

10 April 2019

Dear Sir/Madam

NOTICE IS HEREBY GIVEN that a Meeting of the Council at which your attendance is requested, will be held in the **COUNCIL CHAMBER, FORDE HOUSE, BRUNEL ROAD, NEWTON ABBOT, TQ12 4XX** on **Thursday, 18th April, 2019** at **10.00 am** in the **Council Chamber** to transact business specified in the Agenda as set out.



Phil Shears
Managing Director

If Councillors have any questions relating to predetermination or interests in items on this Agenda, please contact the Monitoring Officer in advance of the meeting

To: The Chairman and Members of Teignbridge District Council

A G E N D A

Part I

(Open to the Public)

1. **Apologies for absence**
2. **Minutes** (Pages 1 - 10)
To approve as a correct record and sign the minutes of the previous Council meeting.
3. **Chairman's announcements**
4. **Declarations of interest**

5. **Public questions session under Council Procedure Rule 4.5(j) (if any)**
6. **Councillor questions under Council Procedure Rule 4.5(k) (if any)**
7. **Notices of motion under Council Procedure Rule 4.5(l)**

a) Climate Change

The following Notice of Motion was submitted by Councillor J Hook and supported by Councillors Connett, Dewhirst, Hayes, G Hook, Nutley, Parker and Wrigley.

Background

Council Notes:

1. *Humans have already caused irreversible climate change, the impacts of which are being felt around the world. Global temperatures have already increased by 1 degree Celsius from pre-industrial levels.*
2. *In order to reduce the chance of runaway Global Warming and limit the effects of Climate Breakdown, it is imperative that we as a species reduce our CO₂eq (carbon equivalent) emissions from their current 6.5 tonnes per person per year to less than 2 tonnes as soon as possible.*
3. *Individuals cannot be expected to make this reduction on their own. Society needs to change its laws, taxation, infrastructure, etc., to make low carbon living easier and the new norm;*
4. *Carbon emissions result from both production and consumption;*
5. *Our current plans and actions are not enough. The world is on track to overshoot the Paris Agreement's 1.5 degrees Celsius limit before 2050.*
6. *The IPCC's Special Report on Global Warming of 1.5 degrees Celsius, published in October 2018, describes the enormous harm that a 2 degrees Celsius rise is likely to cause compared to a 1.5 degrees Celsius, and told us that limiting Global Warming to 1.5 degrees Celsius may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector, indigenous peoples and local communities.*
7. *Local Councils around the world are responding by declaring a 'Climate Emergency' and committing resources to address this emergency.*

Council believes that:

1. *All governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown, and local governments that recognize this should not wait for their national governments to change*

their policies. It is important for Teignbridge Council and other Councils to commit to carbon neutrality as quickly as possible.

2. *Towns, Cities and Local Authorities at all tiers are uniquely placed to lead the world in reducing carbon emissions; they are well placed to help decarbonize villages and more remote areas as they have closer links with their residents.*
3. *Bold climate action can deliver economic benefits in terms of new jobs, economic savings and market opportunities, as well as improved personal, social and environmental well-being for people, locally and worldwide.*

Motion:

Teignbridge District Council will,

1. Declare a 'climate emergency'
2. Pledge to do what is within our powers, to make Teignbridge District carbon neutral by 2030, taking into account both production and consumption emissions.
3. Call on Westminster to provide the powers and resources necessary for Teignbridge District to achieve the target of becoming carbon neutral by 2030, and to implement best practice methods to limit global warming to 1.5C.
4. Report to Full Council within six months with an Action Plan, outlining how the Council will address this emergency. The Action Plan will detail the leadership role Teignbridge District will take in promoting community, public, business and other Council partnerships to achieve this Carbon Neutral 2030 Commitment throughout the District. The Action Plan will also outline adequate staff time and resources to undertake the actions to achieve the target.
5. To investigate all possible sources of external funding and match funding to support this commitment

b) Fairtrade

The following Notice of Motion was submitted by Councillor G Hook and supported by Councillors Dewhirst, Hayes, J Hook, Nutley, Parker and Wrigley.

Background

Teignbridge Council, as an important consumer and opinion leader, should support a strategy to facilitate the promotion and purchase of food and drinks with the FAIRTRADE Mark as part of its commitment to sustainable

*development and to give marginalised producers a fair deal.
To be recognised by the residents and business community of Teignbridge ,
suppliers, employees and other local authorities, as a District that actively
supports and promotes Fairtrade and to increase the sale of products with the
FAIRTRADE Mark.*

Motion

Teignbridge Council resolves to contribute to the campaign to increase sales of products with the FAIRTRADE Mark by supporting the campaign to achieve Fairtrade status for Teignbridge as detailed in the Fairtrade Foundation's Fairtrade Town Action Guide.

To this end Teignbridge Council resolves to:

1. Widely offer FAIRTRADE Marked food and drink options internally and make them available for appropriate internal meetings
2. Work in conjunction with the Fairtrade Foundation to promote the FAIRTRADE concept as often and as widely as practical.
3. Use influence to urge local retailers to provide Fairtrade options for residents. Similarly, to offer options to their staff.
4. Use all practical means to promote Fairtrade principles.
5. To act with and coordinate a steering group of interested persons from around Teignbridge to encourage and support the existing work.
6. Nominate a representative (either officer or member or both) to sit on the Steering Group and report back at least once a year on progress via the Members Newsletter.
7. Contact all Secondary Schools and Colleges within Teignbridge inviting participation on the Steering Group.
8. Organise event(s) and publicity during national Fairtrade Fortnight, the annual national campaign to promote sales of products with the Fairtrade Mark, in conjunction with Devon County Councils ongoing programme of work in this area.

c) Netting at Development Sites

The following Notice of Motion was submitted by Councillor Connett and supported by Councillors Dewhirst, G Hook, Keeling, Nutley, Parker and Wrigley.

Motion

Ban the use of netting at development sites

Teignbridge District Council has a long and established record of environmental protection and protecting wildlife.

Council is greatly concerned by the growing trend of developers using netting over hedgerows at development sites to stop birds nesting and other wildlife using the hedges.

This is wrong and runs against the best interests of supporting and enhancing local wildlife.

We call on all developers not to use netting in Teignbridge.

Additionally, Council will urgently write to the relevant Government Ministers calling on the government to ban the use of netting at all sites with planning consent or identified in Local or emerging Local Plans.

8. **Recommendations from the Standards Committee - 5 April 2019** (Pages 11 - 32)
To consider the recommendations on the Members' Code of Conduct.
9. **Newton Abbot Cinema Proposals** (Pages 33 - 34)
To consider the Newton Abbot Cinema Proposals report.

Part II (Private)

Items which may be taken in the absence of the Public and Press on the grounds that Exempt information may be disclosed.

10. **Newton Abbot Cinema Proposals** (Pages 35 - 44)
To consider the Newton Abbot Cinema Proposals report.

Public Access Statement

- There is an opportunity for members of the public to ask questions at this meeting. Please submit your questions to comsec@teignbridge.gov.uk by **12 Noon** two days before the meeting.
- If you would like this information in another format, please telephone 01626 361101 or e-mail info@teignbridge.gov.uk
- Reports in Parts I and III of this agenda are for public information. Any reports in Part II are exempt from publication due to the information included, under the provisions of the Local Government Act 1972.

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FULL COUNCIL

28 FEBRUARY 2019

Present:

Councillors Kerswell (Chairman), Keeling (Vice-Chairman) Austen, Barker, Bullivant, Christophers, Clarence, Clemens, Colclough, Connett, Cook, Cox, Dennis, Dewhirst, Evans, Golder, Goodey, Gribble, Haines, Hayes, Hocking, Hockin, G Hook, J Hook, Jones, Lake, Matthews, Mayne, Morgan, Nutley, Parker, Peart, Rollason, Russell, Thorne, Winsor and Wrigley

Apologies:

Councillors Bromell, Eden, Fusco, Jeffery, Orme, Pilkington, Prowse and Smith

Officers in Attendance:

Tom Butcher, Senior Estates & Development Surveyor
Martin Flitcroft, Chief Finance Officer
Sarah Selway, Democratic Services Team Leader
Phil Shears, Managing Director
Karen Trickey, Solicitor to the Council and Monitoring Officer
Tony Watson, Interim Head of Commercial Services

14. MINUTES

It was proposed by Councillor Gribble seconded by Councillor Peart that the minutes of the meeting held on 14 January 2019 subject to the following amendments re question 4 in italics:-

2018 survey, page 4 - 78% from Devon and the South West
2017 survey, page 6 – 83% from Devon and the South West
2016 survey, page 5 – 82% from Devon and the South West
2015 survey, page 5 – 87% from Devon and the South West

were approved as a correct record and signed by the Chairman.

15. DECLARATIONS OF INTEREST

There were no declarations of interest.

16. PUBLIC QUESTIONS SESSION UNDER COUNCIL PROCEDURE RULE 4.5(J) (IF ANY)

Question

"In recent articles and debate here in the chamber the leader of the council has stated extensively that the Council are in possession of figures showing 80% of new homes purchased in the Council area are from within TQ and EX postcodes, yet the Council have as yet failed to provide the transparency needed to assess the accuracy of the leader's claims by publishing. Furthermore, the leader hasn't acknowledged that even if the entirety of new homeowners in this new development at Wolborough are 'local' that it would still represent a growth of the population locally in Newton Abbot, and therefore increase demand on services as indicated by the NHS. In light of that and your attacks on the NHS, I ask why you have not provided the detail and not apologised to the NHS over your unfair and accusatory stance?"

Response from the Leader

Thank you for your question. I can confirm that the council has been carrying out detailed analysis of residents of new housing developments since 2015, based on a survey delivered to recently built homes. The surveys are carried out and analysed by council officers or a consultant working on behalf of the council. They are published on the council's website each year.

This survey covers a wide range of topics, and includes a question on where people lived previously. The responses show that about 70% - 80% of residents in the new homes were previously within the TQ and EX postcodes. The year on year figures are pretty consistent and therefore give an overall reliable picture in our view – 80%, 67%, 77% and 75%. If anything, they are probably underestimates, since there are fewer responses from social housing tenants than you would expect, and 97% of social housing tenants move in from within Devon (according to official Devon Homechoice data).

The Council has a very good working relationship with the local CCG and continue to talk to them. The Council of course wants a fully functioning NHS and in response to the comments made by the NHS we were not attacking the NHS but defending our position of fulfilling our statutory obligations to other bodies and the public.

17. COUNCILLOR QUESTIONS UNDER COUNCIL PROCEDURE RULE 4.5(K) (IF ANY)

The following question has been asked by Cllr J Hook

Question

Council notes that Government introduced a revised NPPF in July 2018 outlining a new standard national methodology for assessing housing need that Councils will be required to use. The new methodology takes away any of the limited local control that Teignbridge District Council had over deciding how many houses were needed. From May this year when TDC's Local Plan reaches its 5th

Birthday, Government tells us that the new methodology will be applied in Teignbridge. Our annual housing requirement will increase from 620 to 777 in May.

Council will also be aware of the recent independent assessment of housing need in Devon, commissioned by CPRE, and carried out by respected consultants ORS, who have identified significant flaws in the government methodology. ORS estimate that government have overestimated annual housing need in Devon by over 1000 houses, and in Teignbridge by over 200 per annum.

In light of this information, will the PH for Housing and Planning and the Managing Director write to the Secretary of State for Housing, Communities and Local Government and the LGA, on behalf of our Council, and the residents of Teignbridge, expressing our deep dissatisfaction with the imposition of their needs assessment and ask that they examine again their formula for calculating housing need, in the light of the CPRE evidence.

Response from Portfolio Holder for Planning and Housing

The Government have just confirmed that they are retaining the existing calculation for objectively assessed need, based on the 2014 household projections and the latest (2017) affordability data for each local authority. While they are considering whether a revision to the formula is appropriate in the longer term, they have stated that any such revision will definitely take account of affordability/market factors. It is noted that the CPRE do not propose any method for taking account of affordability or market factors in their work.

Your officers note that the CPRE base their report on the belief that “there is no housing crisis” and that there is no problem with affordability. Hence their reliance on the official household projections produced by the Office of National Statistics. However, the Office of National Statistics themselves advise strongly against using the projections in this way – their official position is that “Household projections are not a prediction or forecast of how many houses should be built in the future.” In particular, they take no account of the impact of housing affordability on the ability of young people to form new households and other key determinants of housing need.

In your officers’ experience, the view that there is no housing crisis or problem with affordability is not tenable in Teignbridge (nor indeed in most of England). It is contradicted by the day to day experiences of officers in the housing service and is not a view held by any reputable housing organisation that your officers are aware of.

Given these points, it does not seem appropriate for the Council to support the views set out in the CPRE report.

In response to Councillor J Hook’s supplementary question regarding the need to write to the Secretary of State for Housing, Communities and Local Government to confirm why they overestimated the demand for housing in Teignbridge and increased the target by 150 homes. The Portfolio Holder for

Housing and Planning stated that the increase demand for homes had been across the whole country and therefore it would be in appropriate to write to the Secretary of State for Housing, Communities and Local Government.

18. BUDGET AND COUNCIL TAX 2019/2020

The Portfolio Holder for Corporate Resources proposed that the Executive Budget as set out in the agenda papers and that the recommendations as per the circulated report be approved.

In presenting the budget, the Portfolio Holder for Corporate Resources thanked officers for their preparation of the budget. He advised that Teignbridge would be setting a balanced budget despite the continuing pressures on costs and reductions funding streams.

He highlighted the following:-

- loss of the revenue support grant which was £4.5 million in 2013/24 and falling to zero next year;
- reduction in New Home Bonus of around £300k
- change in Business Rates from 100% trial to 50% for the coming year and the unknown outcome of the Government's full reset of the baseline
- increases in costs – due to inflation and energy price rises
- proposals to increase general reserves to just over £1.9 million
- able to balance budget through savings from the Council's BEST2020 process and service plan reviews
- the Council continues to be a debt free Authority, although have indicated potential borrowing but only at a time when the Council's cash balances were appropriate
- the capital programme including provision for affordable housing and capital investments which would generate jobs, boost the economy and tourism;
- some car parking charges frozen or reduced
- Council Tax was proposed to be increased by £5 per year for a Band D property, Teignbridge share of council tax bill would be a 3.03% increase
- This was a budget that maintained services and invests in housing and jobs.

