

**Agenda for consultative meeting of the  
Standards Committee  
Wednesday, 27th July, 2022, 10.00 am**



**Members of Standards Committee**

Councillors I Thomas (Chair), D Barrow, C Gardner,  
V Johns, J Loudoun, E Rylance, P Twiss

Parish B Nelson, P Stott and S Sexton  
Reps.

Ind. D Kuh, and P Coulter  
Persons

Ind. Rep. R Wood, M Goscomb, and K Bryant

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**Venue:** online via zoom

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(or group number 01395 517546)  
Tuesday, 19 July 2022; re-issued 25 July 2022

**Important - this meeting will be conducted online and recorded by Zoom only.  
Please do not attend Blackdown House.  
Members are asked to follow the [Protocol for Remote Meetings](#)**

This meeting is being recorded by EDDC for subsequent publication on the Council's website and will be streamed live to the Council's Youtube Channel at <https://www.youtube.com/channel/UCmNHQruge3LV4hcgRnbwBw>

Public speakers are now required to register to speak – for more information please use the following link: <https://eastdevon.gov.uk/council-and-democracy/have-your-say-at-meetings/all-other-public-meetings/#article-content>

Until 31<sup>st</sup> October 2022, the Council has delegated much of the decision making to officers. Any officer decisions arising from recommendations from this consultative meeting will be published on the webpage for this meeting in due course. All meetings held can be found via the [Browse Meetings](#) webpage.

- 1 Public speaking  
Information on [public speaking](#) is available online
- 2 Minutes of the previous meeting held on 12 April 2022 (Pages 3 - 6)
- 3 Apologies  
Cllr Serena Sexton

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 is **one** item which officers recommend should be dealt with in this way.

7 **Complaint updates** (Pages 7 - 15)

**Part B**

8 **Reporting the outcomes from a Standards Investigation** (Pages 16 - 19)

[Decision making and equalities](#)

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**EAST DEVON DISTRICT COUNCIL****Minutes of the meeting of Standards Committee held at online via zoom on 12 April 2022****Attendance list at end of document**

The meeting started at 10.01 am and ended at 12.15 pm

**14 Public speaking**

There were no members of the public registered to speak.

**15 Minutes of the previous meeting held on 10 November 2021**

The minutes of the previous meeting held on the 10 November 2021 were agreed, subject to the inclusion of attendees Pat Coulter, Martin Goscomb, Robert Wood and Pauline Stott.

**16 Declarations of interest**

None.

**17 Matters of urgency**

None.

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

None.

**19 Code of Conduct and related standards matters**

The Committee considered the report of the Monitoring Officer on the following issues:

- Government response to the Committee for Standards in Public Life report
- Personnel Committee recommendations from the 22 March 2022 meeting
- Code of Conduct draft and consultation responses
- Complaint procedure update
- Appointment of a new Independent Representative and a new Town and Parish Representative.

Discussion on the report mainly centred on the recommendations from Personnel Committee, and agreeing the final elements of the Code of Conduct.

The recommendation for including an informal channel to resolve difficulties, proposed for inclusion in the Member/Officer protocol, was contested. Any informal discussion could still be used as a means of applying pressure to a decision maker. In response, the Monitoring Officer outlined that this was a step to be used where there was difficulty in obtaining agreement between parties, whereby the decision maker was unable or unwilling to make a decision. Effectively the recommendation that had come forward from the Personnel Committee discussions was to advocate internal mediation to get to an outcome. Generally sensitive or contentious decisions, which such a decision would be, would be recorded.

Other Committee members felt that it was appropriate to have an informal mechanism in place should such rare difficulties arise, to assist the decision maker in reaching a decision.

Cllr Twiss proposed, seconded by Cllr Barrow, that the reference to informal channels to resolve difficulties should be removed from the recommendation before it was put forward to Council. This amendment did not receive support from the Committee, with the Chair using his casting vote.

