of conduct produced by the Local Government Association. The idea is that it would help bring consistency across tiers and geography. It wouldn't be mandatory and could be adapted. The LGA has produced a model code of conduct (see background links) and there were a series of webinars held to discuss it in September. It is worth the Committee noting some of the other recommendations – particularly around sanctions and interests as this may have a bearing on future decisions of this Council irrespective of the approach adopted by the Government. The model codes is still subject to ongoing work at the LGA and is not in final form yet.

Review of East Devon procedures and processes

9. The best practice recommendations are listed below, together with comment;

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

The draft LGA model code of conduct says this;

3. Not bullying or harassing any person.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

Our Member Code of Conduct says this;

You **must not** –

(c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);

It is noted that 'harassment' doesn't appear in our Code and could be added as could some specific indications of how bullying might happen.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Interestingly neither of these appear in the draft LGA Model Code of Conduct. They are not in our Code either. Either or both could be easily added and it is suggested that they are.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

The Council does arguably review the Code every year by its adoption as part of the Constitution. However it is not subject to the wider views or specific review by the Standards Committee every year. It is in the Council's Policy Register as subject to review every three years, although this can be revisited. It would be prudent to obtain the views of those outside of the organisation at this time given that it has not happened for some time – if at all - although it is suggested that obtaining the wider views outside of the organisation each year is not likely to be of great benefit and it might be prudent to consider that this happens on a less regular basis once the approach is started now.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

It is considered that this is the case.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

The Council has a 'live' system that members update themselves through Modern.Gov. The public can therefore easily search by member and time period at any time. It is considered that our approach is in excess of the recommended best practice although it is accepted that it doesn't present in CSV format.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

The current process does outline the filters that might apply which leads to no further action and which includes a public interest test. This could be made more prominent on the website to aid potential complainants.

Best practice 7: Local authorities should have access to at least two Independent Persons.

We did previously have two Independent Persons but following the resignation of one it was considered unnecessary to recruit another due to the reducing number of complaints. As the number of complaints has increased / is increasing again there is no reason why two Independent Persons should not be recruited in the forthcoming recruitment process.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

This practice is followed on the whole.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible

on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

This currently does not happen. The process is confidential in the main with the subject-member having the right to keep the decision confidential. There are exceptions to this, where there is a sanction of censure for example. There are pros and cons to publishing all outcomes which have been discussed by the Committee before. On the one hand there is a transparent approach to decisions, but equally there is the possibility of the complaints process being used as weapon simply so it can be said that members have been subject to complaints irrespective of outcome (the saying of 'no smoke without fire' being pertinent). It would be possible to publish an anonymised decision or publish a decision naming a member where there is a finding of breach, or indeed both.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

It is considered that this is currently the case.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Given the experiences of this in the District it is difficult to see how this would work in practice. There is the issue of authority for the relevant member(s) and also the issue of what happens if the complaint is about the Chair or a number of members. It is not considered that this is practicable nor indeed desirable in that it might frustrate a legitimate complaint being made.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

It is considered that this is currently the case.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

This would be a course of action available if required.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

While noted, this is probably outside the responsibility of the Standards Committee. It should be noted that the Portfolio Holder for Democracy and Transparency will be reviewing and reporting on our role on joint and outside bodies and this recommendation could, and probably should, be picked up as part of that process.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

This has happened on an as and when needed basis. Generally the incidences involving district councillors has traditionally been low and more often than not out of specific issues rather than a systemic problem. This could be considered further.

10. It is also probably timely, given recent changes, to consider the procedure that is followed on receipt of complaint – see background papers for current process. Essentially the process is led by the Monitoring Officer with the involvement of the Independent Person. It is only if a breach is found both by the Monitoring Officer at the initial stage and then following Independent Investigation but not accepted by the subject member that members become involved in the process through a Hearing Sub-Committee. As the process is locally owned, there are lots of variations in terms of the process followed elsewhere but a large number of Councils operate along similar lines to East Devon. There are other options though, including the use of an assessment sub-committee for example. One such example is East Riding of Yorkshire Council (a unitary Council). They have 67 members and have a Standards Committee of six district councillors, three parish council representative and three independent members. They then have a Standards Committee Assessment Sub-Committee of three district councillors and one parish representative and one independent member whose role as stated in their terms of references is *'to receive and determine whether complaints about Councillors' conduct should be investigated or other action taken.'* They also have a Standards Hearing Committee of three district councillors and one parish representative and one independent member whose role as stated in their terms of references is *'to determine complaints referred for investigation where it is recommended by the Monitoring Officer that a breach of the Code of Conduct has been established or where the Standards Committee considers that a potential breach of the Code of Conduct has been disclosed.'*
11. Attached at Appendix 1 is a more detailed narrative around the process followed to deal with complaints at East Riding of Yorkshire. Attached at Appendix 2 is the assessment criteria used by the Standards Committee Assessment Sub-Committee. If members wished to be more involved in the consideration of complaints at an early stage then this would present a way of achieving this. If so minded members could recommend adoption of this process to Council with a delegation to the Monitoring Officer to put it in place in consultation with the Chair of the Council or it could request that the specific detail is brought back to Committee before a recommendation is made to Council.
12. If the Committee were minded to recommend adoption of a process along the lines of East Riding of Yorkshire, then it would be prudent to consider increasing the size of the Standards Committee in order to ensure that there will be sufficient member availability to be able to convene assessment sub-committees. Current trends of complaint numbers indicate that there will probably be a need to meet fairly regularly. If the Committee were minded to recommend a change to the size of the Committee, it should be considered whether this is recommended to happen now – bearing in mind that it will necessitate redoing the political balance across the committees and committee allocations – or whether it might wait until Annual Council next year.
13. Finally, the other aspect that the Committee will need to consider is resourcing. There is no doubt reading the process that there will be in an increased burden in terms of the administration of the process not least as this will be a formal committee that Democratic Services co-ordinate but more specifically because of the need for the formal report writing process and investigation of complaints that is more involved initially than is currently the case. This can be seen by looking at East Ridings webpage for the Standards Committee Assessment Sub-Committee (see background links). As is noted above there has been an increase in the number of complaints needing to be dealt with. Dealing with these complaints has taken up a lot of time of the Monitoring Officer in terms of dealing with and progressing complaints. It is therefore requested that if there is a recommendation to Council to adopt a similar approach that there is also a recommendation for budget to recruit further support for

the Monitoring Officer to enable the duties to be fulfilled. It should be noted, although no doubt Members are already aware, that the Council is under a legal obligation '*to provide [the Monitoring Officer] with such staff, accommodation and other resources as are, in his opinion, sufficient*' for the performance of his duties. Is it considered that, subject to job evaluation, this should be no more than a Grade 7.

14. If the decision is not to recommend any changes or to consider the matter further, one change that would be worth considering to our existing process is the publication of decision notices where a breach has been found. It is recommended that this should be agreed. Further consideration could be given to the publication of decisions where there is no breach on an anonymised basis, although the issue of resourcing this will invariably arise if full decision notices are required for all cases.
15. The Committee may also wish to review the member Register of Interests forms. This is an online form completed through Modern.Gov. The requirements, at least as far as disclosable pecuniary interests are concerned, relate not just to the member concerned but also a 'relevant person' (husband, wife or civil partner or person living with them as if husband, wife or civil partner). The form does not clearly delineate between the member interest and those of a relevant person and it is felt that the form could be improved in this regard. Attached at Appendix 3 is an example of the current form and also what a revised form might look like to address this. Attached at Appendix 4 is an example of another authority's form (Ryedale District Council) which seems to go into more detail in terms of their interest declarations. It has been suggested that East Devon may wish to consider doing the same and the committee should consider this. There is a potential issue over the new public website accessibility requirements in that the Ryedale DC is a pdf. However, further work could be undertaken to establish whether further detail could be incorporated within the form used by the Modern.Gov system in addition to separating out the interests of the member from those of relevant person.
16. Finally, the Committee may wish to review declarations of interests. Currently we have disclosable pecuniary interests which are specified by law and which preclude a member from being involved in the decision making – they are required to leave the room during consideration of the matter – and personal interests which must be declared but which do not prevent a member from being involved in discussing or voting on a matter. There are some authorities that still operate a third 'hybrid' interest being the personal and prejudicial. These too effectively preclude someone from deciding a matter that under our current arrangements they would be permitted to vote on. They are more often relevant to the consideration of planning applications but not exclusively so. The obvious examples would be a planning application of a friend or more distant relative or a planning application that was several doors away from a member's own property. If the Committee were so minded this is something that could be subject to further review.

**PROCESS/PROCEDURE FOR DEALING WITH COMPLAINTS MADE ABOUT
ELECTED AND CO-OPTED MEMBERS OF EAST RIDING OF YORKSHIRE
COUNCIL/TOWN AND PARISH COUNCILS IN THE EAST RIDING OF
YORKSHIRE LOCAL AUTHORITY AREA**

NB These procedures are written in accordance with the requirement under Section 28(6) of the Localism Act 2011, which obliges East Riding of Yorkshire Council - a relevant authority - to have in place arrangements under which allegations about a Member's conduct can be investigated and arrangements under which decisions on allegations about a Member's conduct can be made.

1 Complaints

How to submit a complaint

1.1 Complaints submitted about the conduct of elected and co-opted Members of East Riding of Yorkshire Council, or any town and parish council in the East Riding Local Authority area, should be made in writing and addressed to the Monitoring Officer of East Riding of Yorkshire Council, County Hall, Cross Street, Beverley, HU17 9BA, or can be emailed to standards@eastriding.gov.uk

1.2 Complaint forms are available on the Council's website and can be posted out, on request.

1.3 A complaint, in any event, should detail:-

- Complainant's name, address and contact details.
- Complainant's status.
- Who the complaint is about and the authority/authorities they belong to.
- Details of the alleged misconduct - including, where possible, dates, witness details and other supporting information.

Scope of complaint

1.4 A complaint can only be considered if it concerns the conduct of a Member. Complaints about members of staff (including parish/town council clerks) and decisions taken by the Council or a parish or town Council cannot be considered.

1.5 For a matter to be considered by the Sub-Committee it must fall within the authority's legal jurisdiction. Therefore if any of the following are clear from the complaint the allegation will not be put before the Assessment Sub-Committee for consideration:-

- The person the subject of the complaint was not a Member of East Riding of Yorkshire Council or a town/parish council within the East Riding of Yorkshire Local Authority area at the time the alleged conduct occurred.
- If a Code of Conduct was not in operation at the time the alleged conduct took place.

- 1.6 Complaints which fall into the following categories will also not be put before the Assessment Sub-Committee for consideration:-
- (a) Where it is clear from the complaint that the Member the subject of the complaint was not acting in an official capacity at the time the alleged conduct occurred.
 - (b) Where the conduct complained of is a continuation of a situation/set of circumstances relating to the same Council, which the Assessment Sub-Committee has previously considered and has determined not to take any action on.
 - (c) Where the individual the subject of the complaint is not a Member at the time the complaint is submitted.
 - (d) Where the complaint is made anonymously, it will not be put before the Assessment Sub-Committee unless it relates to an exceptionally serious or significant matter.
 - (e) The Monitoring Officer is also given delegated authority to consider the age and seriousness of the complaint in determining whether it should be submitted to the Assessment Sub-Committee; where the complaint is so trivial or lacking in detail that it would not be an efficient use of resources to submit it for the Assessment Sub-Committee's consideration it will not go forward.
 - (f) Where a breach of the Code of Conduct has seemingly been disclosed but the breach is minor in nature and would not warrant an investigation.
 - (g) Where the conduct complained of repeats a complaint that has already been submitted about the same Member and which the Assessment Sub-Committee has already made a decision on.
- 1.7 In the event that a complaint is filtered out in accordance with paragraph 1.6(f) above, a complainant will be permitted to seek reconsideration of the decision by providing additional information within 5 working days of the date of the Monitoring Officer's letter. In such a circumstance, if the additional information submitted is likely to be deemed to merit an investigation being undertaken, the complaint will at that stage be referred to the Assessment Sub-Committee for consideration.
- 1.8 A report will be submitted to the Standards Committee on an annual basis to detail the number of complaints submitted which have not been put before the Standards Committee Assessment Sub-Committee and the reason why.
- 1.9 The Standards Committee will also receive, on an annual basis, a report detailing the number of complaints received over the period 1 May to 30 April which will give a brief description of each complaint, the decision of the Assessment Sub-Committee and, if applicable, the decision of the Standards Committee/a Hearing Committee, including any sanction recommended and applied. An extract from this report will also be published separately on the Council's website under the data transparency section.
- 2 Receipt of Complaint**
- 2.1 The complainant will be notified that their complaint has been received.
- 2.2 Arrangements will be made to convene a Standards Committee Assessment Sub-Committee for consideration of the complaint within 25 working days of receiving it.
- 2.3 Complaints addressed to the Monitoring Officer which do not fall within the Committee's legal jurisdiction, which are clearly not about Member conduct or which fall within any of the categories set out in paragraphs 1.4 - 1.6 above will not be passed to the Assessment Sub-Committee.

- 2.4 Upon receipt of a complaint, a copy of it will be provided to either the Independent Person or the Reserve Independent Person to obtain their view as to whether or not the complaint should be investigated, referred for other action or whether no action should be taken. The opinion of the Independent/Reserve Independent Person will be incorporated into the report submitted to the Assessment Sub-Committee for Members' deliberation and determination. The Independent/Reserve Independent Person's opinion will also be recorded in the Decision Notice produced following the Assessment Sub-Committee meeting.

3 Standards Committee Assessment Sub-Committee

- 3.1 The Standards Committee Assessment Sub-Committee will consist of five Members - three East Riding of Yorkshire Council elected Members (from at least two political groups from the membership of the Standards Committee), one parish/town council representative and one independent Member, to be determined on a meeting by meeting basis by the Director of Corporate Resources, with the Chairmanship rotating around the ERYC Members on the Standards Committee on the same allocation as the full Committee.
- 3.2 The Monitoring Officer will circulate with the agenda papers for the meeting a pre-assessment report for each complaint made, which will contain a brief overview of the complaint, including any further information submitted/obtained to assist the Sub-Committee with its decision (relevant minutes, register of interests etc.), relevant paragraphs of the Code of Conduct, the view of the Independent or Reserve Independent Person as to the proposed action to be taken and a recommendation.
- 3.3 For a matter to be considered by the Sub-Committee it must fall within the Authority's legal jurisdiction. Therefore, the pre-assessment report will also confirm:-
- That the person the subject of the complaint was a Member of East Riding of Yorkshire Council or a town/parish council within the East Riding of Yorkshire Local Authority area at the time the alleged conduct occurred.
 - That a Code of Conduct was in operation at the time the alleged conduct took place.
- 3.4 The Chairman of the Sub-Committee will actively seek the views of the independent Member and parish council representative before a decision is taken on the complaint by the voting Members.

4 Assessment Sub-Committee - Possible Decisions

- 4.1 The Sub-Committee, being satisfied that the Authority has the legal jurisdiction to consider the complaint, will then use the agreed assessment criteria to reach a decision on the action, if any, to be taken.
- 4.2 The Sub-Committee must also be satisfied that the conduct complained of, if proven, could amount to a breach of the Code of Conduct. Again, if this is not the case, the complaint cannot be investigated.

4.3 The Assessment Sub-Committee can make the following decisions:-

- That the matter be referred to the Monitoring Officer for investigation.
- That the matter be referred to the Monitoring Officer for 'other action'.
- That no further action be taken, either because:-
 - No breach of the Code of Conduct has been evidenced, or
 - It is felt, based on the information submitted, that investigation of the complaint would not be merited.

NB There is no right of appeal to the decision that no further action be taken on the complaint.

4.4 The decision of the Sub-Committee will be sent to the complainant, the subject Member and the clerk to the appropriate town/parish council, in the form of a decision notice, within five working days of the Assessment Sub-Committee meeting.

5 Referral for Investigation

5.1 Where complaints are referred to the Monitoring Officer for investigation, the Monitoring Officer will appoint a member of staff to undertake the investigation, who will contact the parties concerned. The investigating officer will attempt to complete the investigation within six months of the complaint being referred by the Assessment Sub-Committee.

5.2 The investigating officer and Monitoring Officer can make one of two findings, namely:-

- That no breach of the Code of Conduct is disclosed/no further action be taken.
- That the conduct complained of potentially discloses a breach of the Code of Conduct.

5.3 Where it is concluded that no breach of the Code of Conduct has been disclosed or that no further action should be taken, a report will be submitted to the Standards Committee, which will determine whether or not it agrees with the Monitoring Officer's finding. If it does agree with the recommendation the matter ends and no further action will be taken. If it does not agree with the recommendation the matter will progress to a hearing.

5.4 Where it is recommended by the Monitoring Officer that no breach of the Code of Conduct has been disclosed and/or that no further action should be taken and a report is submitted to the Standards Committee, the Councillor the subject of a complaint/investigation, the complainant and the relevant town or parish council clerk will be advised in advance of the meeting as to when that the final report is to be considered by the Committee and will be provided with a copy of the final report. The Councillor the subject of the complaint, the complainant and the clerk to the relevant town or parish council are at liberty to attend the meeting to observe, should they wish to do so, subject to the exclusion of the press and public, as may be deemed appropriate, in accordance with Schedule 12A of the Local Government Act 1972.

- 5.5 Following a Standards Committee meeting, the Councillor the subject of the complaint/investigation, the complainant and the relevant town or parish council clerk will be written to again to confirm the Committee's decision and a copy of the minutes will be provided to them, which will include a brief summary of the complaint, the provisions of the Code engaged by the allegations, the view of the Independent Person, the decision and reasoning of the Committee. The minutes will be published on the Council's website.
- 5.6 Where it is concluded that the conduct complained of potentially discloses a breach of the Code of Conduct a hearing of the Standards Committee will be arranged. At the hearing the Standards Committee can make one of three determinations:-
- That there has been no breach of the Code of Conduct.
 - That there has been a breach of the Code of Conduct but that it is not necessary to make a recommendation as to suggested action to be taken by the appropriate Council.
 - That there has been a breach of the Code of Conduct and that, in the circumstances, it would wish to make a recommendation to the appropriate Council as to suggested action to be taken.
- 5.7 A Standards Committee Hearing will consist of five Members - three East Riding of Yorkshire Council Members (from at least two political groups from the membership of the Standards Committee), one parish council representative and one independent Member, to be selected on a meeting by meeting basis by the Director of Corporate Resources, with the Chairmanship rotating between the ERYC Members on the Standards Committee on the same allocation as the full Committee.
- 5.8 Where it is concluded that the conduct complained of potentially discloses a breach of the Code of Conduct, a Hearing Committee will be arranged to consider the complaint/investigation within three months of conclusion of the investigation.
- 5.9 Hearings will be conducted in accordance with the Standards Committee's adopted Hearings Procedures.
- 5.10 Where between being referred for investigation and the investigation concluding the individual who is the subject of a complaint ceases to be a Member, the Monitoring Officer may submit a report to the Standards Committee Assessment Sub-Committee to seek its approval to discontinue the investigation, and to resolve that no further action be taken. The Standards Committee Assessment Sub-Committee may agree to this, or may resolve that there is merit in the investigation continuing.
- 5.11 In such instances, the Councillor the subject of the complaint/investigation and the complainant will be advised in advance of the meeting that the Monitoring Officer will be submitting such a request to the Assessment Sub-Committee and will be asked for their comments on the proposal, which will also be reported to the Assessment Sub-Committee. Following the meeting, the Councillor the subject of the complaint/investigation, the complainant and the relevant town or parish council clerk will be notified of the decision of the Assessment Sub-Committee and will be provided with a copy of the minutes.

6 Referral for ‘Other Action’

- 6.1 It is accepted that it may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct, therefore the Assessment Sub-Committee has the option of determining whether ‘other action’ would be more appropriate.
- 6.2 Examples of ‘other action’ will include:-
- Arranging for the subject Member(s)/Council concerned to undertake training.
 - Arranging for the subject Member and complainant to engage in a process of conciliation/mediation.
 - Instituting changes to the procedures of the Council if they have given rise to the complaint.
 - Writing to the subject Member to remind them of the provisions of the Code of Conduct.
 - Writing to the subject Member to remind them of the requirement to register their interests and/or to keep their Register of Interests up to date.
- 6.3 The action does not have to be limited to the subject Member or Members.
- 6.4 Generally, there are two indicators of ‘other action’; the first is where the authority to which the subject Member belongs appears to have a poor understanding of the Code and/or authority procedures; the second is where there has been a breakdown in relationships. Further guidance on matters which may lead to referral for ‘other action’ is contained in the assessment criteria.
- 6.5 Complaints referred to the Monitoring Officer for ‘other action’ will not be referred back to the Standards Committee Assessment Sub-Committee if the action is ultimately perceived to have failed.
- 6.6 It is emphasised that ‘other action’ is an alternative to investigation and therefore, in such cases, the Sub-Committee makes no finding on whether the subject Member failed to comply with the Code of Conduct.
- 6.7 If the parties are unwilling to comply/participate or the Councillor the subject of the complaint ceases to be a Member before the ‘other action’ takes place the Monitoring Officer has discretion to conclude, without reference back to the Assessment Sub-Committee, that it would not be an efficient use of resources to pursue the ‘other action’ and/or complaint further. The Monitoring Officer will refer the complaint back to the Assessment Sub-Committee for a decision to investigate it should that be deemed the most appropriate course of action.
- 6.8 The Monitoring Officer will attempt to ensure that the ‘other action’ is undertaken within six months of the Assessment Sub-Committee’s decision to refer the complaint for this.
- 6.9 Following the ‘other action’ being undertaken/attempted, a report will be submitted on an annual basis to the Standards Committee detailing the outcomes achieved.

