

TORRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 13 March 2019 - 2.00 pm

PRESENT	Councillor T Inch (Vice Chair)	
	Councillors G Dezar, P Hackett, J Hutchings and R Julian	
	Richard Clark	Parish Representative
	Martin Rawle	Independent Person
ALSO PRESENT	S Dorey	- Senior Solicitor
	J Walter	- Governance Manager
	S Cawsey	- Democratic Services Officer

The Chair welcomed everyone to the meeting.

The Vice Chair paid tribute to Councillor Mervyn Langmead, Chair of Standards Committee, who passed away 7 March 2019. A minutes silence followed.

Apologies for absence were received from Councillor Brown and Parish Representative Harold Martin.

21. MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 21 NOVEMBER 2019

The Vice Chair paid tribute to Councillor Mervyn Langmead, Chair of Standards Committee, who passed away 7 March 2019. A minutes silence followed.

Apologies for absence were received from Councillor Brown and Parish Representative Harold Martin.

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

Resolved:

That the Minutes of the meeting held on 21 November 2018 be agreed and signed as a correct record.

(Vote: For 4, Abstentions 2)

Matters Arising:

Minute No 12 - Councillor Julian referred to his previous enquiry regarding the planned visits to Parish Council meetings, and asked if there had been any further developments. He gave an update on the feedback he had received from those Parish Councils he had visited. All had responded with positive comments.

The Senior Solicitor responded advising there were no visits planned at present. If a Clerk or Councillors required assistance and guidance someone would attend a meeting of that Parish Councils. Each Parish Council must stand by their own Standing Orders and Constitution.

22. ACTION LIST

The Action List was noted

23. DECLARATIONS OF INTEREST

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

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

The Agenda as circulated was agreed.

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

The Chair advised that Parish Representative, Richard Clark, had requested to address the Committee regarding the recent behaviour from Councillors on this Council.

Mr Clark expressed how appalled he had been to learn of a breach of the Part II protocol at a recent Council meeting. The Head of Paid Service had reported on Part II items which had then been disclosed in the public domain. He had then read in the Members Bulletin about the inappropriate behaviour of Councillors at a Community & Resources Committee meeting. He emphasised the need for a positive stance to be made on this type of behaviour to ensure it does not carry on.

The Senior Solicitor advised she would be addressing the Committee and giving a briefing on Part II items. It was agreed to present the update at this stage of the meeting.

The Senior Solicitor reiterated Mr Clark's comments regarding a breach of Part II items which, she advised had resulted in the Council being threatened with legal action and had added to Officer's workloads. The consequences of breaching Part II items was strongly relayed to Members. Councillors who breach Part II items are only indemnified by Torridge if sanctioned by Torridge. The Committee was advised of the reasons as to why a meeting would go into Part II, which is usually because an item relates to a legal case, an individual or financial information.

Mr. Clark questioned whether Councillors should only be entitled to information on a “need to know” basis. The Senior Solicitor referred to the Members Protocol which detailed the information Councillors are entitled to, this basically is information they need to know to fulfil their duties. Discussions had been held with Senior Officers when it had been agreed that the Senior Solicitor looks into preparing a Policy to help in dealing with this matter. It was also proposed that training and guidance be given to all new Councillors.

The Senior Solicitor advised that going forward Officer’s will be less transparent as it will be difficult for any briefings to be given in Part II.

The Governance Manager explained Part II information would not be recorded in the minutes or published, and that the minutes are not verbatim. Separate minutes are not typed for Part II items, and for any Member who had not attended the meeting, they would need to request the information from the Officer who had presented the item. The processes in place were adopted by Members.

The Senior Solicitor emphasised the importance of Councillors not disclosing Part II items outside of the meeting (including to other Members).

26. PREPARATION FOR ELECTIONS

The Governance Manager provided an update on the forthcoming election procedures and timescales.