Debate on the final elements of the Code reintroduced discussion on gifts and hospitality, including:

- The consultation undertaken, although with a small number of respondents, did clearly indicate that many were against the acceptance of any gift or hospitality by a Member;
- Some Committee members felt that a zero approach was still the right approach to take;
- Others agreed that on a practical level, a nominal limit before declaration was required was necessary;
- A number of scenarios and examples were shared of where impracticalities may occur;
- Public perception was key, and educating the public would help change the perception that came across in the consultation feedback;
- Hospitality was generally felt to be less realistic for a zero approach option;
- The Monitoring Officer was always available for advice but would not be able to make the decision for a Member on whether to accept a gift or hospitality;
- Some hospitality was necessary for civic duties;
- Limit suggestions varied from zero, to £25, to £50;
- Generally the cumulative threshold was agreed to be retained but with a limit in any calendar year;
- Dual hatted Councillors needed to consider how the gift or hospitality was being offered and therefore which code applied; with the option to report to both authorities to be sure.

Following the debate, the Chair proposed the LGA model code threshold of £50 for gifts and hospitality, as set out in the draft Code, with a cumulative threshold of £50 in any calendar year.

The Monitoring Officer gave a brief background to the new Independent Representative and new Town and Parish Representative that he requested the Committee recommend to Council, for appointment.

Michael Bryant currently worked in Human Resources for a solicitor firm in Exeter with a view to working towards retirement, The interviewing panel felt that his broad experience in this field would be valuable to the Committee.

Cllr Serena Sexton is currently a councillor of Honiton Town Council; she has formerly been employed as a Prison Governor. Her past work experience was felt by the interviewing panel to be beneficial to the Committee.

#### **RECOMMENDED:**

1. Agree that the Monitoring Officer should consider whether the Member / Officer Protocol could include detail around what consultation means and informal channels to resolve difficulties and / or ensure that the matter is covered by appropriate training.
2. Refer the issue of;
  - (a) training on the Code of Conduct to the Member Development Working Group to consider, and

(b) the possibility of a voluntary code between members renewed annually to the Standards Working Group to consider.

3. Recommend to Council to agree the Code of Conduct at Appendix 1 to the report be included in the revisions to the Constitution at Annual Council in May but with paragraph 6.2.2 amended to reflect a cumulative threshold of '£50 in any calendar year'.

4. Recommend the proposed changes to the adopted Code of Conduct procedure to Council for approval

5. Recommend to Council that it appoints Cllr Serena Sexton (Honiton Town Council) as a co-opted Town / Parish Representative and Michael Bryant as a co-opted Independent Representative of the Standards Committee.

## 20 **Code of conduct complaint updates**

The Committee received and noted the complaint update reports for the periods 1 January 2020 to 31 December 2020; 1 January 2021 to 31 December 2021; and 1 January 2022 to 31 March 2022.

The Monitoring Officer highlighted that four of the 2020 cases were still pending, but he hoped that three of these would be put before the committee to consider soon. The new structure now in place, which included the Assessment Sub Committee, would provide a quicker process because of the timeframe installed into the complaint process.

The Chair raised a query on the value of pursuing those complaints where the subject member had since resigned which prompted discussion on the issue by the Committee. This included:

- 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 his/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 or co-opted, 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.

## 21 **Cllr Millar dispensation request**

The report set out the request for a dispensation to permit Cllr Millar to participate in and vote on matters involving Exmouth Community College, in which he has a pecuniary interest.

Cllr Millar was permitted by the Chair to outline his reasons for making the request.

The Committee discussed the impact that such a dispensation would have on his role as councillor, and to what level such a dispensation should be granted including:

- Seeking further information from Cllr Millar on the expected job term;
- Limit the dispensation, if agreed, to the May 2023 election and review after that if required;
- Concerns that granting such a dispensation may set a precedent for others;
- Each request for dispensation should be treated on a case by case basis;

- Any granted dispensation still meant that Cllr Millar would have to declare the interest at a meeting as required;
- Granting a dispensation to participate, but not vote, was the consensus reached as the best balance.

**Recommended to Senior Officers** that Cllr Paul Millar be granted a dispensation under S.33 Localism Act 2011 in relation to his employment at Exmouth Community College on the basis that it is in the interests of persons living in the authority's area. Such dispensation to permit participation in discussion on any matter but not voting and to be of effect until the ordinary elections in May 2023.

