

EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held at Knowle, Sidmouth on Tuesday, 22 January 2019

Attendance list at the end of the document

The meeting started at 10.00am and ended at 11.15am

7 Public speaking

There were no questions asked.

8 Minutes

The minutes of the meeting of the Standards Committee held on 14 August 2018, were confirmed and signed as a true record.

9 Declarations of interest

There were none.

10 Review of Members Code of Conduct and Complaint Procedure

The Committee considered the report of the Monitoring Officer, which reviewed the suitability of the Member's Code of Conduct and the Complaint Procedure.

Discussion included the following points:

- Did the Monitoring Officer have training on the way cases were interpreted? Yes there was regular training for Monitoring Officers.
- Concern that electronic communication was not specifically mentioned in the Members Code of conduct. It was noted that the Code covers social media, but it was accepted that a reference should be made in the Code which made it clear that it also covered social media. This would be actioned in May's annual changes.
- There was also some concern expressed over the use of private email addresses for town/parish council business.
- Gifts & Hospitality would form part of the introduction of Modern.Gov, whereby Councillors would be able to update their own Gifts & Hospitality online. The Monitoring Officer would make an annual report to the Committee on Gifts & Hospitality.
- It was not possible to require Councillors to complete a DBS check, but it should be good practice for all Councillors to complete a form after the May elections.
- There had been inconsistent messages from the Crown Prosecution Service about whether there had been criminal conduct and so this was still a matter for interpretation by the Monitoring Officer as to whether to refer matters. It was noted that individuals could still refer matters even where the Monitoring Officer had chosen not to.
- A question regarding how to deal with misinformation given out on social media.
- Councillors close family members were still included within the Code of Conduct scheme.
- Changing the title to make it clearer that it was Councillor complaints.
- A procedure form for dealing with complaints as a standard way of proceeding would be completed and referred to the Committee for their discussion at a future meeting.

The Chairman thanked the Monitoring Officer for his report.

RESOLVED:

1. that the Member's Code of Conduct remains fit for purpose but noting the need to include reference to social media in the changes to the Constitution presented to Annual Council.
2. that the revised Complaints Procedure at Appendix A be adopted, subject to the points raised above.
3. that the issue of Gifts & Hospitality be the subject of an annual report to the Committee by the Monitoring Officer.
4. that the Monitoring Officer prepare a new complaints form and report it to a future meeting of the Committee for approval.

11 **Review of Code of Conduct for Employees and Protocol for Relationships between Members and Officers**

Members noted that the Council regularly reviews the policies, codes and procedures that govern the way it operates. The report focused on two such documents being 1. The Code of Conduct for Employees and 2. Protocol for Relationship between Members and Officers. As both of these documents form part of the council's Constitution they could only be amended, if required, by Full Council.

The Code of Conduct for Employees governs how staff must conduct themselves when working for the Council. It was a condition of employment that they adhere to this Code. The employee code was updated in May 2018 to include reference to the Nolan principles and to make the requirements in respect of gifts and hospitality clearer and more robust. This was following recommendations from the Serious and Organised Crime Audit (Sept 17). Requirements in respect of register of interests had also been updated to reflect current practice. There had been no reported issues which would suggest that the Code was defective or ineffective at this time.

The Protocol for Relationship between Members and Officers governs the way Members and Officers interact when carrying out their respective roles and governs a fairly wide range of topics. As with the Code of Conduct for Employees there had been no reports issues or incidents that would suggest that this protocol was ineffective or defective at this time.

There have not been any national changes that would necessitate any changes being made to either the Code or Protocol. Accordingly the recommendation is that the Code and Protocol are fit for purpose and left unchanged with a further review in three years' time, unless required earlier.

RESOLVED: that Members agree that the Code of Conduct for Employees and Protocol for Relationship between Members and Officers are considered fit for purpose.

12 **Code Complaints update (1 May 2018 – to date)**

The Committee considered and noted the report of the Monitoring Officer, which provided an update for the Committee on new Code related cases received since 1 May 2018.

RESOLVED: that the report be noted.

13 **Increasing Town and Parish Council Engagement on the Code of Conduct**

The Committee considered the report of the Monitoring Officer, which addressed the issue of whether it was possible to improve engagement on Code of Conduct matters and whether they would be effective and a good use of resources.

Members accepted that the following would be good steps to undertake in future:

- a. Training to be offered after each regular election- this repeats what has been done previously. As preparation is carried out any way for the training to be provided to the district councillors, this is a relatively easy route to deliver training to those who are new and/or who want to better understand their role. The time spent is relatively small. It would be possible to consider further training on a biannual basis so that there is effectively a 'refresher' half way through but which also provides an opportunity for Councillors elected/co-opted after the regular election to attend.
- b. Attending the annual meeting of clerks. This was mentioned at the last meeting and it is agreed that this would be a useful way of liaising with the clerks to raise the profile of the code of conduct and to answer questions and seek their views on what they consider could be done to improve engagement. Unfortunately the annual meeting this year (2018) did not go ahead and is intended to be held in June / July after the election.
- d. Identify 'problem' councils and target training – this would be aimed at those councils where there are issues in relation to the behaviours of their councillors. This is likely to be a more beneficial use of resources and will target those where clearly there are issues that need to be addressed.
- e. Regular communications to the town / parish councils and clerks – this could include recent examples of cases considered by the Monitoring Officer (on a 'no-name' basis) and the issues they raised, identify good practice, highlight interesting cases from the courts and provide general useful tips and guidance.
- f. Liaising with other Monitoring Officers to share experiences and to learn what engagement tools they use, if any.

Discussion included the following points:

- Code of Conduct training was not mandatory for town/parish councillors.
- Improving training for Clerks was also a good way forward.
- Ward members organising a biannual conference amongst their parish councils could also be a good way forward.
- It was considered that Step c, which was attending town/parish meetings after the election/throughout the 4 year period, would not be a good way of using scarce staff resources and could not be recommended as a way forward.

RESOLVED:

1. that the content of the report be noted
2. that steps a, b, d, e and f, as above be taken to increase engagement on Code of Conduct matters.

14 **Forward Plan**

The Committee noted the contents of the Forward Plan and future meeting dates.

Attendance list

Present:

Councillors:

Andrew Moulding (Chairman)

Susie Bond

Graham Godbeer

Co-opted non-voting members:

Martin Goscomb, Co-opted Independent member

Frances Newth, Co-opted Parish/Town Council member

Bob Nelson, Co-opted Parish/Town Council member

Also present:

Alison Willan, Independent Person

Councillors:

Roger Giles

Apologies:

Councillors:

Douglas Hull

Stuart Hughes

Dawn Manley

Tim Swarbrick, Co-opted Independent member

Officers:

Henry Gordon Lennox, Monitoring Officer and Strategic Lead – Governance & Licensing

Chris Lane, Democratic Services Officer

Chairman Date