

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Standards Committee held 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

Committee Members present:

I Thomas (Chair)
D Barrow
C Gardner
E Rylance
P Twiss
Bob Nelson, Town and Parish Representative
Pauline Stott, Town and Parish Representative
Diana Kuh, Independent Person
Pat Coulter, Independent Person
Martin Goscomb, Independent representative
Robert Wood, Independent 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: