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Date: 5 March 2019

MEETING OF STANDARDS COMMITTEE

On: Wednesday 13 March 2019 **At:** 2.00 pm

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

NOTICE OF MEETING

To: Councillor M Langmead (Chair)
Councillor T Inch (Vice-Chair)
Councillors: M Brown, G Dezart, P Hackett, J Hutchings and R Julian

Town & Parish Representatives: Richard Clark and Harold Martin

Independent Person: Martin Rawle

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 of the Standards Committee meeting held on 21 November 2019 (Pages 3 - 6)
3.	Action List (Page 7)
4.	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.
5.	Agreement of Agenda between Parts I and II (if applicable)

6.	Urgent Matters of Information to be brought forward with the permission of the Chair and the Committee
7.	Preparation for Elections To receive an update from the Governance Manager.
8.	Consultation on Updating the Disqualification Criteria for Councillors and Mayors To receive a verbal update from the Senior Solicitor.
9.	Standards Committee procedures To receive a verbal update from the Senior Solicitor.
10.	Annual Report (Pages 8 - 13) To review the draft annual report.
11.	Forward Plan (Page 14)
12.	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.
13.	Part II (Closed Session)
14.	Complaints update To receive a verbal update from the Senior Solicitor.
	Meeting Organiser: Democratic Services

TORRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Town Hall - Bridge Street, Bideford, EX39 2HS

Wednesday, 21 November 2018 - 2.30 pm

- PRESENT: Councillor M Langmead (Chair)
Councillors T Inch, G Dezart, R Julian and P Hackett
- Martin Rawle - Independent Person
- Richard Clark - Parish Representative
Harold Martin - Parish Representative
- ALSO PRESENT: S Dorey - Senior Solicitor
M Richards - Democratic Services Officer
J Walter - Governance Manager

The Chair welcomed everyone to the meeting and extended a special welcome to Martin Rawle, the new Independent Person.

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Brown and Councillor Whittaker.

12. MINUTES OF THE STANDARDS COMMITTEE MEETING HELD ON 20 JUNE 2018

It was proposed by Councillor Julian, seconded by Councillor T Inch and –
Resolved:

That the Minutes of the meeting held on 20 June be agreed and signed as a correct record.

(Vote: For 4, Abstentions 1)

Matters Arising

Minute 4 - Urgent matters of Information to be brought forward with the permission of the Chair and the Committee

Councillor Julian asked whether there was an intention to continue with the list of planned visits. The Legal Services Manager responded that she was unaware of the list but would discuss with Councillor Julian after the meeting.

Minute 6 - Town And Parish Liaison

Councillor Julian reported that the visit to Parkham Parish Council had been well received and that these visits should be prioritised. The Chair gave reassurance that the programme would continue.

13. 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.

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

The Chair had been requested to bring forward Item 11 – Complaints Update.

It was proposed by Councillor T Inch and seconded by Councillor Dezart –

- That the item be brought forward
- That under Section 100(a)(4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following items of business because of the likely disclosure of exempt information by virtue of Paragraph 1 of Part 1 and Paragraph 10 of Part 2 of schedule 12A of the local Government Act 1972.

(Vote: For – Unanimous)

15. PART II (CLOSED SESSION)

16. COMPLAINTS UPDATE

The Legal Services Manager briefed the Committee on the complaints received and provided updates on each case.

2 complaints had been received in relation to Parish Councillors – one had been discussed with the Standard Committee's Independent Person and had not been upheld. The other was still being processed.

2 complaints in relation to District Councillors had been submitted and these had been dealt with by way of apology.

It was proposed by Councillor T Inch and seconded by Councillor Hackett -

That the meeting return to Part I and that any press and public be readmitted.

(Vote: For – unanimous)

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

There were no urgent matters brought forward.

18. FORWARD PLAN

The Chair asked that any items for inclusion on the Forward Plan be submitted to the Governance Manager or the Legal Services Manager.

Potential items were discussed.

Rich Clark referred to some slides he had prepared for the training of Parish Councillors. These had been sent to the Senior Legal Services Manager. These will be sought out by the Legal Services Manager

With District and Parish elections taking place in May 2019, could an informative session be set up for people thinking of standing. Preparation to be added to Cycle 7.

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

The Legal Services Manager advised Members that the “Consultation on Updating the Disqualification Criteria for Councillors and Mayors” paper had been brought back to Committee as TDC had had an input into the document.

In summary, there had been a strong feeling in all responses that if a Councillor was subject to the notification requirements set out in the Sexual Offences Act 2003 (i.e. who is on the sex offenders register) he/she should be prohibited from standing for election, or holding office, as a member of a local authority.

The Committee debated DBS checks and the effectiveness of TDC in making Councillors undergo the check. It is possible, as a result of the consultation, the Government may look at this aspect of DBS checks.

It was noted that:

- TDC had no powers to force Councillors to undergo the check
- TDC had no powers to impose sanctions
- The onus lay with the individual
- The Constitution had been amended to include an agreement that all Members undergo a DBS check when elected
- Full details of DBS checks were not shared with anybody other than the subject of the check. TDC was only aware of a pass or fail.

It was proposed by Councillor T Inch, seconded by Councillor Julian and –

Resolved:

That a letter be sent to the Ministry of Housing, Communities and Local Government, urging them to implement changes to primary legislation as soon as possible.

(Vote: For – unanimous)

20. TRAINING UPDATE

The Legal Services Manager and the Governance Manager delivered an interactive presentation on training, prompting debate on the Members' Code of Conduct, Declarations of Interest and sanctions.

Draft documents relating to Standards Committee Hearings were circulated. The documentation will be discussed at the next meeting. Members were alerted to the importance of adopting a process and the requirement to publish the procedure. In the interest of transparency, it was good practice to hold hearings in public.

The meeting commenced at 2.30 pm and closed at 4.21 pm.

Chair:

Date:

Standards Committee
Actions List from meeting on 21 November 2018

Minute Number	Action	By Whom	Contacted	Completed
19	Consultation on updating the disqualification criteria for councillors and mayors - a letter be sent to the Ministry of Housing, Communities and Local Government, urging them to implement changes to primary legislation as soon as possible.	Governance Manager	27/11/18	30/11/18



Standards Committee

Annual Report 2018-19

Chair's Foreword

In September 2018 I took over as Chair of the Standards Committee following the sad passing of Councillor Ken Carroll who had chaired this Committee since 9 May 2016 with commitment and dedication.

I have pleasure in presenting the Committee's Annual Report which outlines the work undertaken by the Committee in 2018/2019 and I am pleased that the Standards Committee continues to play an effective role in the work of the Council.

I would like to take the opportunity to thank all members of the Committee for their hard work and support in the work of the Committee during this year.

I would also like to thank the Council's Monitoring Officer with whom we have worked closely to ensure that the principles of good governance and ethical standards remain central to the business of Torridge District Council and instil public confidence in those elected to public office.

Cllr Mervyn Langmead
Chair of the Standards Committee

The Standards Committee

Introduction

The Standards Committee has agreed that it will submit an annual report summarising the work the Committee has carried out during the previous year for the consideration of Council. This report covers the period 20 June 2018 to 27 February 2019, together with background information regarding the standards regime in operation at Torridge.

1. Background information

The Code of Conduct for Elected and Co-opted Members

Torridge has adopted a code of conduct as required by The Localism Act 2011 setting out the conduct that is expected of elected and co-opted members of the Authority when they are acting in that capacity. The Code applies whenever a member (a) conducts the business of the Authority (including the business of their office as an elected councillor or co-opted member) or (b) acts, claims to act or gives the impression they are acting as a representative of the Authority. The Code is consistent with Nolan's Seven Principles of Public Life, and should be read in the light of those principles, namely that Councillors will act with selflessness; integrity; objectivity; accountability; openness; honesty and leadership.

The Monitoring Officer

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law and maladministration to the full Council (as set out in s.5(1) of the Local Government and Housing Act 1989).

The Monitoring Officer administers the local arrangements for addressing complaints made under the Code of Conduct. This includes the assessment of every complaint received under the Code of Conduct. Following consideration and consultation with the Authority's Independent Person, the Monitoring Officer decides whether the complaint will be investigated. The decision will be based on whether the allegation, if proved, would constitute a failure to observe the Code of Conduct and the application of the Council's adopted assessment criteria. The Monitoring Officer may also consider that a complaint can be reasonably resolved informally and will discuss this option with the complainant and subject member where appropriate.

Independent Persons

The Council has appointed two Independent Persons who are invited to attend all meetings of the Standards Committee. The Independent Persons are consulted by the Council before it makes a decision on a matter that has been referred to it for investigation; they can also be consulted by the Council in respect of a code of conduct complaint at any other stage; and can also be consulted by a member or co-opted member of the Council against whom a complaint has been made.

The Standards Committee

The Standards Committee is responsible for the promotion of ethical standards within the Council, helping to secure adherence to the Code; monitoring the operation of the Code; conducting hearings following investigation and determining complaints made under the

Code. The Standards Committee's terms of reference are set out in the Council's Constitution in Part 3, Terms of Reference. The Committee conducts proceedings using the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members. The Committee is also responsible for granting dispensations to Members, although certain types of dispensation can be granted by the Monitoring Officer.

