

Mrs J Wallace
Head of Paid Service
Torrige District Council
Riverbank House
Bideford
Devon
EX39 2QG



DX 53606 BIDEFORD
Tel : Bideford (01237) 428700

Date: 14 November 2017

MEETING OF STANDARDS COMMITTEE

On: Wednesday 22 November 2017 **At:** 2.00 pm

Venue: Town Hall - Bridge Street, Bideford, EX39
2HS

NOTICE OF MEETING

To: Councillor K Carroll (Chair)
Councillor M Langmead (Vice-Chair)
Councillors: B Boundy, M Brown, A Boyle, G Dezart and R Julian

Town & Parish Representatives: Richard Clark and Harold Martin

Independent Persons: Barbara Berkhauer and Roger Levick

Members are requested to turn off their mobile phones for the duration of the meeting

AGENDA

PART I - (OPEN SESSION)

1.	Apologies for Absence
2.	Minutes (Pages 3 - 6) Confirmation of the Minutes of the Standards Committee meeting held on 16 August 2017.
3.	Declarations of Interest Members with interests to declare should refer to the agenda item and describe the nature of their interest when the item is being considered.
4.	Agreement of Agenda between Parts I and II (if applicable)

5.	Urgent Matters of Information to be brought forward with the permission of the Chair and the Committee
6.	Town and Parish Council Liaison To receive a verbal update from the Senior Solicitor.
7.	Advisory Committees (Page 7) To receive a Briefing note from the Senior Solicitor.
8.	Forward Plan (Page 8)
9.	Exclusion of Members of the Public The Chair to move : That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in)Part 1 of Schedule 12A of the Local Government Act.
10.	Part II (Closed Session)
11.	Complaint Update To receive a verbal update from the Senior Solicitor.
	Meeting Organiser: Tom Vanstone - Democratic Services

TORRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 16 August 2017 - 2.00 pm

PRESENT

Councillor K Carroll (Chair)
Councillors M Langmead, B Boundy, M Brown, G Dezart and
R Julian

Roger Levick - Independent Person
Richard Clark - Parish Representative
Harold Martin - Parish Representative

ALSO PRESENT

J Hollis - Senior Solicitor
T Vanstone - Democratic Services Officer

APOLOGIES

Councillor Boyle

The Chair welcomed everyone to the meeting.

8. MINUTES

It was proposed by Councillor Langmead, seconded by Councillor Dezart and –
Resolved:

That the minutes of the meeting held on 30 January 2017 be agreed and signed as
a correct record.

(Vote: unanimous)

It was proposed by Councillor Langmead, seconded by Councillor Boundy and –

Resolved:

That the minutes of the meeting held on 12 April 2017 be agreed and signed as a
correct record.

(Vote: For 5, 1 abstention)

9. DECLARATIONS OF INTEREST

The Chair asked that declarations of interest be made as and when the specific agenda item to which they related was under discussion.

10. AGREEMENT OF AGENDA BETWEEN PARTS I AND II (IF APPLICABLE)

There are no Part II items.

11. URGENT MATTERS OF INFORMATION TO BE BROUGHT FORWARD WITH THE PERMISSION OF THE CHAIR AND THE COMMITTEE

The Senior Solicitor raised that he was looking at holding a ½ day Standards training session in which all members would be invited to carry out the training. The Senior Solicitor confirmed that he will look at a number of dates and contact members via email.

Roger Levick commented that he believed the Chair had handled recent the issues very professionally and hoped that the committee can now move forward.

12. HEARING PROCEDURE

The Senior Solicitor provided a report on the introduction of a hearing procedure for the determination of Standards Committee complaints in relation to the Members Code of Conduct.

The Chair commented that whilst there is currently no formal adopted hearing procedure, some of the key steps were used as an aide at the recent Code of Conduct determination.

Councillor Langmead raised that that the Standards Committee should adopt a hearing procedure as contained in the report however Councillor Langmead would also like a number of sanctions to be mandatory. These are:

- Mandatory training
- Withdrawal of the Basic Allowance paid to Councillors for a stipulated period; and
- Suspension from Committee Membership.

The Senior Solicitor reminded members that currently they have no power to suspend under the localism act and that they can only recommend a suspension from Committee Membership to the group leader.

It was proposed by Councillor Brown, seconded by Councillor Julian and –

Resolved:

That the Standards Committee would adopt a hearing procedure as detailed in the report.

(Vote: For unanimous)

13. TOWN AND PARISH COUNCIL LIAISON

The Senior Solicitor gave an update on the Parish/Town Council liaison plan and schedule of visits for the Standards Committee.

The Senior Solicitor confirmed that he had written to all 48 parishes which currently have an active Town/Parish Councils or Parish Meeting. 7 out of the 48 responded confirming that they would like a visit from a member of the Standards Committee to a Town and Parish Meeting.

The Chair asked for volunteers to visit Town and Parish Meetings and Councillor Julian, Councillor Boundy, Town & Parish Representatives Richard Clark and Harold Martin and Independent Persons Roger Levick all volunteered.

The Senior Solicitor confirmed that a training session will be held in October to ensure that everyone delivers the same message to the Parishes.

The Chair requested an update on complaints which have been received and how each complaint has been handled. The Senior Solicitor confirmed that at the next Standards meeting on 22 November a complaint update will be provided.

It was proposed by Councillor Langmead, seconded by Councillor Boundy and –

Resolved:

That the Standards Committee will visit Town and Parish Councils following training and the visit will include an outline of work which the Standards Board carry out, code of conduct, complaints handling and declaration of interest.

(Vote: For unanimous)

14. EXEMPT CONFIDENTIAL INFORMATION

Members had a discussion regarding Part II and the access rights to Part II information. Councillor Langmead confirmed that any member and non elected member can go to any meeting which contains Part II information.

Richard Clark commented that can't Part II information be confidential to just the committee that are discussing the Agenda item.

The Senior Solicitor confirmed that this could not be done due to the Access to Information Procedure in the constitution.

It was proposed by Councillor Julian, seconded by Councillor Boundy and –

Resolved:

That the rules relating to attending meetings should be revisited.

(Vote: For unanimous)

15. LOCAL AUTHORITIES AND THE STANDARDS REGIME

Members discussed the letter which had been received from Taunton Deane Borough Council.

It was proposed by Councillor Carroll, seconded by Councillor Boundy and -

Resolved:

That the Standards Committee would write to central Government indicating its support for the letter sent from Taunton Deane Borough Councils' Standards Committee confirming that they agree that the following sanctions should be made mandatory:

- Mandatory Training
- Withdrawal of the Basic Allowance paid to Councillors for a stipulated period
- Suspension from Committee Membership

(Vote: For, unanimous)

Independent Person Roger Levick asked can Town & Parish and Independent Persons vote as per the letter from the Taunton Deane Borough Council.

The Senior Solicitor confirmed that the letter from Taunton Deane Borough Council was referring to a Standards Advisory Committee which then advises the Standards Committee.

The Senior Solicitor confirmed that he will give a clarification of the role of Independent Person and Town & Parish Representatives at the next meeting.

16. FORWARD PLAN

The forward plan was discussed and it was agreed that a Town and Parish Council Liaison update would be added to the forward plan as well as Standards Advisory Committee.

The meeting commenced at 2.00 pm and closed at 3.16 pm

Chair:

Date:

Briefing Note - Advisory Committees

S.102(4) of the Local Government Act 1972 Act is in the following terms:

‘A local authority may appoint a committee, and two or more local authorities may join in appointing a committee, to **advise** the appointing authority or authorities... on any matter relating to the discharge of their functions, and any such committee--

- a. may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities; and
- b. may appoint one or more sub-committees to advise the committee with respect to any such matter.’

The wording of 102(4) is broad but it makes it clear that the role of committees and sub-committees appointed under s.102(4) is restricted to advising the council (or a committee) on ‘any matter relating to the discharge of their functions’. The key word is ‘advise’. Importantly, committees (or sub-committees) appointed under s.102(4) have no power to discharge the functions of a council.

Many councils make good use of the power contained in s.102(4) and often refer to committees (or sub-committees) appointed under it as ‘working parties’ or ‘working groups’ or ‘panels’ rather than advisory committees (or sub-committees). However councils should be aware that such parties/groups/panels are, in fact, committees or sub-committees within the meaning of the 1972 Act and are, accordingly, subject to the same legal provisions in the 1972 Act as other committees.

In terms of membership of an Advisory Committee, although a person wishing to become a councillor has to satisfy the qualification requirements of s.79 of the 1972 Act, a non-councillor appointed to an advisory committee pursuant to s.102(4) does not. The qualification requirements include such things as being a local government elector, and living or working in the Councils area when elected. Any person disqualified from being a councillor pursuant to s.80 of the 1972 Act is unable to be a member of any committee (including an advisory committee under s.102(4)) by virtue of s.104 of the 1972 Act.

All members of an Advisory Committee (both members and non-members of the Council) are able to vote, as this type of committee benefits from an exemption to the voting rules under S.13 Local Government and Housing Act 1989.

STANDARDS COMMITTEE – FORWARD PLAN 2017/18

2017/18	Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5	Cycle 6	Cycle 7	Cycle 8
	14 June 2017		9 August 2017		22 November 2017		21 February 2018	
	2pm		2pm		2pm	2pm	2pm	
			Hearing Procedure Town and Parish Council Liaison Exempt Confidential Information Local Authorities and the Standards Regime		Town and Parish Council Liaison update Advisory Committees			

Standing item	Complaint update		Complaint update		Complaint update		Complaint update	
Standing Item								