Details included:

- Successful prospective Councillor evening – 63 had attended – Head of Paid Service, S151 Officer and Monitoring Officer gave an update on Council business and the Elections Officer gave an update on election procedures.
- Election forms now available for collection.
- Notice of Election to go up on Tuesday 19 March, and also nominations will start being received. Nominations have to be received in the office by 3 April.
- Purdah period starts 19 March (brief explanation given on Purdah). Guide to be included in the Members Bulletin.
- Election on 2 May.
- Verifying papers overnight on 2 May at Langtree Village Hall. The Count to take place on 3 May.
- Four days following election is when new Councillors take office.
- Tuesday 7 and Wednesday 8 May will be sign up days – new Councillors will be notified to attend at the office to sign up.

- Thursday 9 May – all day Induction at Caddsdwn. That is when the Training Programme will start.
- Friday 10 May – Senior Solicitor will do two sessions on Standards and Code of Conduct. There will be other training for Councillors as and when.
- All appointments will be made at the AGM on 13 May.
- There will be one to one training for iPads. Planning training will be held 31 May by external providers, Licensing training date to be confirmed and Audit & Governance training 11 June all training to be carried out jointly with ND Council.
- Training for Parish Councils to be available for those who ask. This is a matter that can be included on the Agenda of the first meeting of the Area Advisory Groups.

Following the update the Governance Manager stressed the importance of building a good relationship between Officers and Members.

27. CONSULTATION ON UPDATING THE DISQUALIFICATION CRITERIA FOR COUNCILLORS AND MAYORS

A verbal update was given by the Senior Solicitor in relation to the Consultation on Updating the Disqualification Criteria for Councillors and Mayors.

Feedback on the Consultation was given, together with some of the following recommendations:

- Local authorities should be given the power to suspend Councillors, without allowances, for up to six months
- Councillors should be presumed to be acting in an official capacity in their public conduct including on social media
- Councillors should have the right to appeal to the Local Government Ombudsman
- The Government should clarify if Councillors may lawfully bar Councillors from council premises
- The LGA should create an updated model code of conduct
- Those standing for public office should not have to publicly reveal their address
- Declaration of interest should extend to unpaid, charity or policy related roles

- Councillors should record gifts and hospitality of over £50 in value, or £100 over a year
- Independent Persons should be appointed for a fixed term of two years, renewable once
- Councillors should only be suspended if the Independent Person agrees
- Local Authorities should provide legal indemnity to Independent Persons
- Parish Council Clerks should have an appropriate qualification
- Disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal
- Whistleblowing policies should given specific contacts for the external auditor
- Political groups should give Councillors compulsory induction training
- LGA peer reviews should include councils' processes for maintaining ethical standards

The Government to review all feedback received.

During the brief discussion that followed the Senior Solicitor responded to the questions put forward by the Committee, and in particular advised that dispensation would be required from Full Council if a Member had not attended a meeting for six months, particularly for health reasons.

28. STANDARDS COMMITTEE PROCEDURES

This item to be included as part of the Induction for new Councillors.

The Governance Manager reminded Members that this information had been circulated to a recent meeting of this Committee. Comprehensive procedure information to be given at the first meeting of the new Committee, which will then be formally adopted for use at future hearings.

29. ANNUAL REPORT

The Governance Manager presented this item which provided a summary of the work carried out by the Standards Committee for the period 20 June 2018 to 27 February 2019. The report also included background information in relation to the standards regime in operation at Torridge.

The Committee were asked to inform Officer's of any amendments they wished to make.

It was agreed to include an update on the sad loss of Councillor M Langmead.

It was proposed by Councillor Hackett, seconded by Councillor Julian that the Annual Report be formally adopted.

(Vote: For – Unanimous)

30. FORWARD PLAN

A new Forward Plan to formulated once the new Council are in place.

31. PART II (CLOSED SESSION)

32. COMPLAINTS UPDATE

The Senior Solicitor advised there had been no recent complaints received.

The meeting commenced at 2.00pm and closed at 15.15pm

Chair:

Date: