

## **EAST DEVON DISTRICT COUNCIL**

### **Minutes of the meeting of Standards Committee held on line via the Zoom App. on 13 October 2020**

#### **Attendance list at end of document**

The meeting started at 10.00 am and ended at 1.10 pm

#### **18 Public speaking**

There were no members of the public who wished to speak.

#### **19 Minutes of the previous meeting**

The minutes of the meeting held on 21 January 2020 were agreed as a true record.

#### **20 Declarations of interest**

Cllr Phil Twiss, Personal, - Minute 23 – Member of Devon County Council Standards Committee & Governor at the RD&E NHS Hospitals Trust.

Cllr Bob Nelson, Personal – Minute 23 – Chairman of Broadhembury Parish Council and Deputy Chairman of Blackdown Hills AONB Partnership

#### **21 Matters of urgency**

There were no matters of urgency.

#### **22 Confidential/exempt item(s)**

There were no confidential/exempt items.

#### **23 East Devon's Standards Regime**

Members considered the report of the Monitoring Officer which provided a review of the current standards regime in East Devon and considered 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 was noted that the Chairman of the Committee had requested an update on whether local authorities were adopting the best practice recommendations. It also explained the complaints process and invited the Committee to consider whether it wanted to review the complaints process as well as the nature of interests that were required to be declared and the level of information disclosed on a member's register of interest form. The report considered 15 points of best practice put forward by the Committee for Standards in Public Life which the Committee went through individually.

During the lengthy discussions the following points were noted:

- The definition of bullying in the Code of Conduct should be revised to make it clearer and to include some of the wording from the LGA draft model code which was currently being consulted on.

- Code of Conduct should also include harassment along with a definition of what harassment was.
- There seemed little point in including wording in the Code of Conduct requiring Members to comply with a standards investigation and prohibiting trivial or malicious complaints.
- There should be stakeholder engagement on the appropriateness of the Code of Conduct and that this could be carried out roughly every three years.
- The Code of Conduct was readily accessible but use of the East Devon App could be investigated.
- Public interest tests were in the Council's complaint procedures.
- Appointing a second Independent Person was desirable.
- That there was a balance to strike on publishing decision notices which seemed best struck in publishing breach decisions only.
- That it would not be right to require complaints by Clerks to be made by the Chair or members of a town or parish council.
- Conflicts of interest were capable of being managed.
- Importance of the introduction of a Standards Assessment Sub Committee to improve public confidence in the system
- Concern over the budget implications the proposed additional member of staff referenced in the report could have.
- Consideration be given to establishing a Working Party to discuss the proposed changes contained in the report.
- Benchmarking with other Council's was not considered appropriate in this case.
- Add more mediation into the Standards regime process.
- That it is important to distinguish member interests from the interests of a relevant person but in addition as much information as possible be added to the Councillors Register of Interest form and the form be made easier to add this information.
- It was noted that there had been additional advice from the LGA on the Standards regime.

**RESOLVED:**

1. that the Monitoring Officer write a letter, to be agreed with the Chair of the Standards Committee, in reply to the Chairman of the Standards in Public Life correspondence asking about the Council's implementation of their best practice recommendations;
2. that further investigation be undertaken into the practicalities of setting up a Standards Assessment Sub Committee;
3. that a revision be made to the Register of Interest forms to distinguish member interests from relevant person interests and that there be a further report on whether other changes could be made to enable more information to be given;
4. that a review be undertaken on the nature of interests that are currently required to be declared in the Code of Conduct, with a further report to be made to the Committee on implementing a possible additional 'personal and prejudicial' interest;
5. That consideration of whether to revise the standards process, the size of the Standards Committee and possible extra resourcing be deferred until a future meeting to be considered in relation to the report on a Standards Assessment Sub Committee;

**RECOMMENDED** to Council

6. that the Member's Code of Conduct be revised to include harassment (with a definition) and that the wording in relation to bullying be revised to include wording

from the LGA draft model code of conduct ensuring that the wording relating to coercion is retained with the Monitoring Officer to provide the revised wording to Council for approval;

7. that two Independent Persons be recruited to be appointed at Annual Council in May 2021;
8. that the Standards Complaints Procedure be revised so that decision notices where a breach is found by the Monitoring Officer are published on the website.

## 24 **Dispensation request by Cllr Paul Hayward**

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

Members considered Cllr Hayward's request for a dispensation and some concern was expressed over the future precedent this may set. There was also discussion over how dispensations operated within the legal framework. The committee considered that there were two dispensations in effect, one for Cllr Hayward's role as a clerk and one for the employment of his wife, who is a relevant person. The Committee did not agree to a dispensation in relation to the employment of Cllr Hayward's wife, following which Cllr Hayward withdrew his request in relation to his own role.

**RESOLVED** not to agree to grant Cllr Paul Hayward's dispensation request under s33 of the Localism Act 2011.

## 25 **Code of Conduct 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 January 2019 – 3 & 1<sup>st</sup> January 2020 to date. There was a brief discussion on disclosable pecuniary interests and the circumstances when they might be referred to the Police. The Monitoring Officer noted that it could be both a criminal matter and also a civil matter (as a breach of the Code of Conduct). Members noted that allegations involving breach of DPI rules, if considered to be made out, could be referred to the police for action.

**RESOLVED** that the report be noted.

## 26 **Forward Plan**

The Committee agreed there were no additional items to add to the Forward Plan.

### **Attendance List**

#### **Councillors present:**

D Barrow  
P Twiss  
E Rylance  
S Bond

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

A Moulding

P Arnott

P Millar

**Officers in attendance:**

Henry Gordon Lennox, Strategic Lead Governance and Licensing

Sarah Jenkins, Democratic Services Officer

Christopher Lane, Democratic Services Officer

Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)

**Councillor apologies:**

Chair .....

Date: .....