7 Role and Appointment of the Independent Person

- 7.1 The Council is required to appoint at least one Independent Person, whose views must be sought and taken into account by the Authority before a decision is made on an allegation that it has decided to investigate.
- 7.2 East Riding of Yorkshire Council will appoint one Independent Person for a three year period, with up to two reserves, also appointed for a three year period.
- 7.3 The views of the Independent Person can also be sought by a Member whose behaviour is the subject of an allegation that is being investigated. The contact between the Independent Person and the Councillor the subject of the investigation will be managed through Democratic Services.
- 7.4 The Independent Person will be sent a copy of the investigating officer's report and investigation file following comments being obtained from the subject Member and the complainant on the draft report. The comments of the Independent Person will be incorporated into the final report for submission to the Standards Committee/Standards Committee Hearing.
- 7.5 The Independent Person will be invited to attend the Standards Committee/Standards Committee Hearing to present their views and be available to answer questions.
- 7.6 As per paragraph 2.4 above, additionally, upon receipt of a complaint, a copy of it will be provided to either the Independent Person or the Reserve Independent Person to obtain their view as to whether or not the complaint should be investigated, referred for other action or whether no action should be taken. The opinion of the Independent/Reserve Independent Person will be incorporated into the report submitted to the Assessment Sub-Committee for Members' deliberation and determination. The Independent/Reserve Independent Person's opinion will also be recorded in the Decision Notice produced following the Assessment Sub-Committee meeting.
- 7.7 An individual cannot be an Independent Person if they are:-
- (a) a Member, Co-opted Member or Officer of East Riding of Yorkshire Council;
 - (b) a Member, Co-opted Member or Officer of a Parish Council within the East Riding of Yorkshire, or
 - (c) a relative [as defined by the Localism Act 2011], or close friend, of a person within (a) or (b) above.
- 7.8 An individual cannot be an Independent Person if at any time during the five years ending with the appointment the person was:-
- (a) a Member, Co-opted Member or officer of East Riding of Yorkshire Council, or
 - (b) a Member, Co-opted Member or officer of a town or parish council within the East Riding of Yorkshire.

7.9 An individual can only be appointed as an Independent Person if:-

- the vacancy has been advertised;
- the individual has submitted an application to fill the vacancy, and
- the appointment has been approved by a majority of the Members of the Council.

8 Access to Meetings and Decision Making

8.1 As Committees/Sub-Committees of the Council, the Standards Committee, Assessment Sub-Committee and Hearing Committees are all subject to the Access to Information requirements.

8.2 The Assessment Sub-Committee will, however, be considering potentially unfounded and damaging complaints, which it may not be appropriate to consider in public. As such, the complaints and reports submitted to this Sub-Committee are likely to be excluded from public circulation and marked as not for publication in accordance with Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972. A subsequent meeting may authorise public circulation.

8.3 Standards Committee Assessment Sub-Committee agendas will refer to the Member(s) concerned only by the initial of their surname.

8.4 A written summary of the complaint and decision will be produced following a meeting of the Assessment Sub-Committee.

8.5 The written summary will take the form of a decision notice and will include:-

- The main points considered.
- The opinion of the Independent Person.
- The decision of the Sub-Committee.
- The reasons for the decision taken.

8.6 The notice will generally give the name of the subject Member unless it would not be in the public interest or would prejudice an investigation.

8.7 The notice will be available for inspection for six years and will be sent to any town/parish council concerned, as well as the complainant and the subject Member.

8.8 The Sub-Committee may decide not to give a written summary to the subject Member when a referral decision has been made. In such cases, the subject Member will be provided with the decision notice during the investigation process. Copies will then be sent to the clerk to the relevant town/parish council and produced for public inspection.

9 Withdrawing Complaints

9.1 The Monitoring Officer will not put a complaint before the Assessment Sub-Committee where the complainant seeks to withdraw it before the Assessment Sub-Committee meets to make an initial decision on it.

9.2 Where a complainant wishes to withdraw their complaint once an investigation has commenced, the Assessment Sub-Committee is required to decide whether or not to grant the request.

9.3 The Sub-Committee will consider:-

- Whether the public interest in taking action outweighs the complainant's desire to withdraw it.
- Whether action can be taken without the complainant's participation.
- The underlying reason for the request - whether any pressure has been exerted on the complainant/whether an apology has already been received etc.

10 Multiple Complaints

10.1 Complaints from different people about the same matter may be considered at the same meeting, with one report submitted, which draws all of the information together and highlights any different/contradictory information and offers a recommendation.

10.2 A decision will be made on each complaint and the notification procedure followed for each complaint.

11 Vexatious and Persistent Complaints

11.1 Where the Monitoring Officer considers that the same complaint made by the same person has already been dealt with and there is no new evidence to support the complaint, there is no requirement for the complaint to be considered by the Assessment Sub-Committee.

11.2 Consideration will be given to all allegations made however, to ensure that there is nothing new within the complaint which requires action to be taken.

11.3 Anyone can make a complaint about the conduct of a Member.

12 Confidentiality Requests

12.1 The Council will notify the subject Member, in the decision notice issued after a meeting of the Assessment Sub-Committee, who has complained about them.

12.2 In exceptional circumstances and at the discretion of the Sub-Committee, however, a complainant's identity may be withheld.

12.3 For such a request to be granted the Sub-Committee will consider the following:-

- Whether the complainant believes they will be at risk of physical harm and there is evidence to support this.
- Whether the complainant is an officer of the Council concerned who fears for the consequences of their employment.
- Whether the complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed.
- Whether it is possible to investigate the complaint without disclosing the complainant's identity.

12.4 In the event that the Sub-Committee refuse a request for confidentiality, it may offer the complainant the option to withdraw the complaint.

13 Anonymous Complaints

13.1 An anonymous complaint will only be accepted if it relates to an exceptionally serious or significant matter.

13.2 An anonymous complaint will only be referred for investigation/other action if it includes documentary evidence or photographic evidence indicating an exceptionally serious or significant matter.

14 Case History

14.1 Documents relating to complaints that the Assessment Sub-Committee decided not to investigate will be kept for at least 12 months following the meeting.

14.2 Documents relating to complaints referred for investigation/other action will be kept for a period of six years. Agendas and minutes for meetings can be accessed via the Council's website.

14.3 The Council, in accordance with requirements placed on it, will also keep a record of cases that allows a search to be undertaken easily by complainant name, Member name and Authority.

15 Publicising the Complaints System

15.1 The Council is required to publish a notice detailing the new Code of Conduct adopted. The Council will include in this notice details of where Code of Conduct complaints should be sent. This notice will be placed in the East Riding Mail/Hull Daily Mail.

15.2 Details of the procedures to be followed in relation to any written allegation received about a Member will be published on the Council's website.

16 Application of Legislation/Guidance

16.1 The process and procedures adopted are, at all times, subject to the Localism Act 2011 and Local Government Act 1972 and Statutory Instruments issued under the Act.

17 Failure to Comply with a Council's Code of Conduct - Whether or Not the Finding is made following an Investigation on behalf of the Monitoring Officer [Section 28(11) Localism Act 2011]

17.1 The Standards Committee will receive a report from the Monitoring Officer if a Member's conduct has failed to comply with the Authority's Code of Conduct as a consequence of being found guilty of an offence as set out in paragraph 34 of the Localism Act 2011.

17.2 In such a circumstance the Standards Committee may make a recommendation to the appropriate council as to whether, and what, action should be taken by the council in relation to the Member.

18 Localism Act 2011 - Offences

- 18.1 A Member will commit a criminal offence if they fail to disclose (ie in their register of interest or declare at a meeting) their pecuniary interests or participate in a discussion or vote on a matter in which they have a pecuniary interest.
- 18.2 The investigation of criminal offences is a matter for the Police. As such, allegations that a Councillor has failed to comply with the provisions of the Localism Act with regard to pecuniary interests can be reported to the Police by complainants as an alternative or in addition to complaints made to the Standards Committee.
- 18.3 There is no requirement placing a responsibility on Members or officers to report such allegations to the Police.

19 Standards Investigations - Conflicts of Interest

- 19.1 Where an investigation is to be undertaken into a Senior Member, in order to address any conflicts of interest, consideration should be given to the investigation being overseen and managed by a Monitoring Officer from a different authority.

**CRITERIA TO BE USED BY THE STANDARDS COMMITTEE ASSESSMENT
SUB-COMMITTEE WHEN ASSESSING COMPLAINTS MADE ABOUT ELECTED
AND CO-OPTED MEMBERS OF EAST RIDING OF YORKSHIRE
COUNCIL/TOWN AND PARISH COUNCILS IN THE EAST RIDING OF
YORKSHIRE LOCAL AUTHORITY AREA**

1.1 The Standards Committee Assessment Sub-Committee will use the following criteria when considering whether an investigation should take place following the receipt of a complaint made about the conduct of a Member of a Council:-

- Is there prima-facie evidence of a breach of the Code of Conduct? Has the complainant submitted adequate information to satisfy the Sub-Committee of the complaint to justify action being taken?
- Does the complaint have the potential to damage confidence in local democracy? Is the complaint too trivial to warrant further action?
- Is the complaint part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of that Council and there are no other avenues left to deal with it apart from investigation?
- Would an investigation serve a useful purpose? Has a remedy already been agreed/put in place?
- Is the matter suitable for local investigation – is it something which it is possible to investigate? – or would ‘other action’ be more appropriate?
- Is the complaint about a Member who is also a Member of another Authority?
- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
- When did the conduct take place? Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?
- Does the complaint concern an incident that has occurred in the Member’s private life, when they were not carrying out the work of the authority or have not misused their position as a Member?
- Is the complaint really about dissatisfaction with a decision of that Council?
- Is the complaint related to a ‘technical’ breach of the Code? If so, has a remedy been agreed, or does understanding of the breach appear to have been demonstrated?
- Where the complaint has been made anonymously, is there sufficient documentary evidence or photographic evidence, which indicates an exceptionally serious or significant matter, which would merit referral for investigation/‘other action’?

- Complaints about the conduct of a parish councillor towards a clerk - Has the complaint been made by the chairman or by the parish council as a whole, rather than the clerk, or are there exceptional circumstances?
- Would an investigation be proportionate and in the public interest?

1.2 The Standards Committee Assessment Sub-Committee will consider referring the following matters, amongst others, for ‘other action’:-

- The same breach of the Code by many Members of the same authority indicating a poor understanding of the Code.
- A general breakdown of relationships at a Council.
- Misunderstanding of protocols and procedures.
- Misleading, unclear or misunderstood advice from officers.
- Behaviour indicating a lack of experience and training.
- ‘Tit for tat’ or retaliatory allegations from Members.
- Disputes over procedure at formal meetings.
- Complaints that may be symptomatic of more widespread guidance issues at the Council.
- Complaints which indicate that it would be beneficial to remind a Member/Members of the requirements of the Code of Conduct.
- Complaints which indicate that it would be beneficial to remind a Member/Members of matters that should be included in the Register of Interests.

Register of interests

Councillor Paul Hayward

I, Councillor Paul Hayward being a Member of East Devon District Council, give notice of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and East Devon District Council's Code of Conduct. I understand that I must also declare any interest of a 'relevant person' [my spouse or civil partner or of any person with whom I am living as a husband or wife or as if we were civil partners] on sections 1 to 6 of this form, as defined in the Council's Code of Conduct. I have also declared my personal interests on sections 7 – 11 of this form as required by the Code of Conduct.

1. Employment, Office, Trade, Profession or Vocation [See note](#)

Description of activity	Name of Employer, body, firm or company
Proper Officer	All Saints Parish Council
Proper Officer	Chardstock Parish Council
Proper Officer	Newton Poppleford and Harford Parish Council
Occupational Health Care Asst.	RDE NHS

2. Sponsorship [See note](#)

Name of Sponsor
East Devon Alliance

3. Interests in companies and securities [See note](#)

Name of company
NONE

4. Contracts for Goods, Works or Services with the Council [See note](#)

Contract details	
NONE	
Plumtree North Street Axminster EX135QF	Joint tenancy

6. Corporate Tenancies: Land leased from East Devon District Council [See note](#)

Address/Description of Property	Nature of Interest in Property
NONE	-

Personal Interests

7. Membership of outside bodies [See note](#)

Body or organisation	Position
Exeter Science Park Limited	Director (appointed 29/05/2020)

8. Membership of any other body exercising functions of a public nature [See note](#)

Name of Organisation	Position
Axminster Community Emergency Response (ACER) - a QUANGO type body responsible for spending of taxpayers funds during CV-19 crisis.	Chair (of meetings) Member of Executive Group
Civic Voice Society - a national body that is concerned with planning heritage, conservation areas and other planning matters, and which lobbies National Government via the All Party Parliamentary Group.	Paid up member
Blackdown Hills AONB Partnership (Management Group) Joint Advisory Committee	EDDC Elected Representative for East Devon District Council
Exmouth Queens Drive Delivery Group	Vice-Chair
East Devon Highways and Traffic Orders Committee	East Devon DC Representative
Heart of South West Joint Committee	EDDC Member

Register of interests

Councillor Jo Bloggs

- Draft register of interests
- [Edit interests](#)
- [Printer friendly view](#)

I, Joseph Bloggs being a Member of East Devon District Council, give notice of those interests which I am required to declare under The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and East Devon District Council's Code of Conduct. I understand that I must also declare any interest of a 'relevant person' [my spouse or civil partner or of any person with whom I am living as a husband or wife or as if we were civil partners] on sections 1 to 6 of this form, as defined in the Council's Code of Conduct. I have also declared my personal interests on sections 7 – 11 of this form as required by the Code of Conduct.

1. Employment, Office, Trade, Profession or Vocation [See note](#)

Councillor	Relevant Person
Accountant, RBA Financial Services, Exeter	Builder, WHB & Sons Ltd, Exmouth

2. Sponsorship [See note](#)

Name of Sponsor
None

3. Interests in companies and securities [See note](#)

Councillor	Relevant Person
None	N/a

4. Contracts for Goods, Works or Services with the Council [See note](#)

Councillor	Relevant Person
Not applicable	Housing contract ref.xxxx

5. Interests in land in the District Council area [See note](#)

Councillor	Relevant Person
14 High Street HONITON as freeholder	14 High Street HONITON as freeholder

6. Corporate Tenancies: Land leased from East Devon District Council [See note](#)

Councillor	Relevant Person
N/a	N/a

Personal Interests

7. Membership of outside bodies [See note](#)

Body or organisation	Position
SPACE	Lead for Sport and recreation

8. Membership of any other body exercising functions of a public nature [See note](#)

Name of Organisation	Position
Honiton Town Council	Councillor

9. Membership of any body directed to charitable purposes [See note](#)

Name of Body	Position
N/a	N/a

10. Membership of bodies influencing public opinion or policy or which may create of conflict of interest in carrying out your duties as a Councillor [See note](#)

Name of Body
N/a

11. Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income. [See note](#)

Address
N/s

I recognise that if I fail to comply with the Code of Conduct for Members of East Devon District Council, or omit any information that should be included in this declaration; give false or misleading information; or do not tell the Council of any changes to this declaration or new interests I acquire, there may be a criminal offence and/or the matter may be referred to the Monitoring Officer for investigation.

9. Membership of any body directed to charitable purposes [See note](#)

Name of Body	Position
NPPFF; Newton Poppleford Playing Field Foundation	Secretary and Treasurer, by virtue of my role as Clerk & RFO to Newton Poppleford and Harpford Parish Council
Axminster Christmas Together	Co-Founder
Universal Life Church	Ordained Minister

10. Membership of bodies influencing public opinion or policy or which may create of conflict of interest in carrying out your duties as a Councillor [See note](#)

Name of Body
Unison (paid up member)
East Devon Alliance; member and treasurer.
SLCC (Society of Local Council Clerks) - associate member.

11. Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income. [See note](#)

Address
NONE

I recognise that if I fail to comply with the Code of Conduct for Members of East Devon District Council, or omit any information that should be included in this declaration; give false or misleading information; or do not tell the Council of any changes to this declaration or new interests I acquire, there may be a criminal offence and/or the matter may be referred to the Monitoring Officer for investigation.

REGISTER OF MEMBERS' FINANCIAL AND OTHER INTERESTS

I, (*Full Name*)

Lindsay Burr MBE

a Member of (*authority*)

Ryedale

GIVE NOTICE that I have the interest(s) listed in **Part A (Disclosable Pecuniary Interests)** and **Part B (Other Interests)** below.

This form comprises the entry in the Register of Interests of the above named Member.

The Register of Interest is maintained by the Monitoring Officer in accordance with Section 29 of the Localism Act 2011.

For the purposes of your Register of Interests you should answer each question for yourself and also, to the best of your knowledge, for your spouse or civil partner or anyone living with you as your spouse or civil partner.

Please note that if there is insufficient space for your reply in a box below, please supply details on an additional sheet of paper quoting the question number and staple to the form you complete and sign.

* **If you are unsure as to how to complete this document, please contact Legal Services or the Monitoring Officer for assistance**

PART A – DISCLOSABLE PECUNIARY INTERESTS

1	<p>Member Are you employed – whether full or part time? (This does not include a remunerated director – this is dealt with at question 4).</p> <p>If NO go to question 2 If YES state the name of your employer(s)</p>	No
	<p>Spouse/Partner Is your spouse/partner employed – whether full or part time? (This does not include a remunerated director – this is dealt with at question 4).</p> <p>If NO go to question 2 If YES state the name of your employer(s)</p>	No
1.1	Member	

	<p>In relation to your above employment, are you in a position of general control or management?*</p> <p>If NO go to question 2 If YES go to question 1.2</p>	
	<p>Spouse/Partner In relation to your spouse/partner's above employment, is s/he in a position of general control or management?*</p> <p>If NO go to question 2 If YES go to question 1.2</p>	No
1.2	<p>Member Does your employer have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 1.3</p> <p>If YES give details of the goods, services or works provided.</p>	
	<p>Spouse/Partner Does the employer of your spouse/partner have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 1.3</p> <p>If YES give details of the goods, services or works provided.</p>	No
1.3	<p>Member Does your employer have a tenancy agreement for any land where the Council is the landlord?</p>	

	<p>If NO/NOT KNOWN go to question 2</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	
	<p>Spouse/Partner Does the employer of your spouse/partner have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 2</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	No
2	<p>Member Are you self-employed or do you run a business?</p> <p>If NO go to question 3.</p> <p>If YES state the name of your business(es)</p>	<p>Yes</p> <p>Goodys Malton / The Academy /</p>
	<p>Spouse/Partner Is your spouse/partner self-employed or do they run a business?</p> <p>If NO go to question 3.</p> <p>If YES state the name of your business(es)</p>	No
2.1	<p>Member Does your business have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO go to question 2.2</p> <p>If YES please provide details of the goods, services or works provided.</p>	<p>Yes</p> <p>Refuse collection contracts</p>
	<p>Spouse/Partner Does the business of your spouse/partner have any contracts with</p>	No

	<p>the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO go to question 2.2</p> <p>If YES please provide details of the goods, services or works provided.</p>	
2.2	<p>Member Does your business have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO go to question 3</p> <p>IF YES please provide the address(es) or description(s) of any such land.</p>	No
	<p>Spouse/Partner Does the business of your spouse/partner have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO go to question 3</p> <p>IF YES please provide the address(es) or description(s) of any such land.</p>	No

3	<p>Member Are you a partner in any business?</p> <p>If NO go to question 4</p> <p>If YES state the name of the business(es)</p>	
	<p>Spouse/Partner Is your spouse/partner a partner in any business?</p> <p>If NO go to question 4</p> <p>If YES state the name of the business(es)</p>	No
3.1	<p>Member</p>	

	<p>Does the business have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 3.2</p> <p>If YES please provide details of the goods, services or works provided.</p>	
	<p>Spouse/Partner Does the business of your spouse/partner have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If YES please provide details of the goods, services or works provided.</p> <p>If NO/NOT KNOWN go to question 3.2</p>	No
3.2	<p>Member Does the business have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 4</p> <p>IF YES please provide the address(es) or description(s) of any such land.</p>	
	<p>Spouse/Partner Does the business of your spouse/partner have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 4</p> <p>IF YES please provide the address(es) or description(s) of any such land.</p>	No
4	<p>Member Are you a remunerated** director of a company?</p>	Yes

	<p>If NO go to question 5</p> <p>If YES state the name of your company/companies.</p>	Goodys Malton / The Academy
	<p>Spouse/Partner Is your spouse/partner a remunerated** director of a company?</p> <p>If NO go to question 5</p> <p>If YES state the name of your company/companies.</p>	No
4.1	<p>Member Does the company have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 4.2</p> <p>If YES please give details of the goods, services or works provided.</p>	No
	<p>Spouse/Partner Does the company of your spouse/partner have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 4.2</p> <p>If YES please give details of the goods, services or works provided.</p>	No
4.2	<p>Member Does the company have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 5</p>	No

	If YES please provide the address(es) or description(s) of any such land.	
	<p>Spouse/Partner Does the company of your spouse/partner have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 5</p> <p>If YES please provide the address(es) or description(s) of any such land</p>	No
5	<p>Member Has any person or body made a payment to you in respect of your election expenses?</p> <p>If NO please go to question 6</p> <p>If YES please provide details</p>	No
	<p>Spouse/Partner Has any person or body made a payment to your spouse/partner in respect of his/her election expenses?</p> <p>If NO please go to question 6</p> <p>If YES please provide details</p>	No
6	<p>Member Do you have a beneficial interest in a class of securities of a corporate body that has a place of business in the Council's area that exceeds the nominal value of £25,000 or 1/100 of the total issued shared capital of that body?</p> <p><i>(If you own shares or other form of equity in a company or other body which has a place of business within the authority's area, you will need to consider whether the interest is to be included. Identify the nominal value; this is the amount of shares indicated on the certificate, not the market value. If this exceeds £25,000, you need to register the name of the company or body. If this is less than £25,000 but your holding is more than 1% of the total issued share capital, you need to</i></p>	No

