

WEST DEVON STANDARDS COMMITTEE



West Devon
Borough
Council

Minutes of a meeting of the **West Devon Standards Committee** held on **Tuesday, 12th March, 2019 at 11.00 am** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Leech
Vice Chairman

Cllr Evans
Cllr Yelland

Cllr Lamb

In attendance:

Councillors:
Cllr Edmonds

Officers:
Monitoring Officer

1. **Apologies for absence**

* SC 1

An apology for absence was received from Cllr J Sheldon.

2. **Minutes from Meeting 21 November 2017**

* SC 2

The Minutes of the Meeting held on 21 November 2017 were confirmed and signed by the Chairman as a true and correct record.

3. **Annual Report 2018-2019**

SC 3

The Committee considered its Annual Report for the period December 2017 to March 2019. In particular, the report requested that the Committee consider granting dispensations in time for the next Council and recommended the appointment of additional Independent Persons.

In discussion, reference was made to:-

- (a) Members being entitled to receive an Allowance from other local authorities. The Monitoring Officer confirmed that, whilst Members of other local authorities and Outside Bodies were required to declare these on their respective Register of Interest forms, they would not need to declare a Disclosable Pecuniary Interest unless they claimed an Allowance from that organisation. Therefore, the proposal to grant a General Dispensation would enable those Members who were entitled to receive an Allowance from another organisation to speak and vote on relevant matters;
- (b) the justification for the appointment of two additional Independent Persons. Such were the potential time commitments on the Independent Persons that resulted from reviewing detailed complaints, that the Committee acknowledged there was a need two additional Members to be appointed. The Monitoring Officer confirmed that she would keep the workload of Independent Persons under ongoing review. In addition, the Committee was advised that a rota system was applied to ensure that there was a parity of workload for the Independent Persons;
- (c) the ability to co-opt up to two town/parish council representatives to serve on the Committee. Members were reminded of the constitutional provision whereby it could choose to co-opt representatives to serve on the Committee.

It was then **RESOLVED** that:

- 1. the Annual Report has been considered by the Committee and commented upon as recorded in the minutes above;
- 2. with effect from the Annual Council Meeting in May 2019 until the Annual Council Meeting in May 2023, General Dispensations be granted in accordance with Paragraph 2.4 of the presented agenda report so that:
 - a. Mutli-hatted Members of the Borough Council are able to speak and vote on matters where they are Members of another Local Authority and in receipt of a Members' Allowance;
 - b. Housing – a Member can speak and vote when they (or their spouse or partner) holds a tenancy or lease with the Council (as long as the matter does not relate to the Member's particular tenancy or lease);
 - c. Statutory Sick Pay – a Member can speak and vote if (s)he receives this or is entitled to receive it;
 - d. A Member can speak or vote on an Allowance, Travelling Expense, Payment or Indemnity that Members are entitled to receive;
 - e. A Member can speak or vote on any Ceremonial Honour given to Members;
 - f. A Member can speak or vote when the Council Tax or a Precept is being set; and

3. Council be **RECOMMENDED** to appoint Mr Trevor Kirkin and Mr Peter Boreham to serve as West Devon Borough Council Independent Persons from the Annual Meeting in May 2019 until the Annual Meeting in May 2023.

4. **Standards Complaints Process Review**

SC 4

Consideration was given to a report that presented a review into the Council's 'Dealing with Standards Complaints' Procedure. The report informed that the main purpose of the Procedure was to outline how the Council dealt with complaints alleging that Borough Councillors and West Devon Town and Parish Councillors had broken their respective Codes of Members' Conduct.

In discussion, the following points were raised:-

- (a) In response to Member concerns over the lack of any meaningful sanctions associated with the Standards Complaints process, the Monitoring Officer highlighted that a review was currently ongoing in this respect.
At the request of the Committee, it was agreed that relevant website links would be circulated to Members outside of this meeting;
- (b) Before recommending approval of the revised procedure, Members requested inclusion of the following minor amendments:
 - That all reference to 'dual-hatted' Members be amended to read 'multi-hatted' Members; and
 - That the email address for the Monitoring Officer be updated to read: monitoring.officer@swdevon.gov.uk;
- (c) The Monitoring Officer confirmed that she would reinstate the practice whereby the Committee Chairman was in receipt of monthly updates on Standards Complaints. As a general point, the Monitoring Officer also advised that the practice whereby Standards Complaints were now shared amongst the Council's Legal Officers had proven to be very successful;
- (d) With regard to considering whether or not a Councillor was '*acting in his/her private capacity*', Members felt that this was a very fine judgement that was often difficult for them to determine.

It was then **RESOLVED** that Council be **RECOMMENDED** that:

1. with effect from the Annual Council meeting on 21 May 2019, the revised 'Dealing with Standards Complaints' procedure (as attached at Appendix A of the presented agenda report) be adopted subject to inclusion of the following minor amendments:
 - That all reference to 'dual-hatted' Members be amended to read 'multi-hatted' Members; and

- That the email address for the Monitoring Officer be updated to read: monitoring.officer@swdevon.gov.uk; and
- 2. authority be delegated for the review of the associated Hearing Procedure to the Monitoring Officer, in consultation with the Chairman of the Standards Committee.

The Meeting concluded at 11.40 am

Signed by:

Chairman
