

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON FRIDAY 3 JUNE 2005**

MEMBERS

* Mr I Stolliday – Chairman

* Dr L Durman - Vice-Chairman

* Cllr G Date

* Mr M Winterton

* Cllr P J Prudden

* Denotes attendance

Also in attendance but not participating:
Cllr J T Pennington

S.1/05 **MINUTES**

The minutes of the meeting of the Committee held on 4 May 2005 were confirmed as a correct record and signed by the Chairman.

S.2/05 **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 was made.

S.3/05 **CONSULTATION ON THE REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

The Monitoring Officer advised Members of a consultation exercise being carried out by the Standards Board for England which would inform a review of the Code of Conduct for Members. A copy of the consultation questionnaire had been issued to all Members and town / parish councils and had been referred to at recent training events for both.

The main areas of concern with the current Code of Conduct were:-

- The delay in the time taken for the Board to refer alleged breaches of the Code to local Standards Committees for determination. The maximum length of time should be 6 months;
- The duty on Members to report fellow Members for breaches of the Code. There was a view that this should not be a blanket requirement;
- The lack of clarity between a Members' public and private life concerning alleged breaches of the Code.

During discussion, reference was made to:-

- (i) concern at the lack of discretion available to the Monitoring Officer and Chairman of the Standards Committee to determine whether alleged breaches of the Code should be investigated either locally or centrally by the Standards Board. Presently, there was no local filter and alleged breaches were automatically referred to the Standards Board for investigation. Members were of the view that one-off incidents, particularly those which were followed by an apology, should not automatically warrant further action by the Standards Board. There was also concern expressed at the costs involved in carrying out such investigations;
- (ii) distinguishing between a Members' private and public life when considering if a breach of the Code had occurred. It was felt that a clearer connection needed to be made in order to demonstrate how certain actions by Members related to their public life and, therefore, warranted investigation as a breach of the Code. Some Members were of the view that this should only occur where criminal activity was involved. Reference was also made to the difficulty in encouraging local people to stand for election and how this might be a further deterrent;
- (iii) declarations of interest and the particular problem for Members who served on different public bodies and were involved in campaign or issue groups. It was suggested that clearer guidance was needed to establish when a Member was and was not permitted to take part in discussions concerning public bodies and campaign or issue groups in which they were involved.

RESOLVED

That a letter be sent by the Chairman, on behalf of the Standards Committee, in response to the Standards Board for England's consultation on the review of the Code of Conduct for Members highlighting the issues raised in paragraphs (i) to (iii) above.

S.4/05

REVIEW OF THE LOCAL CODE OF CORPORATE GOVERNANCE FOR SOUTH HAMS DISTRICT COUNCIL

Consideration was given to a report which informed Members of the results of the annual testing and monitoring exercise to ensure compliance with the Council's Local Code of Corporate Governance.

In summary, the report presented to Members illustrated that the Council's corporate governance arrangements were both adequate and operating effectively in practice, but also noted where improvements should be made. Appendices A to E of the report included detailed results from the testing and monitoring.

During discussion, reference was made to:-

- (i) the development of a Freedom of Information Policy which was in progress. It was noted that, to date, 35 requests for information had been made under the Freedom of Information legislation. The type of information being requested would be analysed and a review of the publication scheme would follow;
- (ii) the improvements being made to the risk management process to bring the Council's procedures up to the requirements of the statutory guidance on this issue.

RESOLVED

That the findings of the report be noted and the action plan approved.

S.5/05 **MEMBERS' ATTENDANCE – ANNUAL REVIEW 2004 / 2005**

Members considered a report on the level of attendance by Members at meetings of those Council bodies to which they had been appointed. Attendance rates were, on average, 85%. The report also highlighted Members' attendance at meetings of Council bodies to which they had not been appointed but had attended voluntarily or at the invitation of the Chairman.

During discussion, a Member referred to the difficulty of attending meetings where there were other meetings scheduled at the same time and date at other public bodies, notably the County Council. Members were advised that every effort was made in drafting the calendar of meetings to ensure such clashes were avoided. However, on occasion, this was unavoidable.

RESOLVED

That the report be noted.

(Meeting commenced at 3.00 pm and concluded at 4.15 pm).

Chairman