

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Standards Committee held online via zoom on 10 November 2021

Attendance list at end of document

The meeting started at 2.00 pm and ended at 3.35 pm

7 Public speaking

There were no members of the public registered to speak.

8 Minutes of the previous meeting held on 14 September 2021

The minutes of the previous meeting held on 14 September 2021 were agreed.

In response to a question on the work programme of the Standards Working Group, the Monitoring Officer confirmed that the Group had been undertaking work on the protocol for Members and Officers, and would progress to the remaining workload in due course

9 Declarations of interest

None.

10 Matters of urgency

None.

11 Confidential/exempt item(s)

None.

12 Members' Code of Conduct

The committee considered the report of the Monitoring Officer on the revised Members' Code of Conduct, following work by the Standards Working Group.

Questions and discussion on the revised code included:

- Request for public consultation on the revised code, prior to recommendation to Council, in order to obtain public feedback on some elements of the code. This was requested in light of recent parliamentary events in the media; and as other authorities had undertaken public consultation; and to capture the views of the "reasonable member of the public";
- The entire code was not suggested for public consultation, but elements such as the threshold for gifts and hospitality could be;
- Undertaking any public consultation would require careful phrasing to obtain the feedback required, and not attract responses that could not reasonably be taken into account; as well as delay the adoption of the revised code;
- Public engagement through means of consultation or for informing needed to be considered;

- Best practice listed by the LGA with their model code was detailed as both an annual review of the Code, and regularly seek the views of both the public, communities and neighbouring authorities;
- Care in deciding on how regularly seeking views of the public was undertaken, balancing consultation fatigue and administration resource; the threshold for the number of responses was also key, as a low response may have to be weighted before taking into account in any review;
- Refer back to the Standards Working Group the question of what the public should be consulted on, also including the independent persons, representatives and parish representatives in the discussion;
- Amend wording in reference to the register of interests and identifying land as set out in Appendix B (General) paragraph 2 of the revised Code "...councillors should provide sufficient information to properly describe the land and also provide HMLR title numbers or field numbers to enable land to be identified" – replacing "should" with "shall";
- Suggestion of using "WhatThreeWords" app to identify land was acknowledged, but was only able to identify one single point; whereas HMLR title or field number would provide the boundary of parcels of land;
- The LGA model code does not include membership of masonic lodge in the list of other registerable interests – Members have the option to retain that in the revised code;
- It was in the purview of the Council to decide what should be included in the list of "other" registerable interests
- Should criminal convictions unspent or recently received be included in the reviewed Code – in response, the Group were reminded that under the Local Government Act 1972, certain levels of conviction meant an automatic disqualification as councillor. Standing for election also contained this level of protection;
- Sanctions for a councillor under criminal investigation was not relevant to the review of the code;
- The limits set on gifts and hospitality had been extensively debated and were felt reasonable.

In light of the further work requested, the Committee were advised that the draft Code was now likely to be presented for Annual Council consideration.

The Chair thanked the Working Group for their extensive work to date.

Before reaching a conclusion on the next steps for the review of the Code, the Independent Representatives, Independent Person, and Parish Representative were asked for their view on the proposed step of referring the detail on public consultation to the Working Group to develop and action with the Monitoring Officer, in conjunction with the Chair of the Standards Committee and the Portfolio Holder for Council and Corporate Co-ordination. They concurred with the steps proposed.

The Monitoring Officer was asked to progress to the Working Group the task of developing the public consultation, including in the Working Group the Independent Representatives, Independent Persons and Parish Representatives; as well as the Chair of Standards and the Portfolio Holder Council and Corporate Co-ordination; with a view to then actioning that public consultation and providing the results back to the Committee in due course. The Monitoring Officer agreed to do so.

The Monitoring Officer agreed to update the revised draft Code to amend the word “shall” to “should” in the wording for declaring an interest in land; and to include in the “other” registerable interests memberships that might cause conflict with the role of being a councillor, such as membership of a masonic lodge

13 **Complaints update**

The Committee were presented with updates on the complaints registered for the period 1 January 2020 to 31 December 2020; and for the period 1 January 2021 to 31 October 2021.

The Monitoring Officer was pleased to report that progress had been made in resolving the backlog in early 2021. As at the time of the meeting, five complaints remained open for the 2020 period but all were in progress.

Discussion on complaints included:

- Naming of councillors within notices on breaches came into force from 1 January 2021;
- It was not possible to enforce councillors who had breached their code to undertake training; however with the publication of notices of breach, the public could decide at the ballot box if re-election was appropriate;
- A report by the Standards for Public Like of January 2019 had still not received a response from Government on reviewing the lack of sanctions;
- Thanks to the Monitoring Officer for continued efforts to process complaints.

The Committee noted the update on complaints.

Attendance List

Councillors present:

I Thomas (Chair)

D Barrow

C Gardner

J Loudoun

E Rylance

Councillors also present (for some or all the meeting)

P Arnott

P Faithfull

S Hawkins

P Millar

P Skinner

Officers in attendance:

Amanda Coombes, Democratic Services Officer

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:

P Twiss