

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON TUESDAY, 15 DECEMBER 2009**

MEMBERS

* Mr M Winterton - Independent Chairman

* Cllr B E Carson	* Mr R Allison (Independent Member)
* Cllr J A Westacott MBE	* Mr C Cox (Parish Representative)
	* Mr P Dredge (Parish Representative)
	* Mr S Dunham (Parish Representative)
	* Mr J O'Connell (Independent Representative)

* Denotes attendance

Officers in attendance:

All Agenda Items: Monitoring Officer, Member Support Services Manager and Legal Assistant.

Also in attendance:

Cllrs M J Hicks and M J Howarth

S.27/09 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Cllr Judy Westacott MBE to her first Standards Committee meeting since her appointment to the Committee as the Minority Group Member for the remainder of the 2009/10 Municipal Year.

S.28/09 MINUTES

The minutes of the meeting of the Standards Committee held on 21 July 2009 were confirmed as a correct record and signed by the Chairman.

When questioned, the Monitoring Officer confirmed that she would check whether the action whereby all town and parish council clerks be contacted to highlight the existence and importance of the Members' Planning Code of Good Practice (Minute S.21/09 refers) had been undertaken.

S.29/09 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none were made.

S.30/09

PROPOSAL TO ADOPT A MEMBER/OFFICER PROTOCOL REMIT

The Committee considered a report which presented the adoption of a protocol defining the respective roles of Members and officers of the Council and how they should behave towards each other. A first draft of this protocol was considered by the Committee at its 17 March 2009 meeting (Minute S.26/08 refers).

In discussion, particular reference was made to:-

- (a) the incorporation of a flow chart. The inclusion of an appended flow chart to the protocol which outlined how to deal with any friction arising between Members and officers was welcomed;
- (b) further suggested minor amendments to the protocol. The Committee wished to recommend further minor typographical amendments to the protocol. These amendments included: replacement of the word '*racist*' with the term '*discriminatory*' (paragraph 12 of the protocol refers) and moving the final sentence in paragraph 44 to the end of paragraph 40, where it was felt to be more reader friendly. In light of the intention to present the protocol to Council for its adoption only two days after the Committee meeting, the Monitoring Officer stated that she would provide a verbal update to Council to inform of these amendments;
- (c) the staff input into the protocol. It was noted that the Joint Staff Consultative Panel had previously considered the protocol and had suggested some amendments which had been incorporated.

RESOLVED

That, subject to the incorporation of the minor amendments (as referred to above), the protocol be endorsed and forwarded to Council for its adoption.

S.31/09

REPORT BACK ON RECENT EVENTS

The Committee considered a report which provided an update on various recent events of relevance to its work.

Consideration was given to each event individually, during which the following points were raised:-

Parish Cluster Meetings

A Member wished to reiterate the desire highlighted at these meetings for the Council's website to contain greater information on the role of the Standards Committee.

Standards Assembly

The Chairman advised that interested Members could obtain the notes and supplementary handouts from this session via the Standards Board for England website.

Chairmen and Monitoring Officers' Meeting

The Chairman wished to congratulate the Monitoring Officers on their working relationship.

In acknowledging that the process was time consuming, the Committee expressed its concern at the length of time taken for an investigation on a complaint to be carried out. The Monitoring Officer advised that this was an area for improvement. However, investigating officers were often staff members with other work duties and to outsource such matters had budgetary implications. In reply, a Member requested that consideration be given to whether a system could be established in which an interim progress report on investigations could be produced.

Joint Standards Committees

Members were informed that there were other examples of local authorities setting up reciprocal Standards Committee arrangements to enable a Committee of a neighbouring Council to undertake a review on a complaint.

The Monitoring Officer proceeded to highlight the advice from the Standards Board for England that it was not deemed lawful for any such review to be carried out by another authority. This advice had led to one ongoing case remaining unresolved and the need to populate a Review Sub-Committee to overcome the issue was the subject of a report to the Council meeting on 17 December 2009.

It was noted that the Government had recently published new Regulations which enabled two or more local authorities to establish Joint Standards Committees. As a consequence, the Monitoring Officer advised that she intended for a report on this subject to be presented to the Committee meeting scheduled to take place on 9 March 2010.

It was then:

RESOLVED

That the Monitoring Officer bring forward reports on relevant matters raised in the presented report to future meetings of the Committee.

S.32/09

FORWARD PLAN

Members considered a report which sought to approve and adopt the draft Forward Plan (as set out in Appendix A of the presented report).

In discussion, reference was made to:-

- (a) a review of the content of the website. The Committee requested that an additional report be included on the agenda for 9 March 2010 meeting which sought to review the content of the website in relation to the role of the Standards Committee;

- (b) Standards Committee Member Training. It was felt that the remit of this proposed report should be broadened to include the monitoring of Code of Conduct Training undertaken by elected Members and the need to review town and parish councillor training. In respect of town and parish councillor training, the Monitoring Officer reported back on the recent session held at Dartmouth Town Council which had been well received by those who had attended. To extend this scheme, the Monitoring Officer advised that she was seeking willing town and parish councils to host future sessions at which a neighbouring cluster of councils could be invited to attend and take part;
- (c) providing an update from the Monitoring Officers' and Chairmen Meeting. The Committee requested that such an update report be provided to the Committee at its meeting during September 2010.

RESOLVED

That the draft Forward Plan be approved and adopted, subject to the inclusion of the amendments as detailed above.

S.33/09 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 item of business as the likely disclosure of exempt information as defined in paragraph 7(c) of Schedule 12A to the Act is involved.

S.34/09 COMPLAINTS ABOUT CONDUCT: RECORDS AND STATISTICS

A report was considered which provided an opportunity for the Committee to monitor the current complaints process.

In discussion, the following points were raised:-

- (a) A lengthy debate ensued with regard to the disclosure of information into the public domain in relation to complaints. It was acknowledged that the balance between transparency and privacy was delicate, and the Committee concluded that the current working practice was appropriate, but should be reviewed at future Committee meetings. In addition, the Committee also requested that research be undertaken to see what processes other local authorities followed, with a report being presented to the next scheduled Committee meeting;

- (b) The Committee noted that it was Cllr Brazil's intention to undertake training on the Code of Conduct on 16 December 2009 which was outside the specified three month period and for which individual tuition had had to be arranged at the Council's expense. It was also noted that to date, Cllr Brazil had failed to submit a letter of apology to the complainant and her colleague.

It was then:

RESOLVED

That the content of the report be noted.

(Meeting commenced at 10.00 am and concluded at 12 noon).

Chairman