

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Standards Committee held at Council Chamber, Blackdown House, Honiton on 16 January 2025

Attendance list at end of document

The meeting started at 10.00 am and ended at 12.46 pm

27 Minutes of the previous meeting

The minutes of the previous meeting of the 11 April 2024 were agreed subject to:

- Inclusion of attendance of the Independent Persons, Representatives and Town and Parish Representatives;
- Clarification on the resolutions for minute 24 on the Member/Officer protocol that results in resolution 1 reading as:
 - To note the comments raised by the Standards Committee on the Member/Officer protocol to the Constitution Working Group to review the document before they make their recommendations to Council.

28 Declarations of interest

Minute 35

Councillors Jess Bailey; Iain Chubb; Stuart Hughes; Other Registerable Interest: Member of Devon County Council.

29 Public speaking

There were no members of the public registered to speak.

30 Matters of urgency

There were no matters of urgency.

31 Confidential/exempt item(s)

There were no confidential or exempt items.

32 Resolving Complaints before they escalate

The Monitoring Officer gave the committee the presentation recently put to a meeting of DALC.

The presentation covered:

- Importance of ethical standards in public life;
- Role of the Monitoring Officer in addressing complaints;
- The limitations of the Monitoring Officer role;
- How District Councillors and Town/Parish Councils can help.

The Chair suggested that the presentation be included in the regular newsletter sent to Town and Parish Councils.

Discussion included:

- Merits of mediation becoming a mandatory requirement as with many civil cases and discussion around willingness of participants to undertake;
- Enforcing the undertaking of mandatory training on the code of conduct was difficult and relies upon a formal complaint being submitted;
- The suggestion that “swearing office” should be required and the fact that this was not part of the standard template when taking up office after election, although it was something that East Devon District Council included.

The committee noted the presentation.

33 **Government Consultation on Changes to the Standards Regime**

The report outlined the suggested response, on behalf of the Council, to the recent government consultation titled “Strengthening the Standards and Conduct Framework for Local Authorities in England”. The consultation sought to obtain views on reforms aimed at enhancing the effectiveness and fairness of the standards system.

The aspects for reform included:

- Reintroduction of suspension powers;
- Disqualification for repeat offenders;
- Right of appeal;
- National appeals body;
- Mandatory minimum code of conduct;
- Interim suspension powers;
- Empowering victims.

The report included the suggested response from the Monitoring Officer, subject to discussion with the committee.

Debate included:

- Mixed response to the need for national appeals body; some views expressed a support for such a body to exist as a clear separation from the local authority, others that another body may add to confusion and mislead expectation on what they could action, as well having the risk of being bureaucratic;
- Interim suspension powers needed clear criteria and appropriate safeguards, but would be required if there was an immediate danger to others; the suggestion was made to add in any free text box available in the consultation that such criteria and safeguards would be required. The overall aim was for improvement in behaviour after a suspension and not to view it as a punishment. Any action that would involve police action, such as assault, should be an immediate suspension to protect the public;
- Concern that the issue of potential suspension may discourage volunteers to stand at town and parish level;
- Defining that any withheld allowances would be paid if there was no finding of a breach of the Code of Conduct;
- That allegations should not be published as no findings of fact, but outcomes of investigations and hearings should be, as they are now;
- Mixed view on the inclusion of voting right of independent persons and representatives, and the role of Vice Chair. Some felt a voting right would be beneficial for balance. Detail on procedure would need careful planning in scenarios whereby only a small number of elected councillors were present, or if an independent Vice Chair had to act as Chair;

- The six month limit suggested in some questions should be a limit, not a target.

The discussion and suggestions to be considered by the Monitoring Officer, and would be incorporated into the final response to the consultation.

RESOLVED that delegated authority be given to the Monitoring Officer, in consultation with the Chair and Vice Chair of the Standards Committee, to reframe the consultation response in light of discussion and submit before the February deadline.

34 **Code of Conduct Complaint Update**

The report set out an update on Code of Conduct complaints received and progress made for the period of September 2024 to January 2025.

