



Agenda for Standards Committee Thursday, 22nd June, 2023, 10.00 am

Members of Standards Committee

Councillors: E Rylance (Chair), J Bailey, I Chubb, S Hughes, J Loudoun, and J Whibley

Parish Representatives: P Stott and S Sexton

Independent Persons: D Kuh and P Coulter

Independent Representatives: R Wood, M Goscomb and K Bryant,

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(or group number 01395 517546)

Wednesday, 14 June 2023

- 1 Public speaking
Information on [public speaking](#) is available online
- 2 Minutes of the previous meeting (Pages 3 - 6)
To agree the minutes of the previous meeting held on the 22 July 2022.
- 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 **Standards Committee Terms of Reference** (Pages 7 - 10)
- 8 **Standards Committee Work Programme** (Pages 11 - 13)

9 **Complaints Procedure** (Pages 14 - 15)

10 **Standards Update** (Pages 16 - 17)

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Members of the public exercising their right to speak during Public Speaking will be recorded.

[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 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:



Report to: Standards Committee

Date of Meeting 22 June 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Standards Committee Terms of Reference

Report summary:

To note the Standards Committee Terms of Reference.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Standards Committee note the Terms of Reference.

Reason for recommendation:

To ensure that the Committee are fully aware of the matters within their remit.

Officer: Melanie Wellman, Director of Licensing and Governance and Monitoring Officer, email melanie.wellman@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; Ensures the Committee are aware of the matters within their remit.

Links to background information

Appendix A : Terms of Reference

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
 - ☐ A greener East Devon
 - ☒ A resilient economy
-

Purpose of Report

1. To present the Standards Committee Terms of Reference, a copy of which is attached below as Appendix A. This Terms of Reference details the matters for which the Standards Committee have responsibility in the Constitution.

Financial implications:

There are no financial implications to be added to this report.

Legal implications:

There are no legal implications to be added to this report.

2.6 Standards Committee

- 2.6.1 **Membership:** 13 Councillors comprising Chair of Council (who will be the Chair) and 6 District councillors (subject to the rules relating to political balance / proportionality), 3 non-voting Parish Councillor representatives and 3 non-voting independent members. There shall be substitute members for each political group of the Council entitled to a seat to ensure flexibility in case of any conflict of interest and to ensure political balance.
- 2.6.2 **Meetings:** 4 times per year (or more frequently as appropriate).
- 2.6.3 **Quorum:** 4 committee members (of which three shall be Members with voting rights).
- 2.6.4 **Terms of Reference:** All elected Members (and any co-opted members) are subject to the Code of Conduct for Councillors. The Standards Committee will exercise the roles and functions referred to in Article 9 of the Constitution. It is a committee that is subject to the procedural rules of the Local Government Act 1972 and shall be politically balanced unless full Council votes to the contrary unanimously. In addition the Standards Committee will:
- (a) Advise on the discretionary elements of the Local Code; including monitoring and updating.
 - (b) Advise on the implementation of the Local Code, including the training of Members in matters of conduct and advice to Members on such issues as the treatment of Disclosable Pecuniary Interests and personal interests and more general conduct issues.
 - (c) To the extent allowed by law make arrangements for Members to receive dispensations to speak on, or participate in, matters in which they have interests.
 - (d) Appoint such Sub Committees (including Membership thereof) as appropriate to discharge the functions.
- 2.6.5 The Committee will support and be supported by the Council's Monitoring Officer, reinforcing his/her informal role of helping to maintain standards of conduct by encouragement, advice and persuasion.
- 2.6.6 Council will appoint at least one Independent Person to discharge the relevant functions under the Localism Act 2011 and the Council's internal procedures.
- 2.6.7 The Council will appoint members of the Standards Committee at its annual meeting.
- 2.6.8 The Committee will report directly to the Council, and reports to Council shall be under the name of the Chair. The Committee shall receive guidance from the Monitoring Officer or his Deputy. The Committee may make recommendations to the Council on changes to the Code of Conduct, procedure, or guidelines relating to the conduct of Members.
- ### 2.6.9 Assessment Sub Committee
- 2.6.10 **Membership:** 3 Councillors drawn as necessary from the Standards Committee, and one non-voting Independent Member, one non-voting Parish Member and one Independent Person. The Chair and membership to be rotated and it can be called on an ad hoc basis.
- 2.6.11 **Quorum:** 3 District Councillors,
- 2.6.12 **Terms of Reference:** To consider investigation reports referred to the sub-committee by the Monitoring Officer concerning complaints of breaches of the Code by District councillors or Parish Councillors within East Devon.
- ### 2.6.13 Hearings Sub Committee

