

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON WEDNESDAY 30 JUNE 2010**

MEMBERS

* Mr M Winterton - Independent Chairman

* Cllr B E Carson

* Cllr J A Westacott MBE

* Mr R Allison (Independent Representative)

* Cllr C Cox (Parish Representative)

* Cllr P Dredge (Parish Representative)

* Cllr S Dunham (Parish Representative)

* Mr J O'Connell (Independent Representative)

* Denotes attendance

Officers in attendance:

All Agenda Items: Shared Head of Corporate Services, Member Support Services Manager and Legal Assistant.

Also in attendance:

Cllrs M J Hicks and M J Howarth

S.1/10 MINUTES

The minutes of the meeting of the Standards Committee held on 9 March 2010 and the joint meeting of the Audit and Standards Committees held on 6 April 2010 were both confirmed as a correct record and signed by the Chairman.

S.2/10 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting. These were recorded as follows:

Cllr Cox declared a prejudicial interest in Items 12(a) and 12(b): '*Report of Investigating Officer: Complaints for Assessment – SH16/190110 and SH17/190110*' (Minutes S.10/10(a) and S.10/10(b) below refer) by virtue of him being a Member of East Portlemouth Parish Council and left the meeting during consideration of these items.

Mr O'Connell declared a personal interest in Items 12(a) and 12(b): '*Report of Investigating Officer: Complaints for Assessment – SH16/190110 and SH17/190110*' (Minutes S.10/10(a) and S.10/10(b) below refer) by virtue of him knowing of one of the complainants and proceeded to take part in the discussion on these items.

S.3/10 REVIEW OF PROCEDURES: ASSESSMENT AND INVESTIGATION

Consideration was given to a report which reviewed the procedure approved in 2008 for conducting the assessment of complaints against Members.

Furthermore, the report also presented a procedure for those individuals who were conducting Standards investigations.

In discussion, the following points were raised:-

- (a) Since the implications of abolishing Standards for England were not yet fully known, and complaints could still be received for determination, the Committee endorsed the approach taken by the Monitoring Officer whereby the procedures still be reviewed. As soon as the Coalition Government had announced its intentions on the future of the Standards regime, then the Monitoring Officer would advise the Committee at its next meeting thereafter;
- (b) It was intended to align the assessment of complaints procedures with those adopted by West Devon Borough Council;
- (c) In respect of Hearing Sub-Committees, Members expressed their support for the continuation of their establishment on an ad-hoc basis. It was felt that this approach would ensure that all Members gained valuable experience on this element of the process;
- (d) The Committee felt that it would be more appropriate for Member comments on each procedure to be submitted directly to the Monitoring Officer. Upon receipt of all comments, it was then suggested that the Monitoring Officer should agree the content of these procedures, in consultation with the Chairman of the Committee. This proposal was **MOVED** and **SECONDED** and when put to the vote was declared **CARRIED**.

It was then:

RESOLVED

- 1. That comments on both the revised Procedure for the Assessment of Complaints and the new Guidance on Investigations of Complaints be submitted directly to the Monitoring Officer; and
- 2. That approval of the final content of these procedures be delegated to the Monitoring Officer, in consultation with the Chairman of the Standards Committee.

S.4/10

ANNUAL REPORT OF THE MONITORING OFFICER

The Monitoring Officer presented her annual report which specifically highlighted: an annual review of complaints, a review of the registers of interests and of gifts / hospitality and Standards information being published on the website (www.southhams.gov.uk).

In discussion, reference was made to:-

- (i) the time taken to resolve complaints. In highlighting the improvements made on the average time taken, the Monitoring Officer advised that this had come at a cost. Additional costs had arisen in terms of both outsourcing some complaints to external Investigating Officers and the need to schedule fortnightly sub-committees. Members proceeded to discuss whether there was any merit in attempting to calculate the total cost to the Council of operating the Standards Committee. On balance, the majority of Members felt that it could be misleading to attempt to calculate notional costs such as officer time. This would therefore create additional work for the Monitoring Officer, which was not deemed necessary;
- (ii) the website. The Committee welcomed the improvements to the Standards information published on the website.

It was then:

RESOLVED

That the report be noted.

S.5/10

REVIEW OF CONSTITUTION AND SCHEME OF DELEGATION

The Committee considered a report which explained the current position regarding the review of the Council Constitution.

During discussion, the following points were raised:-

- (a) It was queried whether the three day consultation period for local Members to comment on a planning application was too short. In reply, the lead Executive Member for Development Management advised that three days was felt to be sufficient and this period would take place at the very end of the consultation process, once the planning officer had made their recommendation. This proposal was seen as one method of speeding up the determination process and having canvassed a number of his colleagues, the lead Executive Member stated that this was not felt to be a problem;
- (b) The Committee was informed that the new methods of working for the Development Management service had been presented to the last round of town and parish council cluster meetings and to the last meeting of the User Group;
- (c) It was agreed that reference in the draft Scheme to '*Development Control*' should be deleted and replaced with the term '*Development Management*';

- (d) Some Members felt that the Committee was not best placed to make recommendations on the content of the Scheme of Delegations. In reply, the Monitoring Officer advised that the Committee was responsible for oversight of the Council Constitution. At this time, Members were not minded to make a recommendation on the revisions to the Scheme of Delegation though they were satisfied that it be presented to the Council meeting on 15 July 2010. However, the Committee did request that the Monitoring Officer conduct a seminar on the Constitution upon the rising of the next full Committee meeting on 22 September 2010.

It was then:

RESOLVED

That upon the rising of the next full Committee meeting on 22 September 2010, the Monitoring Officer conduct a seminar for the Committee on the Council Constitution.

S.6/10

MEMBER TRAINING

A report was considered which sought to review the training needs of Members of the Committee, Members of the Council and town and parish councils in the district.

In discussion, reference was made to:-

- (i) the induction process. The view was expressed that it would be useful for Committee Members to partake in the induction process after the Council Elections in 2011;
- (ii) training on the Constitution. The importance of being in receipt of training on the Constitution on 22 September 2010 (Minute S.5/10 above refers) was reiterated;
- (iii) future training dates for town and parish councils. Following a request, the Monitoring Officer agreed to provide the scheduled dates to the Committee;
- (iv) the importance of training for town and parish council clerks. In emphasising the importance, it was noted that to be in receipt of the 'Quality Council' accreditation, a clerk would have to undergo extensive training;
- (v) the use of mock case studies. Some Members felt that a Standards training session would be useful, with case study examples being the basis of the programme. The Committee therefore requested that the Monitoring Officer develop a syllabus for a proposed training session. Once the details had been confirmed, it was felt that all Members should be invited to attend;
- (vi) Code of Conduct training. The Committee welcomed the fact that all Members had now been in receipt of training on the Code of Conduct.

It was then:

RESOLVED

That the outlined suggestions for cost effective training measures for Committee Members, other Members of the Council and town and parish councillors in the South Hams be endorsed.

S.7/10 MEMBERS' ATTENDANCE – ANNUAL REVIEW 2009/10

A report was considered which presented an annual update on the level of Members' attendance at public meetings of the Council.

In discussion, particular reference was made to:-

- (a) the public perception of having failed to attend 65% of meetings. The Committee acknowledged the limitations of these statistics, whereby they did not take into account most aspects of being a Member. However, the commitment to attend, for example, 65% of twelve meetings per year was not felt to be so significant and may not be looked upon favourably by residents. As a consequence, the Committee requested that officers write to the three current Members of Council who had failed to comply with the 65% target to ask them if they wished to voluntarily return a proportion of their basic allowance;
- (b) the overall attendance statistics. The Committee felt that the overall attendance statistics were excellent and therefore wished for its appreciation to be recorded.

RESOLVED

That the report be noted.

S.8/10 STANDARDS COMMITTEE'S FORWARD PLAN

The Committee considered a report which presented a review of its Forward Plan.

In discussion, reference was made to:-

- (i) the need to present the Annual Report of the Ombudsman to the Committee meeting on 22 September 2010;
- (ii) an update on the proposals for a Joint Standards Committee being tentatively scheduled for the meeting on 14 December 2010;
- (iii) the training programme for newly inducted Members and Standards Committee Members being brought forward to the meeting on 14 December 2010.

RESOLVED

That the draft Forward Plan (as amended) be approved and adopted.

S.9/10 **EXCLUSION OF PUBLIC AND PRESS****RESOLVED**

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business in order to avoid the likely disclosure to them of exempt information as defined in paragraph 7(c) of Part 1 of Schedule 12A to the Act.

S.10/10 **REPORT OF INVESTIGATING OFFICER: COMPLAINTS FOR CONSIDERATION****(a) Complaint SH16/190110**

The Committee considered an exempt report presented under Regulation 17 of the Standards Committee (England) Regulations 2008. The Committee was tasked with considering a report of the Monitoring Officer, which found that a Member had breached the Code of Conduct.

In lengthy discussion, the Committee queried the matter of when a Member was acting in the capacity of a Member and when they were behaving as a private individual. In addition, the Committee also sought clarity on other elements of the Investigating Officer's report. As a consequence, the Committee wished to adjourn a decision on this matter pending the Monitoring Officer seeking clarity on these specified points.

It was then:

RESOLVED

That the Committee request that the matter be adjourned to a future meeting of the Standards Committee on a date to be agreed.

(b) Complaint SH17/190110

The Committee considered an exempt report presented under Regulation 17 of the Standards Committee (England) Regulations 2008. The Committee was tasked with considering a report of the Monitoring Officer, which found that a Member had not breached the Code of Conduct.

Similarly to the above complaint (Minute S.10/10(a) refers), the Committee also raised concerns on the report of the Investigating Officer and again requested that the Monitoring Officer gain clarity on these matters before re-consideration by the Committee.

It was then:

RESOLVED

That the Committee request that the matter be adjourned to a future meeting of the Standards Committee on a date to be agreed.

(Meeting commenced at 10.00 am and concluded at 12.05 pm).

Chairman