

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON 8 MARCH 2007**

**MEMBERS**

\* Mr M Winterton - Chairman

\* Dr L Durman - Vice-Chairman

\* Cllr J S Beer

∅ Cllr G Date

\* Denotes attendance

∅ Denotes apology for absence

Also in attendance but not participating:  
Cllr D W S Thorning

Officers in attendance:  
All Agenda Items: Monitoring Officer and Solicitor

S.14/06 **MINUTES**

The minutes of the meeting of the Committee held on 3 January 2007 were confirmed as a correct record and signed by the Chairman.

S.15/06 **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.16/06 **CONSULTATION ON AMENDMENTS TO THE MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS**

The Committee considered a paper from Bevan Brittan which sought to present a Council response to the Government's consultation on proposed amendments to the Model Code of Conduct.

In addition to this paper, the Monitoring Officer tabled a submission on the review of the code of conduct outlining the chronological series of events since 2005. The Monitoring Officer (MO) also presented a copy of the Standards Committee's previous representations on the revised Code of Conduct.

In discussion, reference was made to:-

- (a) the consultation period. The MO advised that the consultation period to submit comments on the proposed amendments would expire on 9 March 2007 (the day after this Committee meeting). It was then intended that a revised code of conduct would be adopted by parliament before 31 March 2007 and would come into effect in time for the upcoming May 2007 elections;
- (b) the sieving of allegations. Whilst not adopted until 31 March 2007, indications suggested that alleged breaches of the code would have to be sieved within 10 days and that hearings would be conducted by a Standards Sub-Committee;
- (c) the duty on Members to report fellow Members for breaches of the code. It was noted that whilst this duty was proposed to be omitted from the code, Members could still wish to report fellow Members;
- (d) the differential between acting and not acting in an official capacity. Whilst it was acknowledged that the Livingstone judgement (which recognised that a Member could cease to act in an official capacity by advising any person with whom (s)he was dealing, that (s)he was not acting in an official capacity) could reduce the number of complaints received, the issue remained a grey area;
- (e) the ability for neighbouring authorities, or the Standards Board itself, to investigate alleged breaches of the code. Members were advised that this was likely to have significant implications for the Standards Committee;
- (f) the declaring of interests. The proposals to relax the declaring of interests relating to an interest shared within a Member's ward and when sitting on more than one public body were welcomed. In addition, the likely provision for Members to have a much greater ability to speak and vote, providing that the matter did not relate to the financial affairs of the body, was considered to be beneficial.

The Committee was informed that the proposal whereby a Member did not have a prejudicial interest in a matter when (s)he withdrew from a meeting after making representations, answering questions or giving evidence was currently unclear. This was unclear due to the proposals being promoted by the Department of Communities and Local Government (DCLG) and not the Standards Board.

The MO advised that once the revised code had been adopted, he intended to arrange a briefing session for Members during April 2007. It was likely that sieving procedures would need to be in place swiftly to counter the speed in which the sieving arrangements were likely to have to be employed by the Council.

In response to a question, the MO confirmed that all Salcombe Harbour Board Member dispensation applications had been withdrawn (Minute No. S.12/06(b) refers). External legal advice had been taken on the matter and coupled with the adoption of the pending regulations, officers intended to summarise the guidance to Board Members in due course. A Member expressed surprise that other Harbour Boards had not experienced similar difficulties;

- (g) the investigating of withdrawn complaints. A Member questioned whether the unfair practice in which the identity of Members, who had been the subject of complaints which were withdrawn or found to be groundless, would remain in the public domain. In acknowledgement of this, Members were advised that representations on this matter had been made to the Standards Board. Whilst awaiting confirmation from the Standards Board, Members welcomed the comments from officers that it was anticipated that the sieving process could be undertaken in confidentiality.

(Meeting commenced at 2.30 pm and concluded at 3.20 pm).

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Chairman