Where a report from an investigating officer recommends a finding that there is no breach of the Code, the Committee determines whether to accept the report, refer the report back to the investigating officer if it is considered incomplete, or refer the report to a hearing in accordance with the Authority's Local Arrangements for dealing with complaints under the Code of Conduct for Members.

Where a report from an investigating officer recommends a finding that there has been a breach of the Code, the Committee undertakes a hearing in accordance with the Council's Local Arrangements for dealing with complaints under the Code.

2. Training for Standards Committee Members and Independent Persons

Initial and refresher training on the duties and responsibilities of members serving on the Standards Committee of the Authority is important to ensure the probity and credibility of the Authority's decision making processes. Members are required to undertake basic training through the Authority's member induction programme, on election or re-election, and this is refreshed periodically, before they can serve on the Standards Committee. Training is also provided for the Independent Persons appointed by the Authority in order to ensure they are able to carry out their role.

3. Standards Committee Membership 2017-18

In 2018/19 the Standards Committee comprised the following Members:

Councillors Mervyn Langmead, Tony Inch, Margaret Brown, Gaston Dezart, Phil Hackett, John Hutchings and Robin Julian; Parish and Town Councillors, Richard Clark and Harold Martin and Independent Person, Martin Rawle. There is currently a vacancy for a further Independent Person.

4. Committee Meetings

At the start of each year the Standards Committee agrees its Work Programme/Action Plan for the year, which is then monitored at meetings throughout the year.

The scheduled Standards Committee meetings for 2018/19 were:

- 20 June 2018
- 8 August 2018 - cancelled
- 21 November 2018
- 27 February 2019

5. Complaints under the Code of Conduct for Members and Co-opted Members 2018/19

Date	District/Parish	Complainant	Outcome
June 2018	Town	Member of public	<ul style="list-style-type: none"> • A written apology be issued to the complainant from the respondent. • Respondent to undergo training in relation to Code of Conduct. • The Town Council be informed of the outcome.
November 2018	Parish		<ul style="list-style-type: none"> • Discussed with Independent Person and complaint not upheld
November 2018	Parish		<ul style="list-style-type: none"> • Still being processed
November 2018	District		<ul style="list-style-type: none"> • A written apology issued to complainant
November 2018	District		<ul style="list-style-type: none"> • A written apology issued to complainant

6. Notable Standards Committee achievements for 2017/18

The Standards Committee has considered a number of notable matters over the last year, in addition to any matters arising under the complaints process. In particular:

Parish & Town Council Liaison Project

The Committee has continued to conduct a programme of visits by Members of the Committee to local Parish and Town Councils. The aim is to promote the work of the Committee, assist with any questions relating to ethics and standards, and to improve links with the parishes within the District.

The Monitoring Officer has contacted all parishes, and maintains a schedule of requests for visits. When a request is received, Members of the Committee can volunteer to attend. Several visits have already been undertaken, and have been very well received. A further email will be sent to parishes renewing the offer, and the scheme will be highlighted at future Advisory Group meetings.

Consultation On Updating The Disqualification Criteria For Councillors And Mayors

The Committee had resolved that a letter be sent to the Ministry of Housing, Communities and Local Government, urging them to implement changes to primary legislation as soon as possible.

Training

An interactive presentation on training was delivered which prompted debate on the Members' Code of Conduct, declarations of interest and sanctions.

8. Review of Standards Committee Forward Plan and Action Plan for 2019/20

The Standards Committee's forward plan/Action Plan is considered at each meeting

throughout the year. At the beginning of each municipal year, the Committee will pay particular attention to matters they wish to focus on in over the coming year and these will be added to the forward plan for the appropriate scheduled meeting.

9. Conclusion

The Committee has dealt with a wide variety of matters in the past year. The Committee's aim is to continue to develop and maintain the Authority's ethical governance framework for the benefit of the Authority and ultimately local people. The Committee is looking forward to the next year.

STANDARDS COMMITTEE – FORWARD PLAN 2018/19

2017/18	Cycle 1	Cycle 2	Cycle 3	Cycle 4	Cycle 5	Cycle 6	Cycle 7	Cycle 8
	20 June 2018		8 August 2018		21 November 2018		27 February 2019	
	2pm		2pm		2pm	2pm	2pm	
	Exempt Confidential Information Training Updates		Dress rehearsal of a hearing procedure Training Updates Report on the Loc Gov. Ethical Standards Stakeholders Consultation				Preparation for Elections – informative session for prospective candidates. Standards Committee Hearing Procedure Annual Report	

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