

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Standards Committee held at Knowle, Sidmouth on 7 March 2006

Present: Dr J A Rees (Chairman)

Cllr P Bowden
Mr E Butt
Cllr Chamberlain
Mrs J A Durrant
Town Cllr S P Pollentine
Cllr Mrs Roden

Also present: Cllr Mrs M J Boote

Apologies: Cllr Lt Col A J M Drake
Cllr Mrs A E Liverton
Parish Cllr C Pole Carew

The meeting started at 9.30 am and ended at 11 am.

***7 Minutes**

The minutes of the meeting of the Standards Committee held on 28 September 2005, were confirmed and signed as a true record.

***8 Review of the Code of Conduct and the New Ethical Framework**

Members considered the report of the Head of Legal and Member Services in respect of the Government's published response to the recommendations for review of the Code of Conduct for Members (proposed by the Standards Board for England) and of the New Ethical Framework (proposed by the Graham Committee on Standards of Conduct on Public Life).

Members noted the Government's proposed changes and the Head of Legal and Member Services highlighted the key points.

- All standards complaints against Councillors would be made to the Monitoring Officer in the first instance rather than the Standards Board. However local authorities would refer up to the Standards Board complaints which they felt unable to investigate.
- The Code redefined 'friend' as a 'close personal associate'. It was felt that this was a clearer and more helpful description.
- The requirement for Members to report other Members to the Standards Board would be deleted. This move was welcomed.
- The Code should contain an exception for disclosure of confidential information where such disclosure was in the public interest.
- The 'offence' of misuse of public resources to be limited to serious misuse which would mean that Councillors would no longer have the anxiety of potential criticism for marginal use of resources in connection with their duties.

***8 Review of the Code of Conduct and the New Ethical Framework (cont)..**

- The Council's Standards Committee was already chaired by an independent member.
- A new 'offence' of bullying was to be added to the Code. This was currently dealt with as disrespect.

There was disappointment that there would be no new 'offence' of making false or malicious complaint although it was felt that continual complaints of this nature could be construed as bringing the office into disrepute. Rules of libel and slander would still apply where relevant. Members felt that the point in respect of only unlawful conduct in respect of outside official duties being regarded as likely to bring the Member's office or authority into disrepute was still unclear.

Members discussed the timetable for dealing with complaints. It was felt that initially the Committee would have to meet regularly to assess the complaints received but that the number would lessen when the Code of Conduct was more widely understood.

Members discussed the general principles of selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership which remained unaltered by the review. There was concern that Councillors were influenced by political groups and 'party whipping'. However it was acknowledged that the general principle of listing aspirational qualities had merit.

Members discussed the proposed change in respect of interests arising from membership of another public body, a charity or local pressure group. This should not prevent members from discharging their representative roles. This was perhaps particularly relevant where Members had been elected because of single local issues but currently had to declare a prejudicial interest due to their minds being made up on the matter. The proposed slight changes meant that Members would be able to speak on the item, although would still have to declare a personal interest. This was further clarified by the Government's endorsement that local matters would be personal rather than prejudicial where the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area represented by the member would be affected by the issue.

RESOLVED that the report be noted.

***9 Proposed revisions to planning code of good practice for Members**

Members gave consideration to the report of the Head of Legal and Member Services in respect of the planning code which had been in place for 5 years and was due for review. This advisory code was included in the Council's constitution and supported the Code of Conduct for Members. Planning was the area which generated most concern. The Association of Council Secretaries and Solicitors had produced a model code. The Head of Legal and Member Services had discussed the model planning code, with local amendments, with the Head of Planning and Countryside and the Chairman of the Development Control Committee as any changes needed to be practical and clear.

As at present, site inspections would only be made for reasons of clarity and when relevant factors were met. The amended code would include the automatic notification to the Monitoring Officer of Members own planning applications. The document established a clear and helpful link with the Code of Conduct.

***9 Proposed revisions to planning code of good practice for Members (cont).**

Most complaints generated were as a result of planning matters. Even though Town and Parish Councils made recommendations and not decisions in respect of planning applications, they were a vital part of the planning process and consequently open to criticism.

Members discussed lobbying. The code suggested that Councillors should not become members of organisations which had a primary purpose of lobbying but that they should become members of general interest groups. The Committee felt that the groups listed as being of general interest did have political views and that these examples should be deleted. Members should be advised to always question the involvement of groups in particular applications.

RESOLVED that the revised Planning Code of Good Practice be approved and recommended to Council for adoption as part of this Council's Constitution subject to the particular examples of general interest groups being deleted from Section 6: Lobbying by Councillors.

***10 Local Investigations update**

Members considered the report of the Head of Legal and Member Services which recommended the adoption of procedures to deal with local investigations. Where the Investigating Officer concluded that there had not been a failure to comply with the Code of Conduct, this would be reported to the Standards Committee. The Committee would consider the report and accept the conclusions and take no further action or resolve that the matter be considered at a formal hearing. Where the Investigating Officer concluded that there had been a failure to comply with the Code of Conduct, there was no option but for the matter to go to a formal hearing.

The procedure for hearings was a clear and full step by step process. Members were reminded that the Chairman had the power to modify the procedure in any particular instance where he/she was of the opinion that such a variation was necessary in the interests of fairness.

The quorum for a meeting of the Standards Committee was three and the formal hearing Panels could be of three members – with one member being a Parish Council member if the investigation concerned a Parish or Town Councillor. Decisions taken would be circulated to all Members of the Committee.

The Chairman suggested that it would be helpful to have a standard letter to issue to members of the public who asked individual members of the Committee for advice or who wish to lobby the opinion of a member. If members were prejudiced in this way it could be difficult for them to adjudicate should the matter come before the Committee. It was vitally important for independent members to retain their independence and the suggested standard response letter could be particularly helpful to them.

As it is not always easy to determine the nature of the complaint at an early stage, Members were advised to refer the matter to the monitoring officer. It was also suggested that members of the public could be referred in the first instance to the Standards Board for England website which was very informative and included the complaint form.

*10 **Local Investigations update (cont)..**

The Chairman said that it would be helpful to have 2 scheduled meetings of the Committee each year. It was understood that hearings would have to be held on an ad hoc basis but that having scheduled meetings of the whole Committee would be helpful and would promote corporate governance.

- RESOLVED**
1. that the Council provides an indemnity to Investigating Officers against any claims for defamation, and that the Corporate Director – Economy insures risk if this is cost-effective,
 2. that the Procedure for Local Investigations and Hearings Procedure as set out at Appendices One and Two be approved with delegated authority being given to the Head of Legal and Member Services to make any necessary amendments to the procedure for administrative or legal reasons,
 3. that the Standards Committee meets at least twice annually, normally in March and October, with these meetings being included in the Council's programme of meetings and the year book,
 4. that the Head of Legal and Members Services prepare a letter for use by members of the Committee, to explain the function of the Committee and the procedures to take in respect of complaints, to avoid members being put in a position of giving advice or guidance which could possibly prejudice future hearings,
 5. that all members of the Standards Committee be sent an EDDC Committee structure chart to indicate the remit of the committees of the Council and how these inter-link.

Chairman Date.....