	<p><i>register the name of the company or body)?</i></p> <p>If NO please go to question 7</p> <p>If YES please provide details.</p>	
	<p>Spouse/Partner</p> <p>Does your spouse/partner have a beneficial interest in a class of securities of a corporate body that has a place of business in the Council's area that exceeds the nominal value of £25,000 or 1/100 of the total issued shared capital of that body? <i>(If you own shares or other form of equity in a company or other body which has a place of business within the authority's area, you will need to consider whether the interest is to be included. Identify the nominal value; this is the amount of shares indicated on the certificate, not the market value. If this exceeds £25,000, you need to register the name of the company or body. If this is less than £25,000 but your holding is more than 1% of the total issued share capital, you need to register the name of the company or body)?</i></p> <p>If NO please go to question 7</p> <p>If YES please provide details.</p>	No
7	<p>Member</p> <p>Do you have a beneficial interest in any land in the Council's area? <i>(Please provide details of any land in the Ryedale District in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it. You should include your home under this heading as owner, lessee or tenant. This includes joint owners, lessees or tenants. This would also include Council tenancies).</i></p> <p><i>You should also include any property from which you receive rent, or of which you are a mortgagee.</i></p>	<p>Yes</p> <p>Sutton Grange Norton 66 / 66a Castlegate Malton 6 / 6a Bridge Street Pickering 88 Wood Street Norton 32 St Peters Crescent Norton 6 Field View Norton 29 Wold Street Norton 5 West Lodge Gardens Malton 56, 54, 27, 23, 15, 15a, 13, 13a, 13b, 11, 9, 7, 7a Commercial Street Norton. Land at Marton</p>

	<p><i>“Land” includes any buildings or parts of buildings.</i></p> <p>If NO please go to question 8</p> <p>If YES please provide the address(es) or other description(s) of any land interest.</p>	
	<p>Spouse/Partner Do you have a beneficial interest in any land in the Council’s area?</p> <p><i>(Please provide details of any land in the Ryedale District in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it. You should include your home under this heading as owner, lessee or tenant. This includes joint owners, lessees or tenants. This would also include Council tenancies).</i></p> <p><i>You should also include any property from which you receive rent, or of which you are a mortgagee.</i></p> <p><i>“Land” includes any buildings or parts of buildings.</i></p> <p>If NO please go to question 8</p> <p>If YES please provide the address(es) or other description(s) of any land interest.</p>	No
8	<p>Member Do you have a license (alone or with others) to occupy any land in the Council’s area for 28 days or longer? <i>(This includes grazing agreements, allotments, garage licences and other short term arrangements to use your authority’s land or property).</i></p> <p>If NO go to question 9</p> <p>If YES please provide the address(es) or other description(s) of the land.</p>	No

	<p>Spouse/Partner Does your spouse/partner have a license (alone or with others) to occupy any land in the Council's area for 28 days or longer? <i>(This includes grazing agreements, allotments, garage licences and other short term arrangements to use your authority's land or property).</i></p> <p>If YES please provide the address(es) or other description(s) of the land.</p>	No

PART B – OTHER INTERESTS

9	<p>Are you a member of or part of any body to which you have been appointed <u>by the Council</u> as its representative?</p> <p><i>(Include statutory boards (e.g. Police, fire and transport), school governing bodies, housing trusts, local organisations, charities, local authority associations etc).</i></p> <p>If NO go to question 10</p> <p>If YES please provide details of these bodies.</p>	No
9.1	<p>Are you in a position of control or management in any of the bodies listed above?</p> <p>If NO go to question 10</p> <p>If yes please provide details.</p>	No
9.2	<p>Do any of the bodies listed in question 9.1 above have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 9.3</p>	No

	<p>If YES please provide details of the body and the goods, services or works provided.</p>	
9.3	<p>Do any of the bodies listed in question 9.1 above have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 10</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	No
10	<p>Are you a member of or part of any public authority or body exercising functions of a public nature in <u>your own right</u>? <i>(Include statutory consumer bodies, health authority bodies).</i></p> <p>If NO go to question 11</p> <p>If YES please provide details of these bodies.</p>	No
10.1	<p>Are you in a position of control or management?</p> <p>If NO go to question 11</p> <p>If YES please provide details.</p>	No
10.2	<p>Do any of the bodies listed in question 10 above have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 10.3</p> <p>If YES please provide details of the body and the goods, services or works provided.</p>	No

10.3	<p>Do any of the bodies listed in question 10 have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 11</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	No
11	<p>Are you a member of or part of any body that undertakes charitable purposes? <i>(Include charities of which you are a member (e.g. RSPCA, NSPCC etc). Membership of a charity would include where you pay a membership fee, or have voting rights at a meeting of the charity, or you receive a regular newsletter or other publication. Freemasons must register membership of the Grand Charity).</i></p> <p>If NO go to question 12.</p> <p>If YES please provide details of these bodies.</p>	No
11.1	<p>Are you in a position of control or management?</p> <p>If NO go to question 12</p> <p>If YES please provide details</p>	No
11.2	<p>Do any of the bodies listed in question 11 above have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 12</p> <p>If YES please provide details of the body and the goods, services or works provided.</p>	No
11.3	<p>Do any of the bodies listed in question 11 have a tenancy agreement for any land where the Council is the landlord?</p>	No

	<p>If NO/NOT KNOWN go to question 12</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	
12	<p>Are you a member of or part of any body whose <u>principal purpose</u> includes the influence of public opinion? <i>(Include political parties, lobby groups and pressure groups).</i></p> <p>If NO go to question 13</p> <p>If YES please provide details of these bodies.</p>	
12.1	<p>Are you in a position of control or management?</p> <p>If NO go to question 13</p> <p>If YES please provide details</p>	No
12.2	<p>Do any of the bodies listed in question 12 above have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 13</p> <p>If YES please provide details of the body and the goods, services or works provided.</p>	No
12.3	<p>Do any of the bodies listed in question 12 have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 13</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	No
13	<p>Are you a member of any trade union or professional association?</p>	No

	<p><i>(Include all trade unions and professional association of which you are a member).</i></p> <p>If NO go to question 14</p> <p>If YES please provide details of these bodies.</p>	
13.1	<p>Are you in a position of control or management?</p> <p>If NO go to question 14</p> <p>If YES please provide details</p>	No
13.2	<p>Do any of the bodies listed in question 13 13.1 have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 14</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	No
13.3	<p>Do any of the bodies listed in question 13 above have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 14</p> <p>If YES please provide details of the body and the goods, services or works provided.</p>	No
14	<p>Are you a member of any private club or other organisation not otherwise listed on this form?</p> <p>If NO go to question 15</p> <p>If YES please provide details</p>	No
14.1	<p>Are you in a position of control or management?</p> <p>If NO go to question 15</p> <p>If YES please provide details</p>	No

14.2	<p>Do any of the bodies listed in question 14 above have any contracts with the Council for goods, services or works? <i>(A contract is normally written and includes any agreement or arrangement for the supply of goods or services or for undertaking any work for your Council)</i></p> <p>If NO/NOT KNOWN go to question 14.3</p> <p>If YES please provide details of the body and the goods, services or works provided.</p>	No
14.3	<p>Do any of the bodies listed in question 14 have a tenancy agreement for any land where the Council is the landlord?</p> <p>If NO/NOT KNOWN go to question 15</p> <p>If YES please provide the address(es) or description(s) of any such land.</p>	No
15	<p>Does any person or body <u>other than the Council</u> make a payment to you in respect of any of your expenses incurred in carrying out your duties as a Councillor? <i>(Include the name of the political party and any other person paying any expenses incurred by you in carrying out your duties (e.g. travel expenses received from other bodies, such as local authority associations).</i></p> <p>If YES please give details.</p>	No

16. Disclosure of Gifts and Hospitality

- 16.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £50 which you have received in your capacity as a Member of the Council.

You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £50 by completing a continuation sheet which may be obtained from Business Improvement (Ext: 203)

17. Changes to Registered Interests

17.1 I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a sensitive interest, provide written notification thereof to the Council’s Monitoring Officer.

18. Declaration

18.1 I recognise that it is a breach of the Council’s Code of Conduct to:-

- (1) Omit information that ought to be given in this notice
- (2) Provide information that is materially false or misleading
- (3) Fail to give further notices in order to:
 - bring up to date information give in this notice
 - declare an interest that I acquire after the date of this notice and have to declare

and that any breach of the Code of Conduct can be referred to the Overview and Scrutiny Committee.

18.2 I understand that failure (without reasonable excuse) to register or disclose any disclosable pecuniary interest in accordance with Section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of Section 31(4) of the Localism Act 2011, or taking any steps in contravention of Section 31(8) of the Localism Act 2011 is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a Member for a period not exceeding 5 years.

Signed: (Councillor)

Date:

Received:

Date:

Signed:
Monitoring Officer, Ryedale District Council

Please return this form to the Monitoring Officer, Ryedale District Council, Ryedale House, Malton YO17 7HH

Email anthony.winship@ryedale.gov.uk



Report to: Standards Committee

Date of Meeting 13th October 2020

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Dispensation request from Cllr Paul Hayward

Report summary:

Cllr Paul Hayward has requested a dispensation to permit him to participate in and vote on matters in which he has a pecuniary interest, namely being the Clerk for three parish councils within the administrative area of East Devon and the employment in the NHS of a relevant person. It is for the committee to decide whether to grant Cllr Hayward a dispensation.

Recommendation:

That the Committee decide whether to grant Cllr Paul Hayward a dispensation under S.33 of the Localism Act 2011.

Reason for recommendation:

It is a decision for the Standards Committee to decide whether to grant the dispensation having regard to all relevant circumstances.

Officer: Henry Gordon Lennox, Monitoring Officer

Portfolio(s) (check which apply):

- Climate Action
- Corporate Services and COVID-19 Response and Recovery
- Democracy and Transparency
- Economy and Assets
- Coast, Country and Environment
- Finance
- Strategic Planning
- Sustainable Homes and Communities

Financial implications:

There are no financial implications arising

Legal implications:

Council have delegated the responsibility for deciding dispensations to the Standards Committee. It is for the Committee to decide, having regard to the comments in paragraph 3, whether to grant Cllr Hayward a dispensation or not.