**Attendance List**

**Councillors present:**

I Thomas (Chair)  
D Barrow  
C Gardner  
E Rylance  
P Twiss

Diana Kuh – Independent Person  
Patrick Coulter – Independent Person  
Robert Wood – Independent Representative  
Martin Goscomb – Independent Representative  
Bob Nelson – Town and Parish Representative  
Pauline Stott – Town and Parish Representative

**Councillors also present (for some or all the meeting)**

P Arnott  
P Faithfull  
G Jung  
P Millar  
H Parr

**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:**

V Johns  
J Loudoun

Chair .....

Date: .....

Standards Committee

Code of Conduct complaints update 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020.

**Only cases that are live / have been updated since the last Committee update are included.**

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/C13  17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	<p><b>Independent investigation underway (combined with C14, 15 &amp; 16).</b></p> <p><b>Cllr resigned so case won't progress and is technically closed.</b></p> <p><b>Investigation report will be brought to Committee for information and to potentially make recommendations to the TC.</b></p> <p><b>Report received – no breaches concluded.</b></p>
2020/C14  17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	<p><b>Independent investigation underway (combined with C13, 15 &amp; 16).</b></p> <p><b>Cllr resigned so case won't progress and is technically closed.</b></p> <p><b>Investigation report will be brought to Committee for information and to potentially make recommendations to the TC.</b></p> <p><b>Report received – no breaches concluded.</b></p>

2020/C15  17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	<p><b>Independent investigation underway (combined with C13, 14, &amp; 16).</b></p> <p><b>Cllr resigned so case won't progress and is technically closed.</b></p> <p><b>Investigation report will be brought to Committee for information and to potentially make recommendations to the TC.</b></p> <p><b>Report received – no breaches concluded.</b></p>
2020/C16  17.6.2020	TC	Complaint received regarding repeated bullying behaviour towards the complainant	<p><b>Independent investigation underway (combined with C13, 14, &amp; 15).</b></p> <p><b>Investigation report received – no breaches found.</b></p> <p><b><a href="#">Decision letter.</a></b></p> <p><b>Case closed.</b></p>

**Standards Committee**

**Code of Conduct complaints update 1<sup>st</sup> January 2021 to 31<sup>st</sup> December 2021.**

**Only cases that are live / have been updated since the last Committee update are included.**

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
2021/C09  27.1.20201	EDDC  Cllr Bailey	<p>The allegation is that a Cllr used their position to incite a protest against trees being cut down on private land and took steps to prevent works to the tree.</p> <p><b>Breach of Code:</b></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>c) bully any person;</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><b>With MO for assessment.</b></p> <p><b>Investigation proceeding.</b></p> <p><b>Breach of paragraph 5(h) found. <a href="#">Decision.</a></b></p> <p><b>Not accepted – subject to Independent Investigation</b></p> <p><b>Independent Investigation concluded no breach. Decision notice to be published on the website.</b></p> <p><b>Case closed.</b></p>

## Standards Committee

### Code of Conduct complaints update 1<sup>st</sup> January 2022 to 12 July 2022.

Case # Received	TC/PC or EDDC member	Stage 1 Assessment	Date of Assessment Sub- Committee	Relevant paragraphs in Code of Conduct it is alleged has been breached and nature of complaint	Case progress
2022/C01 Cllr W  24.2.22	EDDC	28 February 2022	21 April 2022	4.1 (a) You <b>must</b> treat others with courtesy and respect.  Inappropriate comments made about the complainant in a newspaper article.	Referred for 'other action' - apology to be given - and to be returned if not agreed.  Not accepted by Cllr W and returning to ASC on 22.7.22.
2022/C02 Cllr V  24.2.22	EDDC	28 February 2022	21 April 2022	4.1 You <b>must</b> (a) treat others with courtesy and respect;  Inappropriate comments made about the complainant on Facebook	Referred for 'other action' of apology.  Not accepted by Cllr V.  Case closed.
2022/C03 Cllr A  23.2.22	TC	28 March 2022	22 July 2022	Not declaring disclosable pecuniary and personal interests.  You <b>must</b> (a) treat others with courtesy and respect  5. You <b>must not</b> (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;  (c) bully any person  Not including on their register of interests a relevant person's employment, relevant person's contract with Council and the	

				membership of outside bodies as personal interests. Not declaring or acting on disclosable pecuniary interest at meetings and conferring an advantage on their partner. Not treating the complainant with courtesy and respect or bullying them in relation to the challenge to the their declaration of interests at a meeting.	
2022/C04 Cllr B  23.2.22	TC	28 March 2022	22 July 2022	<p>Not declaring disclosable pecuniary and personal interests.</p> <p>You <b><u>must</u></b> (a) treat others with courtesy and respect</p> <p>5. You <b><u>must not</u></b> (c) bully any person</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> <p>Not treating the complainant with courtesy and respect and bullying in relation to in relation to the challenge to their declaration of interests at a meeting. Making inappropriate comments (sexual innuendo) at a meeting. Not including on their register of interest a relevant person's employment / business, their directorship of a community foodbank and the leasing by the community foodbank of Council premises.</p>	
2022/C05 Cllr C  23.2.22	TC	29 March 2022	22 July 2022	<p>Not declaring disclosable pecuniary and personal interests.</p> <p>You <b><u>must</u></b> (a) treat others with courtesy and respect</p> <p>5. You <b><u>must not</u></b></p>	

				<p>(c) bully any person</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> <p>Calling the complainant an idiot in correspondence. Their employment being incorrectly recorded in their register of interest and not registering their membership of a number of outside bodies as personal interests.</p>	
<p>2022/C06 Cllr D  23.2.22</p>	<p>TC</p>	<p>28 March 2022</p>	<p>22 July 2022</p>	<p>Not declaring disclosable pecuniary and personal interests.</p> <p>You <b><u>must</u></b></p> <p>(a) treat others with courtesy and respect</p> <p>5. You <b><u>must not</u></b></p> <p>(c) bully any person</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> <p>Not treating the complainant with courtesy and respect and bullying in relation to in relation to the challenge to their declaration of interests at a meeting. Not including on their register of interest a relevant person's employment, their directorship of a community foodbank and the leasing by the community foodbank of Council premises, their land interests and their membership of a number of outside bodies as personal interests.</p>	

2022/C07 Cllr E  14.3.22	PC	18 March 2022	27 July 2022	4(a) you must treat others with courtesy and respect.  Making of inappropriate comments about the complainant at a Council meeting.	
2022/C08 Cllr F  28.3.22	PC	20 April 2022	27 July 2022	4(a) You <b>must</b> treat others with courtesy and respect;  5(c) You <b>must not</b> bully any person.  Inappropriate comments about and behaviour towards to the complainant at a Council meeting.	
2022/C09 Cllr G  5.4.22	PC	Closed – no response	-		
2022/C10 Cllr H  9.4.22	TC	10 July 2022	27 July 2022	4(a) <b>you must</b> treat others with courtesy and respect; and  5(f) you <b>must not</b> 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  That confidential information in relation to the complainant was revealed by the councillor. In appropriate behaviours towards the complainant in a telephone call and a meeting. Not responding to correspondence.	
2022/C11 Cllr I	TC	10 July 2022	27 July 2022	5(f) you <b>must not</b> disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought	

9.4.22				reasonably to be aware, is of a confidential nature  That confidential information in relation to the complainant was revealed by the councillor.	
2022/C12 Cllr J  11.4.22	PC	Closed – no response	-		
2022/C13 Cllr K  28.4.22	EDDC	27 May 2022	Withdrawn		
2022/C14 Cllr L  9.5.22	EDDC	27 May 2022	27 July 2022	5.1 You <b><u>must not</u></b>  (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.  Untruthful comments in a newspaper article / misleading Council in relation to a particular issue.	
2022/C15 Cllr M  13.5.22	EDDC	27 May 2022	27 July 2022	4.1 You <b><u>must</u></b>  (a) treat others with courtesy and respect.  Inappropriate and disrespectful comments made about the complainant in a newspaper article.	

2022/C16 Cllr N  26.5.22	TC	Withdrawn	-		
2022/C17 Cllr O  9.6.22	PC	21 June 2022	TBC		
2022/C18 Cllr P  18.6.22	EDDC	Closed – no response	-		
2022/C19 Cllr Q  24.6.22	EDDC	8 July 2022	TBC		
2022/C20 Cllr R  12.7.22	EDDC	TBC			

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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