This included the conclusion of two historic complaints, and capturing enquiries that had been made which did not lead to a formal complaint for member's consideration. The Monitoring Officer advised the committee that this did not capture all enquiries made ad hoc in person to her or her Deputy.

The report showed a positive move in resolving complaints and a small refinement to the report template was suggested, namely adjusting the text size to make it easier to read, and the addition of a column that listed if the complaint related to a Member or Other.

The committee noted the update.

35 **Applications for dispensations**

The committee had previously met informally, prior to an Extraordinary Council Meeting on 9 January 2025, to discuss dispensations for Members that also held County Council seats, or were employed by another District or County Council in Devon, to enable them to take part in matters relating to devolution and/or local government reorganisation. Whilst the Monitoring Officer, with emergency powers to do so, had granted the dispensations on 9 January 2025, the report was presented to formally ratify these with the Committee.

Those Members of Standards Committee that also held a seat on Devon County Council ("dual-hatters") left the meeting for this item.

In response to a question, the committee were advised that the dispensation would be kept under review as more about local government reorganisation was known, so that if required those sat on Town or Parish Councils may also be considered.

Noted and supported:

1. **the granting of dispensations to the dual-hatted County and District Council Members, outlined in the report, to enable them to discuss and vote on any such matter relating to devolution or local government reorganisation in Devon. Such dispensations to take effect from 9 January 2025;**
2. **the granting of dispensations to District Council Members who are employed by, or a spouse/partner of an employee of another District or County Council in Devon, to enable them to discuss and vote on any such**

matter relating to devolution or local government reorganisation in Devon. Such dispensations to take effect from 9 January 2025;

- 3. that the dispensations were approved on the basis that granting the dispensations is in the interests of persons living in the authority's area;**
- 4. that the dispensations were granted until the next District Council elections;**
- 5. Following consultation with the Chair as required by the constitution, the Committee supported the Monitoring Officer having made the decision in accordance with the urgency powers set out in the officer Scheme of Delegation.**

36 Standards Committee - Independent Members of the Committee and Independent Person appointments

The report set out options for the independent and town/parish representative roles that would expire in May 2025. Delegated authority was sought to undertake recruitment in time to fill those roles for the next civic term.

The Chair invited comment from the Independent Persons, Independent Representatives, and Town and Parish Representatives present. Those comments included:

- Good practice to refresh membership to retain independence;
- Consider, in light of the devolution agenda, it was in the Council's best interests to use resource to recruit and suggested an extension for at least a year until more on the devolution agenda was known.

The Chair made clear the value of the contributions made by the Independent Persons, Independent Representatives, and Town and Parish Representatives present during their time on the committee, and expressed her gratitude and appreciation for their service.

The Independent Persons, Independent Representatives, and Town and Parish Representatives left the meeting for the debate on this item.

Discussion by the committee included:

- High value placed on the current membership and their contributions;
- Ability to extend further their tenure, in light of limited life of the District Council;
- Support for undertaking a recruitment exercise to refresh and keep to good practice;
- Invitation to apply could be made to the existing position holders.

A proposal, as set out in the report, was made, seconded and voted on.

RESOLVED

- 1. That the recruitment process be approved and the timescale for recruitment noted;**
- 2. Delegated authority be given to the Monitoring Officer in consultation with the Chair of the Standards Committee to agree the recruitment documentation;**
- 3. That an interview panel of 3 members from the committee, to include the Chair or Vice Chair, be approved.**

Councillor Jess Bailey voted against the proposal and asked for her vote to be recorded in the minutes.

Attendance List

Councillors present:

E Rylance (Chair)
J Bailey
I Chubb
T Dumper
S Hughes
J Loudoun

Independent Persons

D Kuh
P Coulter

Independent Representatives

R Wood
M Goscomb
K Bryant

Town and Parish Representatives

P Stott
S Sexton

Officers in attendance:

Debbie Meakin, Democratic Services Officer
Melanie Wellman, Director of Governance (Monitoring Officer)

Chair

Date: