

EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Standards Committee held at Knowle, Sidmouth on 3 November 2009

Present:	Mr E Butt	Independent Chairman
	Cllr G P Chamberlain	EDDC Councillor
	Mr R Davison	Independent member
	Cllr Mrs A E Liverton	EDDC Councillor
	Cllr S P Pollentine	Parish representative
	Cllr C Richards	Parish representative
	Cllr Mrs K Tomkins	Parish representative
	Ms A Willan	Independent member
Officers:	Christopher Holland	Democratic Services Officer
	Denise Lyon	Monitoring Officer
	Rachel Pocock	Head of Legal, Licensing and Democratic Services
	Diana Vernon	Democratic Services Manager
	Mark Williams	Chief Executive
Apology:	Cllr P Bowden	EDDC Councillor
	Cllr G K Liverton	EDDC Councillor

The meeting started at 9.30 am and ended at 11:46 am

***1 Minutes**

The minutes of the meeting of the Standards Committee held on 17 March were confirmed and signed as a true record.

***2 Spending of Locality Budgets by Devon County Council Members in an election year**

Members considered the report of the Monitoring Officer regarding Devon County Council (DCC) Community Fund Budgets during an election year. This had been raised at previous meetings of the Committee when it was suggested that the distribution of Community Fund money by County Councillors in an election year could be seen to be giving that Councillor an unfair advantage going into an election. It was also suggested that there could be a public impression that Councillors might be 'buying votes' as the public may not understand that the money used was from an existing County Council budget. The Committee felt that although they understood how the Community Fund budget worked, many of the public did not, and that poor public perception could easily undermine the work of our Standards Committees.

At the last meeting, the Members asked the Monitoring Officer to raise the issue with the County Council Standards Committee with a recommendation that the County Council considers putting a freeze on the distribution of Community Fund money for 12 months before any County Council Election.

Members noted that the issue had been considered by Members of the County Standards Committee on 2 July 2009. At that meeting, the County Solicitor had advised that the County Council's Procedures Committee had, in his view, taken reasonable steps to ensure that no conflict arose. The DCC Standards Committee recognised the need for Members to exercise caution in the use of their locality budgets in the period leading up to the County Council elections on 4 June 2009. The Committee had therefore, determined that approval to allocations could only be given by County Committees before 9 April 2009 and that, thereafter, the use of any such funds in 2008/09 or 2009/10 would be embargoed until after the June elections. Similarly, DCC Members were not permitted to give any undertaking to allocate funds in that period.

*2 **Spending of Locality Budgets by Devon County Council Members in an election year (cont'd)**

DCC Members were therefore of the view that there had been no conflict of interest and that in restricting the use of these funds for a period well in advance of the Notice of Election the County Council had acted responsibly and no further action was required. It was noted that the District Council's suggestion that the allocation of such funds should be prohibited for up to 12 months before election was regarded as excessive.

Members of the Committee discussed the reply from the County Standards Committee. Although some felt that there was still an issue, it was agreed that any individual concerns should be taken up with the DCC Standards Committee directly.

RESOLVED that the reply from the Devon County Council Standards Committee be noted.

*3 **Review of the Standards Committee Procedure for Local Assessment of Complaints and Summary of complaints to date**

Members considered the report of the Monitoring Officer which reviewed the Standards Committee's "Procedure for Local Assessment of Complaints" in the light of experience to date. Only minor alterations to text to clarify processes were recommended by Officers.

The report also gave Members a summary of information showing all the Code of Conduct complaints dealt with so far in 2009 in East Devon. Since May 2008, all Code of Conduct complaints received by the Monitoring Officer had been handled by East Devon District Council entirely.

- RESOLVED:**
- 1) that the amended Procedure for Local Assessment of Complaints attached to the report be approved.
 - 2) that the Monitoring Officer makes any necessary amendments to the supporting documentation to the Local Assessment of Complaints Procedure.
 - 3) that the summary of complaints to date be noted.

*4 **Probity in planning**

Members considered the report of the Monitoring Officer regarding Probity in Planning guidance notes which had been circulated to all Members of the Council, and were due to be considered by the Development Management Committee and the Council before the end of the year.

Members noted that the guidance formed part of the ethical framework for local government and was an important tool to assist Members in balancing the needs and interests of individuals and the community, with the need to maintain ethical and transparent decision-making.

Members noted that planning applications and subsequent Development Management Committee meetings could be highly controversial. This was particularly true of recent applications in Seaton and Budleigh Salterton where controversial proposals had resulted in a high volume of correspondence from residents. Some correspondence relating to a proposal for the Longboat Café in Budleigh Salterton had been attached to the report for Members information.

4 **Probity in planning (cont'd)**

Members of the Committee were reassured that through recent and ongoing training and newly developed protocols the issues relating to some residents' concerns were being addressed. The Chief Executive stressed that in many cases, public concern was due to misunderstanding the processes and the way in which committees operated. He reported that he was involved in examining the way in which the Development Management Committee was functioning.

Members accepted that Planning issues were very often very controversial and in many cases this could be prevented if the public had more information on the processes involved with decision making in planning. Members suggested that an information leaflet for the Development Management Committee could be distributed at meetings to help explain the functions and decision making processes involved.

- RECOMMENDED:**
- 1) that the Probity in Planning guidance notes and related protocols be approved.
 - 2) that Development Management Committee consider producing a leaflet explaining the committee and decision making process to members of the public.

*5 **The Standards Committee (Further Provisions) Regulations 2009**

Members considered the report of the Head of Legal, Licensing and Democratic Services regarding new Regulations relating to the work of Standards Committees and came into force on 15 June 2009.

It was noted that there were three initiatives. Firstly, a power for Standards for England (formerly the Standards Board for England) to suspend arrangements for the local assessment of complaints. There was also a power for local authorities to establish Joint Standards Committees and a power for Standards Committees to grant dispensations to members to participate in meetings where they have a prejudicial interest.

Some Members of the Committee felt that the formation of a Joint Committee would be useful, particularly when dealing with District Councillor cases. However, it was appreciated that there may be financial and organisational problems if a Joint Committee was formed. It was also suggested that any future investigation into the setting up of a Joint Committee be delayed for 6 months until the results of Local Government Review were known and the operation of the Standards Committee and Assessment Sub Committees was more established.

- RESOLVED:**
- 1) that the name change from Standards Board for England to Standards for England be noted together with the new power to suspend local assessment;
 - 2) that the Head of Legal, Licensing and Democratic Services and Chairman of the Standards Committee further explore the cost/benefit of setting up a Joint Standards Committee in summer 2010.
 - 3) that the new guidance for dispensations be adopted with authority for the Head of Legal, Licensing and Democratic Services to make the appropriate amendments to the Constitution, including dispensations being delegated to the Standards Assessment and Hearings Sub Committee, with the Standards Committee retaining concurrent powers.

***6 Memorandum of understanding between Standards for England and the Local Government Ombudsman**

Members considered the report of the Head of Legal, Licensing and Democratic Services regarding a new protocol for Standards for England and the Local Government Ombudsman to deal with their respective and sometimes overlapping jurisdictions.

Members noted that Standards for England's role was primarily as the lead regulator in connection with breaches of the Code of Conduct and in giving strategic guidance as a preventative measure. The Ombudsman's role was concerned with investigating complaints of maladministration against certain public authorities. The report highlighted that the new protocol should help people to understand the differences between the two organisations and the way in which to make a complaint to the correct body.

- RESOLVED:** 1) that the contents of the memorandum of understanding between Standards for England and the Local Government Ombudsman and the implications for the Council be noted.
- 2) that an annual report be made to the Standards Committee regarding Ombudsman complaints made against the Council.

***7 Report of Annual Assembly of Standards Committees**

Members considered Ray Davison's report which outlined his experiences from the Annual Assembly of Standards Committees in the ICC Birmingham from 12 to 13 October 2009. It was noted that the conference had been extremely useful and had been attended by around 1500 delegates. It was hoped that the lessons learnt and experiences gained could be some use as the Standards Committee undertakes a review of best practice. The recommendation that the Committee should consider sending more than one delegate in 2010 was considered although it was appreciated that time and financial constraints may make this unlikely.

RESOLVED that the report be noted.

***8 Standards for England – Standards & Ethics- Good Practice**

Members considered the report of the Monitoring Officer concerning ideas and innovations designed to promote standards and ethics in Local Government. Members noted that the ideas and schemes set out in the report were a selection of those identified best practices of authorities which had been short listed in the past for the Local Government Chronicle (LGC) Standards and Ethics Awards and supported by Standards for England.

Members suggested that the profile of the Standards Committee should be raised. It was agreed that although there was limited additional resourcing available to achieve this, an informal Working Group could be set up to examine various ways of enhancing awareness and the profile of the Committee amongst the public and all Councillors.

***8 Standards for England – Standards & Ethics- Good Practice (cont'd)**

During the debate the following ideas were supported and would be considered by the Working Group:

- Regular updates on the work of the Standards Committee (bi monthly).
- Dedicated website page on the EDDC website for the Standards Committee.
- Consider using Ward Members more as a way of informing Parish Councils of the workings of the Standards Committee and Council as a whole.
- Standards Committee to meet three times a year.
- Members of the Standards Committee could attend Parish Council meetings to update them on the work of the Committee and new legislation/rules.

The report also included the 'Standards for England: Annual return responses 2009'. It was noted that this survey summarised all responses from authorities regarding their Standards Committees and activity in 2009 to date.

- RESOLVED:**
- 1) that an informal Working Group meet once (to be serviced by the Monitoring Officer's PA) to examine various ways of enhancing awareness and the profile of the Committee amongst the public and all Councillors. (Membership to be: Mr E Butt, Ms A Wilan, Mr R Davison, Cllr C Richards and Cllr S Pollentine)
 - 2) that the Independent Members of the Standards Committee and Tenant and Community Representative Members of the Housing Review Board be sent copies of the Council's weekly newsletter 'the Knowledge' to assist in their working with the authority.
 - 3) that 2009 annual return survey responses to Standards for England be noted.

***9 Member Development (training) – up-date**

Members considered the report of the Democratic Services Manager regarding Member Development. It was noted that the Council, through adopting the Member Training and Development Strategy and committing to the Member Development Charter had shown the importance it gave to Member Development. The Member Development Working Group met regularly to discuss development issues, progress in respect of the Charter and to monitor development opportunities undertaken and planned to ensure that these had a direct link to the Corporate Strategy and represented value for money. The Working Group recommended the appointment of a Member Champion for Member Development; Councillor Ann Liverton was appointed Member Champion at the Annual meeting of the Council in May 2009.

Members noted that one of the local Performance Indicators was to ensure that training was undertaken by all Councillors who served on regulatory (Standards and Audit and Governance Committees) and those with quasi-judicial functions (Licensing and Enforcement and Development Management Committees). These were reported quarterly.

It was noted that Members were being encouraged to take charge of their own personal development, to enhance their existing skills and to specialise in their areas of expertise. The Committee welcomed the report and the update on training provided. It was noted that training was particularly useful for the newer Members who needed guidance but also learnt much from the more experienced Members who attended such events.

- RESOLVED** that the Council's progress in embedding Member Development within the organisation be noted.

*10 **Forward Plan**

Members considered the Standards Committee Forward Plan for the next two meetings.

- RESOLVED:** 1) that the report of the informal Working Group on Best Practice for Standards Committees be added to the March meeting.
- 2) that the contents of the Forward Plan be noted.

Chairman Date.....