- 2.6.14 **Membership:** 3 Councillors drawn as necessary from the Standards Committee, and one non-voting independent Member, and one non-voting Parish Council Member. The membership shall be rotated and it can be called on an ad hoc basis. The Chair of the Council shall Chair if sitting. The membership shall not include any member who sat on the Assessment Sub-Committee that considered the complaint at the earlier stage, save where to do so would mean that the Hearing Sub-Committee is incapable of being constituted.
- 2.6.15 **Quorum:** 3 District Councillors.
- 2.6.16 **Terms of Reference:** To consider investigation reports referred to the sub-committee by the Monitoring Officer concerning complaints of breaches of the Code by District councillors or Parish councillors within East Devon.



Report to: Standards Committee

Date of Meeting 22 June 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Standards Committee Work Programme

Report summary:

To agree the Committee's Work Programme for 2023/24

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Standards Committee reviews and agrees the Work Programme for 2023/24 with or without amendments.

Reason for recommendation:

To ensure that the Committee has a robust work programme in place and can monitor activity against that Work Programme at each meeting.

Officer: Melanie Wellman, Director of Licensing and Governance and Monitoring Officer, email melanie.wellman@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; Agreeing a Work Programme for the Committee will ensure that important issues are not overlooked and that the Committee can monitor progress against that work programme.

Links to background information None

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
- ☐ A greener East Devon
- ☒ A resilient economy

Purpose of Report

- The following table sets out the proposed Work Programme for the Standards Committee for 2023/24. The Committee are invited to consider the proposed Work Programme and make such changes as it deems appropriate. It is proposed that this Work Programme is updated and presented to the Committee at each Standards Committee meeting.

Description	Timetable	Responsible Officer	Comments
Annual Report from the Chair of the Committee regarding the work of the Committee	2024	Chair/Monitoring Officer	
Promote ethical standards by providing support and training in relation to the Code of Conduct to District Councillors , Parish Clerks and Councillors (as required);	Training provided to District Councillors in May/June 2023 Training to be provided to Town and Parish Councils in September 2023	Monitoring Officer	
Receive conduct of hearings training	To be agreed	Monitoring Officer	To be arranged if an investigation finds a breach of the Code and the matter is referred for hearing
Investigate ways of resolving issues before they escalate to a formal complaint	To be agreed	Monitoring Officer	
Promote ethical standards by engaging via the Chair of the Committee on a regular basis with the political leaders and Chief Executive of the Council	Twice a year	Chair	
Review the procedures relating to member Complaints made to the Council	22 June 2023	Monitoring Officer	On this agenda

Receive updates regarding Code of Conduct complaints		Monitoring Officer	Update at every meeting
Hear Standards complaints where an investigation has concluded there has been a breach of the Code and the Monitoring Officer refers the matter for hearing	As required	Monitoring Officer Sub-Committee of Standards Committee	
Consider dispensation applications	When applications have been received	Monitoring Officer	
Conduct a review of the Code of Conduct		Monitoring Officer	
Receive an update on Standards issues	At each meeting – as required	Monitoring Officer	
To receive regular updates on the gifts and hospitality accepted or refused by members and officers	Every six months	Monitoring Officer	
To review Protocols relating to standards and behaviour	To be agreed	Monitoring Officer	

Financial implications:

There are no financial implications to be added to this report.

Legal implications:

There are no substantive legal issues to be added to this report.



Report to: Standards Committee

Date of Meeting 22 June 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Review of Member Code of Conduct Complaints Procedure

Report summary:

To receive a presentation from the Monitoring Officer regarding the current Code of Conduct complaint procedures and conduct a review of the procedure.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Standards Committee note the presentation and review the current procedure.

Reason for recommendation:

To ensure the current Code of Conduct complaints procedure remains fit for purpose.

Officer: Melanie Wellman, Director of Licensing and Governance and Monitoring Officer, email melanie.wellman@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk;

Links to background information

Appendix A : [Complaints procedure](#)

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ Better homes and communities for all
 - ☐ A greener East Devon
 - ☒ A resilient economy
-

Purpose of Report

1. It is important that the Committee conducts a regular review of the current procedure for dealing with Member Code of Conduct complaints to ensure that it remains fit for purpose and in compliance with best practice. A copy of the current procedure is attached at Appendix A to this report.
2. The current procedure was put in place in February 2022 in response to the high number of complaints being received. The process was amended to include consideration of complaints by a Standards Assessment Sub Committee consisting of three members of the Standards Committee. That process has now been in place for over a year and it is important to review this and ensure that it is working for both complainants and members.
3. The Monitoring Officer will make a presentation to the Committee outlining the current procedure, Local Government Association guidance on dealing with Code of Conduct complaints and inviting the Committee to consider whether it wishes to make any changes to the current process. In considering any changes, it is important that the Committee has regard to the following principles:-
 - a. That there are no unnecessary obstacles for those seeking to complain;
 - b. Treating complainants and members with respect;
 - c. A right to a fair hearing based upon the principles of natural justice.
 - d. Ensuring that political affiliations have no place in the complaints process;
 - e. Impartiality.
 - f. Compliance with best practice.
4. Changes (if any) to the current procedure will need to be recommended to Full Council for approval.

Financial implications:

There are no financial implications to be added to this report.

Legal implications:

It is important that the Council has a robust Member Code of Conduct complaints procedure in place which is reviewed on a regular basis to ensure it is robust and in accordance with best practice.

Report to: Standards Committee

Date of Meeting 22 June 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



Standards Update report

Report summary:

It is important that the Monitoring Officer provides a regular report to the Committee on ethical standards and Code of Conduct issues. The Monitoring Officer will provide a verbal update at the meeting in relation to:-

1. Standards issues generally;
2. Declaration of Interests by District, Town and Parish Councillors;
3. Training of District, Town and Parish Councillors in relation to the Code of Conduct;
4. Code of Conduct complaints and future reporting arrangements.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

That the Committee note the verbal update.

Reason for recommendation:

To ensure that Committee are kept up-to-date regarding ethical standards and code of conduct issues.

Officer: Melanie Wellman, Director of Licensing and Governance and Monitoring Officer, email melanie.wellman@eastdevon.gov.uk

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☒ Council and Corporate Co-ordination
- ☒ Democracy, Transparency and Communications
- ☐ Economy and Assets
- ☐ Finance
- ☐ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: Low Risk; This report ensures that Members are having sufficient oversight in relation to Ethical standards matters.

Links to background information

None

Link to Council Plan

Priorities (check which apply)

- ☐ Better homes and communities for all
 - ☐ A greener East Devon
 - ☒ A resilient economy
-

Purpose of Report

1. It is important that the Monitoring Officer provides a regular report to the Committee on ethical standards and Code of Conduct issues. The Monitoring Officer will provide a verbal update at the meeting in relation to:-
 - Standards issues generally;
 - Declaration of Interests by District, Town and Parish Councillors;
 - Training of District, Town and Parish Councillors in relation to the Code of Conduct;
 - Code of Conduct complaints including future reporting arrangements.

Financial implications:

There are no financial implications to be added to this report.

Legal implications:

It is important that the Committee receives regular updates regarding ethical standards and code of conduct matters, to ensure it is having appropriate oversight of and meeting its Terms of Reference.