

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Standards Committee held at online via zoom on 27 July 2022

Attendance list at end of document

The meeting started at 10.01 am and ended at 12.06 pm

22 Public speaking

There were no members of the public registered to speak.

23 Minutes of the previous meeting held on 12 April 2022

The minutes of the previous meeting held on 12 April 2022 were agreed.

24 Declarations of interest

Minute 27(b) Complaints update – 1 Jan 2021 to 31 Jan 2021.

Councillor Jess Bailey, Affects and prejudicial Non-registerable Interest. Member of a Town Council the subject of a number of complaints during that time period. Cllr Bailey absented herself from the meeting for this item.

Minute 27(c) Complaints update – 1 Jan 2022 to 12 Jul 2022.

Councillor Vicky Johns, Affects and prejudicial Non-registerable Interest. Subject member of a complaint during that time period. Cllr Johns absented herself from the meeting for this item.

25 Matters of urgency

None.

26 Confidential/exempt item(s)

One Member requested that the report was heard in public session because of the public interest in the content of the report.

The Monitoring Officer re-iterated that report under minute 28 must be considered in private session, because the report content met the criteria of being exempt under paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (information relating to an individual). Recommendations arising from the report would still form part of the published minutes.

The Committee agreed with the advice of the Monitoring Officer, agreeing the report be heard once the public and press had been excluded.

27 (a) Complaint updates - 1 Jan 2020 to 31 December 2020

The Monitoring Officer updated the Committee on the outcomes from those complaints outstanding from that period. The complaints in question were to be discussed further under minute 28.

The Committee noted the update.

27 (b) Complaint updates - 1 Jan 2021 to 31 Dec 2021

The Monitoring Officer updated the Committee on the outcomes from those complaints outstanding from that period.

The Committee noted the update.

27 (c) Complaint updates - 1 Jan 2022 to 12 July 2022

The Monitoring Officer updated the Committee on the outcomes from those complaints outstanding from that period. These included those complaints relating to the new Code of Conduct.

The Committee noted the update.

28 Reporting the outcomes from a Standards Investigation

The Committee had previously discussed, at their meeting on 12 April 2022, the value of pursuing those complaints where the subject member had since resigned. Discussion was minuted at that meeting as:

- No sanctions could be imposed on the subject member if they were no longer a councillor (and therefore no longer bound by the Code of Conduct); there was no duty on the subject member to continue to co-operate in any investigation that was ongoing at the time of her/her resignation/failure to be re-elected;
- There was validity in progressing outstanding complaints where there may be recommendations to the body for which the subject member was formerly a member of; so that lessons could be learnt and to demonstrate to the complainant the outcome of the process;
- Such complaint investigations could be put on hold for a period of time, such that if the subject member was re-elected and re-standing for election/co-option, the complaint would be revisited. This was to ensure that resigning and re-standing for election/co-option was not used as a means of avoiding answering to a complaint.

The report presented to the Committee gave a full account of the timeline of the complaints, as well as appraising the committee of the protracted and substantial detail of those complaints. A significant sum had already been spent on the investigation of the four complaints (circa £44K excluding VAT) with an outstanding invoice to be received; as well as substantial hours spent by the Monitoring Officer and his team, alongside the work of the Independent Person.

One complaint had reached a decision on 13 June 2022 and the decision was published on the Council's website, at the request of the subject member.

As the remaining three complaints related to subject members that had resigned, a formal finding either way could not be issued by the Council.

In discussion, the Committee covered:

- Merit in using the investigation documentation to date on the three complaints, in order to learn lessons that could be disseminated to the Council involved, and may prove useful to other councils;
- The code in place at that time meant that confidentiality was expected and that the Monitoring Officer referring matters for investigation was an option;
- The costs incurred to date were substantial, and ways of exploring how those costs could be curtailed, either by thresholds or recharge, should be explored to examine what could be achieved but that did not inhibit complaints or deny the right of the complainant to see the process completed;
- Format and quality of submissions (paragraph 3.3 of the procedure), as well as examining any alternative means of resolution (paragraph 2.4 of the procedure), were already assessed as part of the adopted complaints process;
- Training was key but resource intensive, and not all Councils could afford to cover such training costs for training beyond that which the District Council could offer. It was also difficult to secure attendance by all Councillors;
- Encourage town and parish councils to record both the offer and engagement/decline of training, as well as amending their Declaration of Office form to include agreement to the Code of Conduct and to undertake training in the Code of Conduct;
- Review training mechanisms to help increase take up of training and reduce the resources needed – such as e-learning or online.

RESOLVED that:

1. The Monitoring Officer enters into formal discussion with the Chair and Clerk of the council that the complaints related to, alongside the Chair of the Standards Committee, to reflect on the investigation outcomes and discuss any related learning points;
2. That the Monitoring Officer writes to all Town and Parish councils to encourage:
 - a. Recording the offer, and the engagement in/declined training;
 - b. Including in the Declaration of Acceptance of Office that is signed by the Councillor after election/co-option the agreement to comply with their Code of Conduct and/or undertake Code of Conduct training;
3. The Monitoring Officer to report back to the Committee at a future meeting on:
 - a. A review of delivery of Code of Conduct training to Town and Parish Council Councillors and Clerks, examining means such as e-learning, online training and resource implications;
 - b. A review of the implications of any cost limitations or thresholds set by the Committee, in respect of costs incurred in undertaking complaint assessment and investigation;
4. The Committee noted the report.

Attendance List

Councillors present:

I Thomas (Chair)

D Barrow
C Gardner
V Johns
J Loudoun
P Twiss

P Coulter, Independent Person
R Wood, Independent Representative
M Goscomb, Independent Representative
K Bryant, Independent Representative
B Nelson, Town and Parish Representative
P Stott, Town and Parish Representative

Councillors also present (for some or all the meeting)

J Bailey
P Arnott

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing (and Monitoring Officer)
Debbie Meakin, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

Councillor apologies:

E Rylance

Apologies:

D Kuh, Independent Person
S Sexton, Town and Parish Representative

Chair

Date: