

TORRIDGE DISTRICT COUNCIL
STANDARDS COMMITTEE MEETING

Meeting via Zoom

Wednesday, 26 August 2020 - 10.00 am

PRESENT Councillor N Laws (Chair)
 Councillors D Brenton, M Clarke, L Ford, C Hawkins, T Inch and
 C Hodson (present as substitute)

Rich Clark - Shebbear Parish Council

ALSO PRESENT S Dorey - Senior Solicitor & Monitoring Officer
 J Walter - Governance Manager
 M Richards - Democratic Services Officer

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Rossi and Mr Rawle.

2. MINUTES

It was proposed by Councillor Laws, seconded by Councillor Clarke and –

Resolved:

That the Minutes of the meeting held on 20 November 2019 be agreed and signed as a correct record.

A recorded vote was taken.

COMMITTEE MEMBER	FOR	AGAINST	ABSTAIN
Councillor Brenton			X
Councillor Clarke	X		
Councillor Ford	X		
Councillor Hawkins	X		
Councillor Hodson			X
Councillor Inch	X		
Councillor Laws	X		
Councillor Rossi			

(Vote: For 5, Abstentions 2)

3. 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.

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

There were no Part II items.

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

The Chair expressed his condolences to the family of Councillor Harold Martin, former Parish Representative on the Committee, who had sadly passed away since the last meeting. Councillor Laws echoed Councillor Lock's tribute that Harold "was a true gentleman and was always happy to help others".

6. CODE OF CONDUCT CONSULTATION UPDATE

The Senior Solicitor & Monitoring Officer informed the Committee that the Local Government Association was currently consulting in relation to a Model Member Code of Conduct. Although not mandatory, given that there are 63 parishes within the District and many TDC Councillors are also Parish/Town Councillors, a unified Code of Conduct would make things easier for all concerned. All council Codes of Conduct follow a similar format and are based on the Nolan Principles.

The Senior Solicitor & Monitoring Officer ran through the obligations of general conduct as outlined in the LGA document.

Questions were responded to and comments made as follows:

- Confidentiality and access to information

Ultimately, it is the Chief Executive who decides whether an item should be confidential. However, the Senior Solicitor & Monitoring Officer will happily discuss and share information, where appropriate, in a private meeting room, dependent on the nature of information, if members can explain why they need it.

A more specific definition of "confidential" and "exempt" can be included in TDC's Code of Conduct.

The Governance Manager commented that he and the Senior Solicitor & Monitoring Officer had attended an LGA event where issues relating to confidentiality and exemption had been raised. A further event is to take place on 17 September between 6 and 7 pm. Anybody wishing to attend should contact the Governance Manager.

- Council resources and facilities

Councillor Ford reminded Members that parking permits are only for use when on Council business.

- Breaches of the Code of Conduct

The Senior Solicitor & Monitoring Officer confirmed that TDC had its own policy and protocol for dealing with breaches and was happy to report that, for some time now, there had been no serious issues warranting a full Standards Committee hearing.

A lot of the consultation responses relate to sanctions which can be imposed for breaches of regulations and it was accepted that the sanctions available are limited.

The LGA hopes to present the Code of Conduct to the General Assembly in Autumn 2020.

The Senior Solicitor & Monitoring Officer urged Members to stand up against any behaviour they find unacceptable.

A short debate took place about whether hearings should be held in public. The Chair was minded to add this to the Forward Plan.

7. BEST PRACTICE RECOMMENDATIONS

Presenting the list of best practice recommendations, the Senior Solicitor & Monitoring Officer alluded to the fact that TDC already undertakes most of these.

The following amendments were proposed:

Best practice 2/best practice 6 - malicious allegations

- To include political and vexatious allegations.

An efficient system needs to be put in place to filter these out.

The Senior Solicitor & Monitoring Officer clarified that the best practice recommendations, as presented, focused on the Members' Code of Conduct. Officers have an employee/employer relationship and a disciplinary procedure would be implemented if an officer were to behave inappropriately. There were very limited sanctions which could be imposed on a Member if behaviour was considered to be inappropriate.

Guidance was sought in relation to challenges and scrutiny of Officers, specifically whether more senior officers should accept that they will be more robustly challenged than junior officers. The Senior Solicitor & Monitoring Officer encouraged Members to approach more senior members of staff.

Best practice 7 – Independent Persons

TDC's constitution requires that 2 Independent Persons sit on the Standards Committee. Currently, and for some time now, there has only been Mr Rawle,

who does a fantastic job. A further push was needed to appoint another Independent Person.

Mr Clark reminded the Committee of the need to seek a replacement for himself also. The Chair acknowledged the valuable contribution made by Mr Clark and thanked him.

The Governance Manager and Senior Solicitor & Monitoring Officer explained the recruitment and appointment process for both Independent Person and Parish Representative. Advertisements will be placed but if Members know of anybody suitable please encourage them to approach the Council. Mr Clark spoke of his experience of the process, finding it to be both fair and thorough.

8. FORWARD PLAN

It was agreed that the Model Member Code of Conduct be revisited once the LGA presents the final draft.

The meeting commenced at 10.00 am and closed at 10.54 am

Chair:

Date: