

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE  
HELD AT FOLLATON HOUSE, TOTNES ON TUESDAY, 22 SEPTEMBER 2009**

**MEMBERS**

\* Mr M Winterton - Independent Chairman

\* Cllr B E Carson

\* Mr R Allison (Independent Member)

\* 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 and Member Support Services Manager;

Item 7 (Minute S.22/09 below refers): Internal Audit Manager; and

Items 9, 10 and 11 (Minutes S.24/09, S.25/09 and S.26/09): Legal Assistant.

Also in attendance:

Cllr M J Howarth

**S.17/09 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Mr John O'Connell to his first Standards Committee meeting since his appointment. In addition, the Chairman also advised those present that the Council had recently appointed Cllr Judy Westacott MBE to be its Minority Group Member to serve on the Committee for the remainder of the 2009/10 Municipal Year.

**S.18/09 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.

**S.19/09 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.20/09

**THE STANDARDS COMMITTEE'S REMIT**

The Committee considered a report which set out its wider role and examined how statutory obligations could be complied with from within current resources.

In discussion, particular reference was made to:-

- (a) the wider remit of the Committee. Members acknowledged that the Committee had a much broader role than just considering complaints;
- (b) provision for Code of Conduct training for town and parish councils. In stressing the importance, the Committee hoped that sufficient numbers on each town and parish council had received training on the Code of Conduct. The Monitoring Officer informed that the Code had been scheduled for consideration at the upcoming town and parish cluster meetings and it would be helpful if the Committee could be represented at each of these events.

In addition, the provision to conduct presentations to town and parish councils who had been identified as having Code of Conduct issues; the need for town and parish council clerks to receive suitable training; and the possibility of Committee Members attending and observing some town and parish council meetings were also highlighted as possible means to promote high standards of conduct;

- (c) updating the Council's website ([www.southhams.gov.uk](http://www.southhams.gov.uk)) to improve understanding of the Code of Conduct and the role of the Standards Committee. To reinforce its independent nature, it was felt that reference should be removed to the Committee being under the auspices of the District Council and it should therefore be referred to as the 'South Hams Standards Committee';
- (d) meeting with the Chief Executive and Leader of Council. In line with good practice published by the Standards Board for England, the Committee felt that the Chairman should meet with the Chief Executive and Leader on an annual basis. The Lead Executive Member for Standards also assured those present that he too would provide regular feedback on conduct matters to the Leader.

**RESOLVED**

1. That the Monitoring Officer, in consultation with members of the Committee, continue to promote high standards of conduct amongst members of the Council and town and parish councils in the South Hams within the available budget; and
2. That the Chairman meet with the Leader of Council and the Chief Executive once a year to report on standards of conduct and probity in the South Hams.

S.21/09

**REVIEW OF THE CONSTITUTION – PART 2**

Consideration was given to a report which provided an overview of the second part of the Constitution.

The report concluded that the current Constitution remained fit for purpose and compliant with statutory requirements. Whilst the future of the Council remained uncertain (and it was pursuing new initiatives for service delivery) the Monitoring Officer felt that an extensive review was not warranted. Furthermore, any minor updates that may be required (e.g. to reflect the current statutory provision or a revised practice) could be carried out by the Monitoring Officer under delegated authority.

In discussion, the following points were raised:-

- (a) A Member suspected that a number of town and parish councils were unaware of the Members' Planning Code of Practice. The Committee therefore asked that the Monitoring Officer contact all town and parish council clerks to highlight the existence of this document and request that they circulate it to each of their council members;
- (b) To provide a greater insight into some of the planning process approaches being considered at present as part of a national review, a Member agreed to circulate a copy of the notes which he had received on this matter;
- (c) The Committee reiterated its wish for the draft Member / Officer Protocol to be approved by the Council as soon as was practically possible.

It was then:

**RESOLVED**

That the report be noted.

S.22/09

**UPDATE ON THE COMPLIANCE REVIEW OF THE CODE OF CORPORATE GOVERNANCE**

Members considered a report which informed of the progress being made on the issues identified by the compliance review of the 2008 Code of Corporate Governance reported at 7 April 2009 Joint Audit and Standards Committees (minutes A.39/08 and S.33/08 also refer).

In discussion, the Internal Audit Manager confirmed that good progress was now being made on each of the identified gaps reported.

**RESOLVED**

That the progress made against the action plan produced by the Compliance Review of the Council's Code of Corporate Governance 2008 (as reported to Members at 7 April 2009 Joint Committee meeting) be noted.

**S.23/09 MEMBER ATTENDANCE**

Following on from consideration of the Annual Review of Members' Attendance at the previous Committee meeting on 21 July 2009 (Minute S.16/09 refers), the Chairman advised that he had since met with the Leader of Council. During this meeting, it had been apparent that the Leader was sympathetic to the view that the 50% meeting attendance target should be increased.

Some Members commented that the perception amongst residents would not be favourable if Members only had to attend 50% of meetings (to which they had been appointed to serve) without being asked to voluntarily return a proportion of their basic allowance.

The Committee once again recognised that these statistics did not reflect the true role of a Member (e.g. they did not make reference to constituent work and attendance at other meetings) but nonetheless concluded that the current 50% attendance threshold should be raised to 65%. In raising this threshold, the Committee also wished to include a clause whereby valid meeting clashes, in which a Member was unable to attend a meeting due to being on alternative Council business, should not count against the 65% target figure. However, it was accepted that the onus was on each Member, when submitting their apologies, to advise officers if they were attending another meeting on Council business.

**RESOLVED**

That, with immediate effect, the meeting attendance threshold be increased from 50% to 65%. The attendance figures will also take into account instances where Members have advised that they are unable to attend a meeting due to being on other Council business.

**S.24/09 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 items of business as the likely disclosure of exempt information as defined in paragraph 7(c) of Schedule 12A to the Act is involved.

**S.25/09 COMPLAINT SH04/170708 – UPDATE**

The Monitoring Officer advised those present that the initial three month suspension period had now expired. Since Cllr Brazil had yet to undertake the sanctions imposed, the suspension was currently ongoing on a month to month basis, which would continue until the maximum six month period had expired.

In discussion, reference was made to:-

- (a) the expressed lack of confidence in the Standards Committee. Members expressed their disappointment that the Liberal Democrat Group had publicly stated its lack of confidence in the Committee. As a consequence, the Committee felt that a letter should be sent to Members of the Group advising that the Committee was always available and willing to meet and discuss any particular issues with both individual Group Members and the wider Group;
- (b) the request that the Monitoring Officer again write to Cllr Brazil. The Committee concluded that a further letter be sent outlining the opportunities (including arrangement details) to attend a relevant training course, with a reminder that no apology letter had yet been received by the complainant. It was also felt that the letter should state that whilst no further decision had been taken by the Committee, if the sanctions were not adhered to in the six-month period, then this could constitute a further breach of the Code of Conduct, which could be sent on to the Standards Board for England to be determined.

**S.26/09 REPORT OF INVESTIGATING OFFICER: COMPLAINT SH09/290109**

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.

In discussion, the Committee expressed its endorsement of the findings of the Investigating Officer and stated its belief that both parties involved had acted in good faith.

**RESOLVED**

1. That the Committee accept the Monitoring Officer's findings of no failure to comply with the Code of Conduct; and
2. That the Monitoring Officer be authorised to take all necessary steps to give effect to the decision in accordance with the requirements of the Standards Committee (England) Regulations 2008.

(Meeting commenced at 10.00 am and concluded at 1.00 pm).

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Chairman