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk

Links to background information None

Link to Council Plan:

Priorities (check which apply)

- Outstanding Place and Environment
 - Outstanding Homes and Communities
 - Outstanding Economic Growth, Productivity, and Prosperity
 - Outstanding Council and Council Services
-

Report in full

1. The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 create a framework within which a member must declare their pecuniary interests (being those prescribed in law) and where such an interest arises in any matter to be considered at a meeting then this must be declared and the member must not participate in any discussion or vote at the meeting. This is essentially achieved by the member leaving the room. It is an offence for a member to participate in and / or vote on a matter in which they have a pecuniary interest.
2. Section 33(2) of the Localism Act 2011, permits an authority to grant a dispensation from either or both of the restrictions not to participate and / or vote on a matter in which they have a pecuniary interest.
3. An authority may only grant a dispensation where, having had regard to all relevant circumstances, the authority;
 - (a) *considers that without the dispensation the number of persons prohibited [...] from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,*
 - (b) *considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,*
 - (c) *considers that granting the dispensation is in the interests of persons living in the authority's area,*
 - (d) *if it is an authority [...] operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited [...] from participating in any particular business to be transacted by the authority's executive, or*
 - (e) *considers that it is otherwise appropriate to grant a dispensation.*
4. Any dispensation granted by the authority must specify the period for which it has effect, and the period specified may not exceed four years.
5. Cllr Paul Hayward has requested that the Council grant a dispensation for the reasons detailed in the request which is below;

Cllr. Paul Hayward, Yarty Ward

phayward@eastdevon.gov.uk

31st January 2020

Dear members of Standards Committee

Following email correspondence with our monitoring officer, Henry has suggested that I write formally to the committee (as no prescribed form exists) to seek a dispensation for my role as Clerk to the three parish

councils of All Saints, Chardstock and Newton Poppleford, and also in respect of the rather tenuous (but still technically valid pecuniary interest) that I have for NHS matters involving the RDE NHS Trust, my wife's employer (and my two daughters it should perhaps also be noted).

By way of background, Axminster Town Council afforded me a dispensation as a Town Councillor for the latter topic above on the grounds that it served the wider public interest better for me to be involved in such discussions than it would for my exclusion on pecuniary grounds (which, of course, in this modern age is somewhat an anachronism as Helen's wages are her own and she is no longer considered to be my chattel - if ever that were the case anyhow!)

Using the 2011 Localism Act as my point of reference, and particularly the clause whereby "***it would be in the interest of persons living in the Council's area***", may I (through this committee) apply in both cases for the dispensation to be afforded? I personally can see no objection to the former as my role as Clerk is well defined - I produce minutes of meetings where elected Councillors make democratic decisions although I accept that, like all officers, I am asked to give advice from time to time (although not always acted upon) but, ultimately, I have no direct say in the decisions of Council which are determined by members of Council, not by their employee. The only time that I would intervene is when a proposal or resolution is likely to breach the law, whereupon I would contest that my actions are certainly in the public interest as this is my primary role as their Proper Officer.

With regards to the latter, my wife is employed in such a capacity as to be highly unlikely to be in a position whereby she could materially affect NHS policy or practice (she is currently a Grade 3 HCA and trainee phlebotomist) and is employed across the district wherever the clinical need arises and thus her employment is not intrinsically linked to any particular hospital or location. I can not perceive where any matter that we, as District Councillors, are asked to vote upon would impact directly on her, and thus her ability to earn a salary (concentrating on the pecuniary element) as her employer is the NHS RDE Trust and not an individual hospital or site, although geographically she flits between Sidmouth, Seaton and Axminster as she does not wish to drive any considerable distance to work.

I do hope that the DC can follow Axminster TC's example in granting such a dispensation (and I am sure Henry will be able to offer specific legislative advice on the practicalities and protocols) and, as such, I hope to hear from you in this respect as time permits.

Best wishes

Cllr. Paul Hayward
By Email

6. Noting the request above, it is difficult to see how any of a), b) or d) in paragraph 3 above could be met. However it would be open for the Committee to decide that either / both c) and e) are met. Should the Committee decide to approve the request it will need to determine the nature of the dispensation – so what it covers and whether it permits participation and / or voting and how long it is granted for.

Standards Committee

Item *** - Code of Conduct complaints update 1st January 2019 – 31st December 2019 & 1st January 2020 to date

This table provides an update for the Committee on Code related cases between 1st January 2019 – 31st December 2019:

Case # Date received	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct it is alleged has been breached and nature of complaint	Monitoring Officer assessment and outcomes following consultation with Independent Person
2019-C01 10.1.2019	TC	<p>Posted an inappropriate comment on an Information Centre Twitter Account.</p> <p>Complaint regarding the lack of courtesy and respect shown to others.</p> <p>Relevant paragraph of the code;</p> <p>2 – Promote high standards of conduct</p> <p>3 – Behave in such a way that a reasonable person would regard as respectful.</p> <p>8 – Conduct themselves in a manner or behave in such a way as not to bring their council or office into disrepute.</p> <p>10 – Do nothing as a Members which he/she could not justify to the Public.</p>	Finding of Breach. Resignation received, public apology made and censure.
2019-C02 25.1.2019	TC	Complaint regarding failure to disclose a Disclosable Pecuniary Interest in respect of a Directorship held in a Limited company.	Finding of no breach. Case closed.
2019-C03 25.1.2019	TC	Complaint regarding failure to disclose a Disclosable Pecuniary Interest in respect of a Directorship held in a Limited company.	Finding of no breach. Case closed.

2019-C04 29.1.2019	TC	Allegations of misconduct against two Councillors in the presence of the press and public along with behaviour that did not treat the complainant with respect and courtesy	Finding of no breach. Case closed.
2019-C05 22.2.2019	TC	Complaint regarding the bullying and harassment of an employee of Seaton Town Council. Failed to treat the complainant with courtesy and respect by verbally castigating the complainant in public.	No supporting evidence provided. Case closed.
2019-C06 25.2.2019	TC	Complaint regarding the lack of courtesy and respect shown to others. Failed to treat the complainant with courtesy and respect by naming and personally criticising the complainant in a Town Council meeting.	Finding of no breach. Case closed.
2019-C07 14.2.2019	TC	Complaint regarding the lack of courtesy and respect shown to others in a Parish Council Meeting. Allegations of bringing EDDC into disrepute by comments made at a Parish Council Meeting.	Finding of no breach. Case closed.
2019-C08 12.4.2019	TC	Complaint regarding none declaration of interest Two complainants in respect of same Councillor and same issue. One complainant did not send back complaint form or provide any supporting evidence. One complainant submitted complaint form and supporting evidence. Cllr is no longer a serving Councillor and therefore the matter was unable to be progressed.	Cllr no longer serving. Case Closed

		Alleged failure to declare an interest at a Town Council Planning meeting	
2019-C09 1.5.2019	TC	Complaint regarding the lack of courtesy and respect shown to others. Alleged unacceptable verbal behaviour in a public place as well as unfavourable comments on Facebook.	No supporting evidence provided by complainant. Case closed.
2019/C10 29.7.19	PC	Councillor behaved in a rude and inconsiderate manner by bursting into and thus interrupting a private meeting being held by the complainant and other councillors. Relevant paragraph of the code; 4a - Not showing courtesy and respect. 1.2 - You should have regard to the Principles of Public Life 5c - You <u>must not</u> – bully any person	Complaint upheld; Breach of paragraph 4a – not showing courtesy and respect. Written apology sent 6th March 2020. Case closed.
2019/C11 2.9.19	EDDC	Councillor behaviour/attitude towards complainant during a telephone conversation. Relevant paragraph of the code; 1.2 - You should have regard to the Principles of Public Life. 1.3a - You <u>must</u> act solely in the public interest and not act to gain financial or other material benefits for yourself, your family, a friend or close associate.	No Breach. Complaint not upheld. Case closed.

		<p>1.3j - You <u>must</u> declare any private interests, whether disclosable or personal, that relate to your public duties.</p> <p>1.6 - The reputation of the Council depends on your conduct and what the public believes about your conduct.</p> <p>1.7 - You should at all times avoid any occasion for suspicion or appearance of improper conduct.</p> <p>3b - Whenever you are acting in your official capacity you <u>must</u> behave so as to give a reasonable person the impression that you are acting as a representative of the Council.</p> <p>4a - You <u>must</u> treat others with courtesy and respect.</p> <p>5c - You <u>must not</u> – bully any person</p> <p>5d - You <u>must not</u> – intimidate or attempt to intimidate any person who is or is likely to be;</p> <p>(i) a complainant</p>	
2019/C12 13.11.19	TC	Cllr made derogatory comments about another Cllr in an email which was circulated to a wider audience.	Complaint form not returned. Complaint not progressed.
2019/C13 15.10.19	EDDC	<p>Alleged that a Cllr made a two fingered gesture to the complainant during a meeting and shared confidential details of complainant via email to other members.</p> <p>Relevant paragraph of the code;</p> <p>5(b) - You <u>must not</u> – do anything which may cause the Council to breach a statutory duty or any of the equality enactments</p>	<p>Complaint upheld;</p> <p>Breach of paragraph 4a and 5(f)</p> <p>Written apology given.</p> <p>Case closed.</p>

		5(f) - You <u>must not</u> – disclose information given to you in confidence	
2019/C14 15.11.19	EDDC	Alleged that a Cllr booed the speech that the complainant made at a meeting. Relevant paragraph of the code; 5(b) - You <u>must not</u> – do anything which may cause the Council to breach a statutory duty or any of the equality enactments	Resolved with agreement to informal mediation. Case closed.
2019/C15 5.12.19	PC	Alleged that a Cllr made defamatory comments in an email thread accusing complainant of stifling debate. Complainant felt bullied and humiliated as the email was copied to all members. Relevant paragraph of the code; 4(a) - You <u>must</u> treat others with courtesy and respect 5(c) - You <u>must not</u> – bully any person	Not Progressed. MO reviewed the allegation and determined that it did merit progressing to formal complaint.
2019/C16 5.12.19	PC	Alleged that a Cllr made defamatory comments in an email thread accusing complainant of deliberately fuelling aggressive behaviour. Relevant paragraph of the code; 1.2 - You should have regard to the Principles of Public Life 1.6 - The reputation of the Council depends on your conduct and what the public believes about your conduct.	Not Progressed MO has reviewed the allegation and determined that it is not in the public interest for this matter to be considered formally through the complaints process.

		1.7 - You should at all times avoid any occasion for suspicion or appearance of improper conduct. 5c - You <u>must not</u> – bully any person 5h - You <u>must not</u> – conduct yourself in a manner to give the impression that the office or council has been brought into disrepute.	
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Complainants who made more than 2 complaints

None

Subject Members who were subject to more than 2 complaints

None

An update for the Committee on Non-Code related / initial contact / pending cases - 1st May 2019 to 31st December 2019:

Case #	Details of non-code complaint	Outcome
14.5.19	Complainant made allegations against Parish Cllr which has to date, been unsubstantiated.	Complainant currently pursuing FOI request. No further action.
12.6.19	Complaint regarding conduct of Town Council staff	Complainant sent complaint forms and complaint process documents. Complainant did not complete and return complaint forms. Matter closed.
18.6.19	Complaint about social exclusion and potential racism by Town Councillor	Basis for complaint unclear. Further detail requested but not provided. No further action. Matter closed.
25.6.19	Complaints regarding conduct of Town Council staff and co-opting process	Role of MO explained and the process of co-opting by the Town Council. No further action. Matter closed.
25.6.19	Complaint about Parish Cllr behaviour in a public space/office	The Cllr has apologised to the complainant, which has been accepted. Matter closed.
27.6.19	Complainant alleged breach of conduct by a Town Cllr	Formal complaint forms and complaint process have been sent to complainant. Case closed as no response from complainant.
3.7.19	Complainant alleged breach of conduct by a Parish Cllr	Formal complaint forms and complaint process have been sent to complainant. Case closed as no response from complainant.
3.7.19	Complaint about alleged comments made on social media by a District Cllr.	Cllr had already made an apology to a judgement of error comment on social media. Matter closed.

9.7.19	Complaint in respect of Parish Cllr behaviour at Town Council meeting	Preliminary review of this complaint resulting in no further action. Matter closed.
10.7.19	Complaint about alleged Parish Cllr behaviour in a public space	Cllr was not acting in official capacity at time of alleged incident. No further action. Matter closed.
22.7.19	2 complaints regarding alleged Parish Cllr behaviour.	MO has reminded the complainant in respect of lawful actions of a sovereign body and advised that the filling of the Clerk post should resolve issues going forward. Matter closed.
13.8.19	Complaint regarding alleged Parish Cllr behaviour	Sent out complaints form for completion. No response after 30 days. Matter closed.
18.9.19	Parish Cllr contacted us about a potential complaint about him and to seek guidance about potential complaint.	Complainant never brought complaint to fruition. No further action required. Matter closed.
11.12.19	Alleged that a Parish Cllr was rude and insensitive during the public session of a meeting, where the complainant was making his presentation. The Cllr was heard to say 'get on with it'.	Awaiting completed complaint form to be returned. No response so complaint closed.
11.12.19	Alleged that a Parish Cllr behaved in an unprofessional manner towards her in public but clarification is being sought as to whether this was in his official capacity as a Cllr.	Awaiting completed complaint form to be returned. Still open. No response so complaint closed.

This tables provides an update for the Committee on Code related cases since the 1st January 2020 – 5th October 2020:

Case #	TC/PC or EDDC member	Relevant paragraphs in Code of Conduct it is alleged has been breached and nature of complaint	Monitoring Officer assessment and outcomes following consultation with Independent Person
2020/C01 12.2.2020	TC	<p>Alleged that subject member accused the complainant of personal agendas to undermine proper process and accusation of cover ups to protect staff.</p> <p>4. You must - (a) treat others with courtesy and respect including fellow council members, staff and members of the public.</p>	<p>Independently investigated.</p> <p>Complaint not upheld.</p> <p>Case closed.</p>
2020/C02 28.2.2020	EDDC	<p>Alleged that the subject member has been disrespectful towards and about council officer showing a lack of courtesy and respect. Alleges that the Cllrs behaviour is insulting offensive and humiliating and brings the council into disrepute.</p> <p>Breach of the Code: 4(a) You <u>must</u> - Treat others with respect and 5(c) You <u>must not</u> – Bully any person 5(h) You <u>must not</u> – conduct yourself in a manner to give the impression that the office or council has been brought into disrepute.</p>	<p>Referred for independent investigation.</p> <p>Breach found that subject member had failed to comply with paragraphs 4(a), 5(c) and 5(h).</p> <p>Not accepted and unable to resolve.</p> <p>This complaint is progressing to Standards Hearing</p>
2020/C03	EDDC	<p>Alleged that the subject member sent an email to other Cllrs that described the complainant as being homophobic.</p>	<p>Referred for independent investigation.</p>

28.2.2020		<p>Breach of Code:</p> <p>1.2 - You should have regard to the Principles of Public Life.</p> <p>4(a) You <u>must</u> - Treat others with respect and</p> <p>5(c) You <u>must not</u> – Bully any person</p>	<p>Breach found that subject member had failed to comply with paragraphs 4(a) and 5(c).</p> <p>Subject member agreed to formal apology.</p> <p>Case closed.</p>
2020/C04 2.3.2020	EDDC	<p>Alleged that the subject member openly accused the complainant in a public meeting that he had not declared an interest that he should have done. The subject member did not treat complainant with courtesy and respect and brought his integrity into dispute.</p> <p>Breach of Code:</p> <p>4(a) You <u>must</u> - Treat others with respect and courtesy</p>	<p>Complaint withdrawn.</p>
2020/C05 3.3.2020	EDDC	<p>Alleged that the subject member was disrespectful when referring to the complainant in an email to other members.</p> <p>Breach of Code:</p> <p>4(a) You <u>must</u> - Treat others with respect and courtesy</p> <p>5(c) You <u>must not</u> – Bully any person</p>	<p>Referred for independent investigation.</p> <p>Complaint not upheld.</p> <p>Case closed.</p>
2020/C06 6.3.2020	EDDC	<p>Alleges that the subject member distributed a personal and confidential document in an email to other Cllrs. The document was clearly</p>	<p>Referred for independent investigation.</p>

		<p>marked private and confidential with the instruction that it should not be shown to anyone else.</p> <p>Breach of Code: 5(f) You <u>must not</u> - disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.</p>	<p>Breach found that subject member had failed to comply with paragraph 5(f).</p> <p>Subject member agreed to formal apology.</p> <p>Case closed.</p>
2020/C07 22.6.2020	EDDC	<p>Alleges that at a meeting of East Devon District Council the subject member failed to treat a fellow councillor with courtesy and respect.</p> <p>Breach of Code: 4(a) You <u>must</u> - Treat others with respect and courtesy</p>	<p>With MO for assessment.</p> <p>Complaint still open.</p>
2020/C08 4.6.2020	EDDC	<p>Complaint that two subject members put pressure on the complainant to withdraw a complaint against another Cllr.</p> <p>Breach of Code 5(d)(i) You <u>Must not</u> intimidate or attempt to intimidate any person who is or is likely to be – (i) a complainant;</p> <p>in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct</p>	<p>Complainant has not engaged in the process after initial complaint made.</p> <p>Case closed.</p>
2020/C09	EDDC	<p>Complaint that the subject member was disrespectful in an email chain that attacked another Councillor's character</p>	<p>Complaint withdrawn in preference to an informal resolution.</p>

9.6.2020		Breach of Code: 4(a) You <u>must</u> - Treat others with respect and courtesy	
2020/C10 11.6.2020	TC	Complaint that the language used by the subject member in an email circulated to other members deliberately meant to criticise the competence of another Cllr. Breach of Code: 4. You <u>must</u> – treat others with courtesy and respect including fellow council members, staff and members of the public	Referred for independent investigation.
2020/C11 23.6.2020	TC	Complaint that the subject member attempted to undermine the position and standing of an employee of the Town Council, in an email widely circulated to other members. Breach of Code: 1.2 <u>You should</u> have regard to the Principles of Public Life 4(a) <u>You should</u> treat others with courtesy and respect 5(c) You <u>must not</u> – Bully any person	Referred for independent investigation.
2020/C12 16.3.2020	TC	Complaint that during a public meeting the subject member made disparaging remarks during the meeting and showed a disrespect for other members and the public In the same meeting a second subject member also was witnessed making disparaging remarks and showed a lack of respect for other members and the public	Referred for independent investigation. Complaint not upheld; Case closed.

		<p>Breach of Code: 4. You must - (a) treat others with courtesy and respect including fellow council members, staff and members of the public.</p>	
2020/C13 17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	Referred for independent investigation.
2020/C14 17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	Referred for independent investigation.
2020/C15 17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	Referred for independent investigation.
2020/C16 17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	Referred for independent investigation.
2020/C17 21.6.2020	EDDC	<p>Complaint that the subject member used his Twitter account to make threatening tones about the complainant in the comments he has made.</p> <p>Breach of Code: 4(a) You <u>must</u> - Treat others with respect and courtesy 5. You must not – (a) attempt to use your position as a Member improperly to confer on or secure for yourself or</p>	<p>Breach found that subject member had failed to comply with paragraphs 4(a), 5(a) and 5(h).</p> <p>Subject member agreed to formal apology</p> <p>Case closed.</p>

		<p>any other person, an advantage or disadvantage;</p> <p>5(h) 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 or the Council into disrepute.</p>	
<p>2020/C18</p> <p>2.7.2020</p>	EDDC	<p>Complainant has received a series of emails over the course of a few months where the subject member has been bullying and intimidating. Subject member suggests complainant should not deal with the case.</p> <p>Breach of Code:</p> <p>4(a) You <u>must</u> - Treat others with respect and courtesy</p> <p>5(a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage</p> <p>5(c) You <u>must not</u> – Bully any person</p>	With the MO for assessment.
<p>2020/C19</p> <p>19.07.2020</p>	TC	<p>Complaint that subject member has bullied and harassed the complainant in various communications. The complainant believes the subject member has tried to undermine his position as an employee of the Town Council.</p> <p>Breach of Code:</p> <p>4(a) You <u>must</u> treat others with courtesy and respect including fellow council members, staff and members of the public</p> <p>5(c) You <u>must not</u> – bully any person</p>	Referred for independent investigation.

2020/C20 15.7.2020	TC	<p>Allegation that 5 subject members shared a computer at a zoom meeting and brought the council into disrepute.</p> <p>5. You must not –</p> <p>(h) conduct yourself in a manner <u>or</u> behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	With MO for assessment
2020/C21 22.08.2020	TC	<p>Allegation that during the Planning Meeting via Zoom the subject member appeared to 'smirk' and laugh when an applicant tried to explain why they needed access. The complainant felt that the Subject Member had bullied the applicant.</p> <p>There is also an allegation that the applicant was coerced into sharing the information she had provided on screen at the zoom meeting, as it had not been circulated to the council members prior to the meeting commencing.</p> <p>Breach of Code:</p> <p>5. You must not -</p> <p>(c) Bully any person</p> <p>(f) Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –</p>	With MO for assessment

		(i) you have the consent of a person authorised to give it;	
2020/C22 06.07.2020	EDDC	<p>The allegation is that on the 2nd July 2020 the subject member used their East Devon District Council's email address to widely publish a media release and document from a political Group, and as such misused their position as an EDDC Councillor by conferring an advantage upon a political party in which they are a member.</p> <p>Breach of Code: 1.3 When acting in your capacity as a Member or Co-opted Member of the Council –</p> <p>(a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate;</p> <p>(g) you must, when using or authorising the use by others of the resources of the Council, ensure that such resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the Council's reasonable requirements;</p> <p>(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the Council;</p>	With MO for assessment

		<p>(j) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.</p> <p>5. You must not –</p> <p>(a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;</p> <p>(e) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;</p> <p>(h) 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 or the Council into disrepute.</p>	
2020/C23 5.8.2020	TC	<p>The allegation is that the subject member, along with 4 other councillors shared a computer device during a zoom meeting of the council on. It is the belief of the complainant that this was inappropriate and that the meeting should have gone ahead with everyone in their own home.</p> <p>During this meeting the subject member also cast their vote on a motion and then openly admitted they did not know what they were voting for. The subject member tried to change their vote when questioned by Councillors in the</p>	With MO for assessment.

		<p>same house who were heard saying 'that was not the right answer'.</p> <p>Breach of Code:</p> <p>5. You <u>must not</u> –</p> <p>(h) conduct yourself in a manner <u>or</u> behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	
2020/C24 5.8.2020	TC	<p>The allegation is that the Subject Member, along with 4 other councillors shared a computer device during a zoom meeting of the council. It is the belief of the complainant that this was inappropriate and that the meeting should have gone ahead with everyone in their own home. As a result the complainant feels that the reputation of the council was put at stake.</p> <p>Breach of Code:</p> <p>5. You <u>must not</u> –</p> <p>(h) conduct yourself in a manner <u>or</u> behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.</p>	With the MO for assessment.
2020/C25 3.9.2020	EDDC	<p>The allegation is that at a meeting the subject member failed to declare an interest with regards to a retrospective planning application. The subject member knew the owners of the</p>	With the MO for assessment

		<p>land. The complainant felt that the subject member has compromised the position of the Planning Committee and the reputation of its Members by not declaring an interest.</p> <p>Breach of Code:</p> <p>5. You must not –</p> <p>(h) 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 or the Council into disrepute.</p> <p>6.3 Following any disclosure of an interest not on the Council’s register or the subject of pending notification, you must notify the Clerk of the interest within 28 days beginning with the date of disclosure.</p> <p>8.2 You also have a personal interest in any business of your Council 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>	
2020/C26 21.9.2020	EDDC	The allegation is that the subject member attempted to persuade the complainant given their position to defend the subject member against a complaint that they said had been made about them. The complainant felt intimidated and bullied by the subject member during the call which was overheard.	With the MO for assessment

		<p>Breach of Code:</p> <p>4. (a) You MUST treat others with courtesy and respect.</p> <p>5. You MUST NOT- (c) bully any person.</p>	
2020/C27 3.9.2020	EDDC	<p>The subject member made public criticisms about the capabilities of the complainant.</p> <p>Breach of Code:</p> <p>4. (a) You MUST treat others with courtesy and respect.</p> <p>5. You MUST NOT- (c) bully any person</p>	With the MO for assessment.
2020/C28	EDDC	<p>The allegation is that the Subject Member failed to disclose the property they reside at in their Register of Interests and his relationship with the person who submitted a planning application for the same address.</p> <p>Breach of Code:</p> <p>TBC</p>	With MO for initial review.
2020/C29 18.09.2020	EDDC	<p>Cllr attempted to remove applicant from the public S106/CIL vote, despite a week previously having accepted the Town Clerk's view that it was an eligible project in a meeting.</p>	With MO for initial review.

Complainants who have made more than 2 complaints

Complainant in relation to C13, C14, C15 & C16

Complainant in relation to C25, C26, C27 & C28

Subject Members who are subject to more than 2 complaints

Cllr in relation to C1, C14, C20 & C24

Cllr in relation to C2, C3, C5, C6, C9, C17 & C18

Cllr in relation to C10, C11, C12, C15, C19, C20 & C24

Cllr in relation to C16, C20 & C24

Cllr in relation to C25, C26, C27 & C28

An update for the Committee on Non-Code related / initial contact / pending cases since the 1st January 2020 to 5th October:

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Case #	Details of non-code complaint	Outcome
12.02.2020	Alleges that at a council meeting Cllr'S behaviour was very vocal, disruptive, disrespectful and totally unacceptable. Alleges that Cllr's behaviour demonstrated total disregard towards members of the public who attended wishing to speak in support of grant funding applications Cllr not content with disrupting Council Meeting has brought Council into disrepute with postings on Social Media	Completed complaint form not returned so closed.
12.02.2020	Alleged that two Cllrs never declared their interest before voting for co-optees. As well the rudeness and unbecoming behaviour of another Cllr at the meeting.	Completed complaint form not returned so closed.
11.2.2020	Unhappy with Town Council in general	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and

		much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
12.2.2020	Unhappy with Town Council in general	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
12.2.2020	Unhappy with Town Council in general	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about the specific actions of a Cllr/s. No response.
12.2.2020	Unhappy with Town Council in general	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about the specific actions of a Cllr/s. No response.
12.2.2020	Unhappy with Town Council in general	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about the specific actions of a Cllr/s. No Response.

13.2.2020	Unhappy with new elected Town Cllr and Council in general	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No response.
14.2.2020	Alleges Cllr called her a name whilst she was walking past his house with her 7 year old son. This is a repeat complaint from the end of last year where there was a previous incident.	Not a matter that the Monitoring Officer can intervene in unless Cllr is acting in an official capacity. No Response.
15.2.2020	Alleges Cllr spoke disrespectfully towards him at a meeting; Alleges Cllr is changing the agenda so certain items won't be discussed and he is intimidating the clerk; Alleges Cllr held an unlawful meeting and is sending threatening emails to the clerk; Alleges that Cllr did not disclose an interest when her grandson was elected	Complaint has been withdrawn.
17.2.2020	Alleges Cllr has no control over meetings and should resign; is allowing and not challenging a bullying and intimidating environment; has been ineffectual at restoring confidence and shows a general lack of respect	Complaint has been withdrawn.
17.2.2020	Alleges Cllr is not fit to serve as he has been investigated for sexual offences in the past 12 years	Email response to advise that we are unable to take action as we are limited to only acting on councillor behaviour when they are acting as a councillor. It cannot address previous actions.
17.02.2020	Alleges Cllr is not fit to serve as he has been investigated for sexual offences	Email response to advise that we are unable to take action as we are limited to only acting on councillor behaviour when they are acting as a councillor. It cannot address previous actions
19.2.2020	Complaint against the Town Council and how it is being run	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in

		that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
20.2.2020	Complaint that Cllr did not disclose information to the council that he was the complainant's brother and proposed the complainant for Co-option.	Cllr resigned and the complaint was withdrawn.
6.3.2020	Complaint the Council are not advertising 2 places on council.	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
12.3.2020	Complaint that Cllr was disrespectful	Form sent to complete if wishing to complain about actions of a Cllr. No response.
16.3.2020	Complaint about the actions of TC	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
16.3.2020	Complaint that Cllrs were disrespectful making disparaging remarks against other members and the public.	Complaint was withdrawn.
16.3.2020	Complaint about the actions of TC	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.

16.3.2020	Complaint about the actions of TC	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
16.3.2020	Complaint about the actions of TC	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
16.3.2020	Complaint that Cllrs were disrespectful making disparaging remarks against other members and the public.	Form sent to complete if wishing to complain about actions of a Cllr. No Response.
16.3.2020	Complaint about the actions of TC	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
16.3.2020	Complaint Cllr was disrespectful making disparaging remarks against other members and the public.	Form sent to complete if wishing to complain about actions of a Cllr. No Response.
4.6.2020	Complaint about systematic and institutionalised bullying that is part of TC	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.

6.6.2020	Climate of belittlement, marginalisation and harassment which is endemic in TC	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
9.6.2020	Complaint received regarding comments made by Cllr about another Member	Resolved informally.
10.6.2020	Complaint about the general behaviour of the Cllrs bringing the council into disrepute	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.
17.6.2020	Clear disrespect and lack of courtesy. There is an implication of personal interest where there is none. There is a clear attack about complainant's behaviour as a Christian which breaches equality legislation	Complaint was withdrawn.
15.6.2020	Alleges Cllr of bullying, intimidation, and treating complainant with disrespect in public	Resolved informally
25.6.2020	Alleges that Cllr was disrespectful to individual when he visited his second home during lockdown.	Still awaiting further information.
29.6.2020	Alleges that Cllr is breaching Code by not responding to emails	Response sent advising this was not a breach.
29.6.2020	Complaint about CTC steering people to vote on-line poll organised by Town Council.	Email response advising that the actions of the Council itself are not a matter that the MO can intervene in. It is a sovereign body subject to local government law / administrative law principles and much of what they do needs to be considered in that context. Form sent to complete if wishing to complain about actions of a Cllr. No Response.

14.7.2020	Complaint about the zoom meeting held where 5 Cllrs were sharing a computer. Cllr left the meeting without declaring and then voted on a motion without knowing what the vote was for and then asked to change her vote when another Cllr said she had made the wrong choice. This was heard in the zoom meeting.	Form sent to complete if wishing to complain about actions of a Cllr. No Response.
15.7.2020	Cllr made a statement in a tweet about the complainant stating "Are you still out on licence". Complainant believes this is a direct reference to being on release from prison which is not true and is libellous.	Form sent to complete if wishing to complain about actions of a Cllr. No Response.
16.7.2020	Complaint that in a recent SAR against Parish Council he has received in the response email communications (sender/recipient information redacted) that he feels have been negative and scathing about him and thus not upholding the Nolan principles.	Resolved informally
21.7.2020	Complaint that Cllr has accessed the personal email accounts of previous employees of TC and held such data with no thought of GDPR and insinuates that he has and will use information he has collected to his advantage in his position as Cllr.	Awaiting further information.
21.7.2020	Complaint that Cllr has accused the complainant of being under the influence of alcohol at virtual meeting. He also suggests that complaints have been made by the public following this meeting about the complainant's behaviour. The complainant denies she had been drinking and that complaints had been made about her behaviour. The complainant claims that this is part of a consistent approach by Cllr to undermine her position and is bullying and intimidating.	Awaiting further information.
15.7.2020	Complaint about zoom meeting and that 5 Cllrs were sharing the same laptop	No formal complaint form received.
9.8.2020	Unhappy with Cllr's behaviour at a recent meeting.	Awaiting further information.

11.8.2020	Complaint about zoom meeting at Town Council where Cllr appeared to be bullying the complainant and not treating her with respect.	Awaiting further information.
11.08.2020	Complaint about Council zoom meeting and Cllr's disruptive behaviour towards Cllr.	Complaint withdrawn as Cllr has resigned.
14.08.2020	Cllr was aggressive towards her when she was parked in front of Smiths in the street on market day in Honiton	Awaiting further information.
10.08.2020	Cllr made a comment that has been construed as racist. However the comment was made in a personal capacity and not in an official capacity as Cllr	Closed at initial review
9.08.2020	Social media post	Closed at initial review as post was made from a personal email account
17.08.2020	Complaint that a Parish Councillor failed to declare a register of interests that could have affected the decision of the council in relation to a planning matter	Form sent to complete if wishing to complain about actions of a Cllr. No Response.
19.08.2020	Cllr visited an elderly residents' home and was photographed shaking the hand of an elderly resident without wearing a face mask. This is in clear violation of government advice and brings his office into disrepute.	Form sent to complete if wishing to complain about actions of a Cllr. No Response.
19.09.2020	Complaint that neither of two Cllrs stated that they were members of the Neighbourhood Planning steering committee at the agenda item for declarations of interest, and they failed to subsequently mention it despite it being prejudicial to the NP discussion. This is a clear breach of the code of conduct.	Awaiting further information.
1.10.2020	Complaint that a Parish Councillor continues to participate in Parish Council decision-making when the relationship with the developer clearly suggests that there is a conflict of interest.	Awaiting review