The Leader seconded the recommendation.

Councillor Connett as budget spokesperson for the Liberal Democrats proposed an amendment of an adjournment of the meeting for five days. This would enable a list of the savings that had been requested, but he stated not provided, by the Overview and Scrutiny on 14 January 2019 to be circulated. He had concerns over the high risk land and investment plan, the lack of an overall project plan and transparency in the budget papers. He continued that there was not enough detail in the report, there should be a line by line review of the budget and an adjournment would enable more detail to be circulated.

Councillor G Hook seconded the amendment.

In response to comments that insufficient information had not been provided as requested at the Overview and Scrutiny meeting by Councillor Connett, it was confirmed by the Portfolio Holder and the Chief Finance Officer that the latter had as requested, been at the Executive meeting 7 February 2019.

Having seconding the amendment, Councillor G Hook, also considered that there was not enough detail in the budget and raised concerns regarding the proposal for car charging points coming forward as there was no budget provision for this.

The amendment was put to the vote and lost.

Some Members who objected to the proposed budget raised concerns regarding the proposal for the funding of 'Rethink', the budget pressures that the Council was putting on Town and Parish Councils, the lack of investment in street cleaning and the increase costs in waste recycling.

The Managing Director clarified that the proposed 2019/20 budget did not include a figure of savings needed to be found in year although savings would be required to produce a balanced budget in subsequent years.

The Leader commented that, over the last few years, the Central Government Grant had reduced from £10 million to effectively zero despite this, the Council had increased wages so that no employee earned less than £9 per hour. There had been an increase in employment, this had been substantiated by a reduction in Housing benefits claimed. The Council had secured investment in the district with a hotel at Teignmouth and employment sites in Newton Abbot.

The Portfolio Holder for Corporate Services commented that the Town and Parish Councils precept percentage increase had not changed year on year, that over £1 million had been invested in cleaning over the past two years and that the information provided in the report was consistent with the level of detail which had always been provided to full Council budget meetings.

RESOLVED that:-

- a That the Teignbridge band D council tax for 2019/20 is increased by 3.03% or £5 to £170.17 per annum;
- b That general reserves are increased to 12.2% of the net revenue budget for 2019/20 or just over £1.9 million;
- c That £100,000 of the general reserve balance in any one year continues to be available to the Executive to meet unexpected expenditure in addition to the agreed revenue budget;
- d All other decisions with regard to budgetary change will be approved by reference to virement rules in the financial instructions;
- e That the summary revenue budget for 2019/20 is £16.0 million as shown at appendix 4. In particular the revenue budget includes:

- The agreed two year pay deal including increases linked to the national living wage for 2018/19 and 2019/20 and a 2% increase for all other staff from 1 April 2018 and changes to the central spine from 1 April 2019
 - Revenue contributions to fund capital at £0.2 million in 2019/20 and increasing significantly thereafter
 - Rural aid continuing at £40,000;
- g That the capital programme as shown at appendix 7 is approved. In particular this includes:
- Increasing jobs and homes through continuing support for housing whilst backing business and encouraging community-led planning
 - Infrastructure delivery plan investment contributing to improving education, transport links, sports and open spaces
- Indicative figures are shown for four major projects investing in town centres and employment sites over the three years. These would be funded through prudential borrowing but individual business cases (BC) will be brought to members for consideration as they are developed. They are not being approved in this budget and are described as Provisions with funding as BC: Prudential Borrowing;
- h That the prudential indicators are noted and the prudential limits approved all as set out in appendix 10;
- i That the updated treasury management strategy statement and authorised lending list as set out in appendix 11 is approved together with the capital strategy in appendix 11a;
- j That each scheme will be considered on its merits as explained at the end of appendix 11 to decide the calculation of minimum revenue provision for capital expenditure in 2019/20;
- k That the treasury management mid year review for 2018/19 as taken to Executive on 4 December and shown in appendix 12 is noted; and
- l That the council tax resolutions as recommended in appendix 15 are approved.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 the recorded vote was as follows:-

Voting for:-

Councillors Austen, Barker, Bullivant, Christophers, Clarence, Clemens, Colclough, Dennis, Golder, Goodey, Gribble, Haines, Hockin, Hocking, Jones, the Chairman, Lake, Matthews, Mayne, Peart, Russell, Thorne and Winsor.

(23 Members)

Voting against:-

Councillors Connett, Cook, Cox, Dewhirst, Evans, Hayes, (G) Hook, (J) Hook, Keeling, Morgan, Nutley, Parker, Rollason and Wrigley.

(14 Members)

Absent:-

Councillors Bromwell, Eden, Fusco, Jeffrey, Orme, Pilkington, Prowse and Smith

(8 Members)

19. BAKERS PARK IMPROVEMENTS

The Portfolio Holder for Leisure and Recreation introduced the report to obtain approval to invest Section 106 funding to carry out the improvement works at Bakers Park, Newton Abbot. These included works to the tennis courts, new football changing room facilities, new kiosk and carpark extension to create 53 additional spaces.

The Portfolio Holder for Leisure and Recreation proposed the recommendation, this was seconded by the Leader.

Councillor J Hook proposed an amendment of deferral to enable further consultation to be undertaken with the Town Council and the local community, this was seconded by Councillor Wrigley.

During discussion, some Members whilst welcoming the investment, raised concerns regarding the lack of consultation with the Town Council and local residents, the need for 53 additional carpark spaces, what where the time for the allocation/expenditure limits on the Section 106 monies and the ownership of the road at Steppes Meadow.

The Leader commented that the proposals would support the merging Leisure Strategy and improve the facilities in Bakers Park.

The Portfolio Holder for Leisure and Recreation stated that the Council would consult the public through the planning process and that the time limits on the Section 106 monies was between four to six years. This proposal would provide much need investment for the park.

Councillor J Hook proposed an amendment to defer to add that the report be agreed subject to further details being brought back to Council as to how the funds would be spent. This was supported by the seconder Councillor Wrigley.

This was put to the vote and lost on the Chairman's casting vote.

The recommendation was put to the vote and carried.

RESOLVED that:-

- (1) Approve capital expenditure of £705k, to be funded from S106 contributions, towards improvement works as outlined for Bakers Park.
- (2) Delegate authority to the Interim Head of Operations, in conjunction with the Section 151 Officer and Portfolio Holder for Leisure and Recreation to accept the most economically advantageous tender for the works.

20. PLAYING PITCH IMPROVEMENTS

The Portfolio Holder for Leisure and Recreation presented the report on the capital expenditure of Section 106 funds to carry out drainage improvement works to Council Playing Fields as highlighted by the adopted Teignbridge Playing Field Strategy. The improvements included works for 13 pitches over four sites at Newton Abbot – Decoy Country Park and Bakers Park, Bishopsteignton - Michaels Field and Dawlish Leisure Centre. The programme of works would be undertaken over the summer with completion in time for use over the winter.

The recommendation was proposed by the Portfolio Holder for Leisure and Recreation, seconded by the Portfolio Holder for Health & Wellbeing and carried unanimously.

RESOLVED that:-

- (1) capital expenditure of Section 106 funds for drainage improvement works as outlined for the Council's Playing Pitches Strategy July 2018 be approved; and
- (2) the Interim Head of Operations be given delegated authority, in conjunction with the Section 151 Officer and Portfolio Holder for Leisure and Recreation to award a contract to the most economically advantageous tender for the works following a compliant procurement procedure.

21. NEWTON ABBOT, HOTEL DEVELOPMENT

The Portfolio Holder for Economy, Skills and Tourism introduced the report for a Hotel Development in Newton Abbot. The proposal would regenerate the town centre and create jobs.

During discussion, some Members raised concerns regarding the phasing of the development including the main ramp to the multi storey car park, improvements to the public realm, ensuring that proposals fit in with the Masterplan and the preferred developer for the hotel.

In response to Members, the Senior Estates & Development Surveyor clarified that the public realm was being looked at with Devon County Council, the marketing of the site and the offers that were received.

The Leader stated that the proposal would create vibrancy in the town centre and support both the day time and night-time economy. The Council had responded to the market through the type of hotel proposed.

The Leader proposed that, because of the financial issues concerning the Council and third parties, and competitive tender implications and the public interest in considering such matter in confidence, the Council go into Part II session and exclude the press and public. This was seconded by Councillor Matthews and carried.

22. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

That under Section 100 (A) (4) of the Local Government Act 1972 that press and public be excluded from the meeting of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 A of the Act.

23. NEWTON ABBOT, HOTEL DEVELOPMENT

The exempt elements of the discussion on this agenda continued. The Senior Estates & Development Surveyor providing additional information in response to Members' questions. Members were advised of the options for Hotel, the potential risks, the procurement, the financial implications for the Council, the type of the hotel proposed and the lease details.

It was proposed by the Leader to proceed with Option B for the Hotel development and Option C for the Cattle Market, this was seconded by the Portfolio Holder for Economy Skills & Tourism and carried.

RESOLVED:-

- (1) To progress plans to self-develop a 72-bed hotel for lease to a national chain operator; and
- (2) Adopt a phased closure, converting the sheep pens below the multi-storey car park to parking in summer 2019 and closing the cattle pens at a later date once the development of the hotel is due to start.

(Councillor Connett left the meeting before the vote was taken)

Chairman

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TEIGNBRIDGE DISTRICT COUNCIL

COUNCIL

CHAIRMAN OF STANDARDS COMMITTEE: Cllr Rosalind Prowse

DATE: 18 April 2019

REPORT OF: Solicitor to the Council and Monitoring Officer on behalf of Standards Committee

SUBJECT: The Members' Code of Conduct

RECOMMENDATION OF THE STANDARDS COMMITTEE

The Members' Code of Conduct applicable to the Council be amended as follows from 8 May 2019:

- (i) The format of the Code be revised as set out in Appendix A [to this Council report] subject to delegated authority be given to the Monitoring Officer to make such additional minor amendments to further promote clarity in content (including its presentation) as she considers appropriate.
- (ii) Two new obligations be added to require councillors not to act in a manner which brings their office as councillor or the council into disrepute; and to ensure co-operation and compliance with any standards investigation and prohibit malicious complaints (as shown in paragraph 4.6 and 4.7 of Appendix A)
- (iii) The definition of non-statutory interests which need to be declared at meetings (but not recorded in the Register of Interests) and in respect to which councillors are prohibited from participating in the debate (other than where members of the public are permitted to speak) and voting, be extended to include:
 - (a) where *“a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the councillor’s consideration or decision-making in relation to that matter”* (as shown in paragraph 6.4 of Appendix A) and
 - (b) financial interests (as per paragraph 6.3 of Appendix A) of Members themselves as well as of their friends, relatives or close associates.
- (iv) The sanctions for breach of the Code involving removal from committee be revised slightly so that it be made clear that full Council could resolve to remove a member from a relevant position (subject to compliance with

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political allocation rules) and that a recommendation to Group Leaders could be made to invoke relevant party rules to further sanction the member (e.g. remove them from their group) in a timely manner.

1 REPORT PURPOSE

- 1.1 To consider the recommendations of the Standards Committee of 5th April 2019, namely to revise the Council's current code of conduct to that shown in Appendix A.

2 DETAIL

- 2.1 The Standards Committee considered the report of its cross party working group which was set up to review the Council's existing code of conduct (2012) and associated investigations procedure. A copy of the report (excluding the appendices to that report) is contained within Appendix B for ease of reference.
- 2.2 All councillors were invited to comment on the report in Appendix B. Comments received were considered by the Committee at its meeting on 5th April and are outlined in the draft minutes for Council's information under minute number 7 in Appendix C. Any subsequent comments received will be reported to the Council meeting.

Officer Name: Karen Trickey

Officer Designation: Solicitor to the Council and Monitoring Officer

The box below to be completed by the report author.

Wards affected	All
Contact for any more information	karen.trickey@teignbridge.gov.uk
Key Decision	N
In Forward Plan	N
In O&S Work Programme	N
Appendices attached:	A - Recommended Code B - Copy of report of Task and Finish Group considered by the Standards Committee C – Draft Minutes

**CODE OF CONDUCT FOR MEMBERS OF
TEIGNBRIDGE DISTRICT COUNCIL**



1. What is the purpose of the Code?

- 1.1 This Code sets out the standards of conduct required by the Council of all its members whether elected or co-opted (“Members”). The Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership (“the Nolan Principles”) ⁱ.
- 1.2 It comprises the rules which apply to members (see paragraphs 2 to 6 below); Appendices 1 and 2 which list interests which must be registered; and Footnotes which provide guidance on the rules.

2. When does it apply?

The Code applies to Members whenever they are:

- 2.1 Conducting the business of the Council, including the business of the office to which they were elected or appointed; or
- 2.2 Acting, claiming to act or giving the impression of acting as a representative of the Council.

3. What are Members required to do?

All Members are required to comply with the General Obligations (see paragraph 4) and the Interest Rules (paragraphs 5 to 6).

4. The General Obligations

- 4.1 To behave in such a way that a reasonable person would regard as respectful.ⁱⁱ
- 4.2 Not act in a way which a reasonable person would regard as bullying or intimidatory.ⁱⁱⁱ
- 4.3 Not seek to improperly confer an advantage or disadvantage on any person.
- 4.4 Not disclose information which is confidential or where disclosure is prohibited by law.
- 4.5 To use the resources of the Council in accordance with its requirements.

- 4.6 To co-operate and comply with any formal standards investigations and not to make trivial or malicious allegations against others.
- 4.7 Not to bring the office of councillor or the Council into disrepute.^{iv}

5 Registration of Interests

- 5.1 Within 28 days of:
 - (a) this Code being adopted by the Council;
 - (b) the Member's election / appointment; and
 - (c) any change in the Member's interestsregister with the Council's Monitoring Officer his / her interests which fall within the categories set out in Appendices 1 and 2 of which they are aware.
- 5.2 When the Monitoring Officer has confirmed in writing that the interest is a Sensitive Interest ^v, there is no need to provide the details of the interest, only the existence of the interest.

6 Declaration of Interests at Meetings

- 6.1 Subject to the provisions for Members to apply for dispensations ^{vi}, where a matter arises at a Meeting ^{vii} which relates to an interest in Appendix 1 the Member must:
 - (a) Declare the interest (unless it is recorded in the Register of Interests as per paragraph 5);
 - (b) Not participate in a discussion nor vote on the matter; and
 - (c) Leave the meeting room whilst that matter is being dealt with.
- 6.2 Where a matter arises at a Meeting which relates to an interest in Appendix 2, the Member must:
 - (a) Declare the interest (unless it is recorded in the Register of Interests as per paragraph 5);
 - (b) Not vote on the matter; and
 - (c) Only speak on the matter if members of the public are also allowed to speak on the matter at the Meeting.
- 6.3 Where a matter arises at a Meeting which relates to a financial interest of the Member, his / her friend, relative or close associate (other than an interest in Appendix 1 or 2), the Member must:
 - (a) Disclose the interest;

- (b) Not vote on the matter; and
- (c) Only speak on the matter if members of the public are also allowed to speak on the matter at the meeting.

6.4 Where a matter arises at a Meeting which a member of the public with knowledge of the facts, would reasonably regard as so significant that it is likely to prejudice a councillor’s consideration or decision-making in relation to that matter (other than an interest in Appendix 1 or 2) the Member must:

- (a) Disclose the interest;
- (b) Not vote on the matter; and
- (c) Only speak on the matter if members of the public are also allowed to speak on the matter at the meeting.

Appendix 1 - Disclosable Pecuniary Interests

Interests defined by regulations made under section 30(3) of the Localism Act 2011 and described in the table below.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made to the member during the 12 month period ending on the latest date referred to in paragraph 6 above for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the member or between his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a body in which such a person is a partner in a firm, a director of an incorporated body or holds the beneficial interest in securities*) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the Council.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the member’s knowledge)— (a) the landlord is the Council; and (b) the tenant is a body in which the member, or his/her spouse or civil partner/ the person with whom the member is living as if they were spouses/civil partners has a beneficial interest.
Securities ^{viii}	Any beneficial interest in securities of a body where— (a) that body (to the member’s knowledge) has a place of business or land in the area of the Council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Appendix 2 - Other Interests

An interest which relates to or is likely to affect:

- (i) Any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) Any body
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the Member is in a position of general control or management;
- (iii) Any individual gifts or hospitality worth more than an estimated value of £50 which the Member has received by virtue of his or her office.

ⁱ Members should have in mind the **Nolan Principles** in situations whenever the Code might apply to them. For example, in considering a planning application in which the Council is the applicant when the Member has been involved in decisions whether or not the Council should apply for planning permission, the Member might wish to ensure that consistent with the principle of Openness, his previous involvement is declared when determining the application even if it is not an interest under paragraph 6 of this Code. Nevertheless, it should be noted that a breach of the Nolan Principles is not a breach of the Code.

ⁱⁱ **Respect** – a common sense definition of this will be applied. It should be noted that this term is extremely broad. Without providing a definitive list, it could cover almost any example of unfair, unreasonable or demeaning behaviour directed by one person to another; or a failure of a Member to treat a person courteously, with consideration and honestly as would be appropriate to the particular case. It should not however be

confused with the freedom to disagree with the views of others particularly when acting in a political environment.

- iii **Bullying or intimidation** – again a common sense definition of this will be applied. As with any provision of the code it could cover one incidence or a serious of incidents which collectively amount to a breach; and as a non-definitive guide, it might cover for example:
- spreading of malicious rumours;
 - insulting someone by word or behaviour;
 - copying memos that are critical about someone to others who do not need to know;
 - ridiculing or demeaning someone or setting them up to fail;
 - exclusion or victimisation;
 - unfair treatment;
 - overbearing supervision or misuse of power or position;
 - unwelcome sexual advances;
 - making threats or comments about job security without foundation;
 - deliberately undermining a competent worker by overloading and constant criticism of their work;
 - preventing individuals progressing by intentionally blocking promotion or training opportunities.
- iv **Disrepute** – this is intended to cover situations where behaviour is inappropriate being below the standards which a reasonable and objective observer would expect of a councillor; it might include poor conduct which doesn't readily fall within any other provision of the code or situations where there have been repeated breaches of the code. It should not be confused with situations where for example a reasonable and objective observer might consider it fair for a councillor to raise about the Council or others.
- v **'Sensitive Interest'** is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.
- vi **Dispensations** - on a written request made to the Council's Monitoring Officer, the Council may grant a Member a dispensation to enable the Member to participate in a discussion and vote on a matter in which they have an interest outlined in section 6:
- (a) the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or
 - (b) it is in the interests of the inhabitants in the Council's area to allow the Member to take part; or
 - (c) it is otherwise appropriate to grant a dispensation.
- vii **'Meetings'** are meetings of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.
- viii **'Securities'** means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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STANDARDS COMMITTEE

CHAIRMAN: Cllr Rosalind Prowse

DATE: 5 April 2019

REPORT OF: Task & Finish (Code of Conduct) Group

SUBJECT: FIRST REPORT OF TASK & FINISH (CODE OF CONDUCT) GROUP (2019)

RECOMMENDATIONS

(a) The Committee recommends to full Council that the Code of Conduct applicable to the Council be amended as follows from 8 May 2019:

- (i) The format of the Code be revised as set out in Appendix A subject to delegated authority be given to the Monitoring Officer to make such additional minor amendments to further promote clarity in content (including its presentation) as she considers appropriate.
- (ii) Two new obligations be added to require councillors not to act in a manner which brings their office as councillor or the council into disrepute; and to ensure co-operation and compliance with any standards investigation and prohibit malicious complaints (as shown in paragraph 4.6 and 4.7 of Appendix A)
- (iii) The definition of non-statutory interests which need to be declared at meetings (but not recorded in the Register of Interests) and in respect to which councillors are prohibited from participating in the debate (other than where members of the public are permitted to speak) and voting, be extended to include:
 - (a) where “*a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the councillor’s consideration or decision-making in relation to that matter*” (as shown in paragraph 6.4 of Appendix A) and
 - (b) financial interests (as per paragraph 6.3 of Appendix A) of Members themselves as well as of their friends, relatives or close associates.

- (iv) The sanctions for breach of the Code involving removal from committee be revised slightly so that it be made clear that full Council could resolve to remove a member from a relevant position (subject to compliance with political allocation rules) and that a recommendation to Group Leaders could be made to invoke relevant party rules to further sanction the member (e.g. remove them from their group) in a timely manner.

AND

(b) The Committee resolves that:

- (i) the Task and Finish (Code of Conduct) Group reconvene in 2019/20 as outlined in section 8 of the report;
- (ii) Members be encouraged via their Group Leaders to promote the 'top tips' for managing meetings (as shown in Appendix B).

1 PURPOSE

- 1.1 To present the findings and recommendations of the Task and Finish (Code of Conduct) Group ("**the T&FG**") to the Standards Committee.

2 BACKGROUND

- 2.1 Further to the Committee's resolution at its meeting on 27 February 2019, the T&FG (comprising Cllr Prowse, Cllr Keeling, Cllr Jones and the Council's independent persons, Mrs A Smith and Mr G Barnicott) met on two occasions to review the Council's 2012 Code of Conduct for Members ("**the Code**") and the associated complaints procedure. The findings and recommendations of the group are detailed in this report.
- 2.2 So far as possible within the limited time available to the T&FG in 2018/19, in reaching its recommendations the group considered a variety of matters including feedback gathered from officers, members and the public as part of the existing standards applied by councillors; good practice recommendations of the Report on Standards in Public Life (January 2019); and the experience and practices from other local authorities. The T&FG also took account of the Council's own experience in recent years and months, and the views expressed at the Standards Committee meeting in February 2019.

3 AREAS CONSIDERED

- 3.1 Recognising its duty to promote and maintain high standards of conduct and noting the increased level of complaints in 2018 to date particularly against district councillors, the T&FG considered whether the Code was sufficiently clear for complainants (to ensure that complaints were warranted) and councillors (to avoid breaches and secure high standards of conduct); and / or what changes might be needed to the Code and the investigations procedure. In doing so it identified the following areas for consideration.

- (i) Whether the existing obligations on councillors to behave in a respectful manner and not to intimidate or bully others, could be further promoted with reference to examples of relevant behaviours.
- (ii) Whether the definition of non-statutory interests (i.e. interests other than disclosable pecuniary interests) should be revised to ensure that personal conflicts of interests of members were fully captured and to reflect the emerging definition on personal interests recommended in the Report on Standards in Public Life. In this regard, concern was noted about situations where there is a potential conflict for members when dealing with situations where the council applied for permission itself (e.g. for housing development).
- (iii) Whether the Code should be extended to include two new general obligations on councillors namely to (a) not to bring the Council or the office of councillors into disrepute (b) to co-operate with standards investigations.
- (iv) Whether changes to the Code and / or Investigations Procedure should be made to reflect good practice including recommendations set out in the Report on Standards of Public Life and to improve understanding and clarity generally.

4 RESPECT, INTIMIDATION & BULLYING

- 4.1 The group pointed out that the requirements to treat others with respect and not to bully or intimidate others (which form part of the Council's Code) have long been part of standards expected of councillors, such having been included in the former national code of conduct since before 2003. It highlighted that basic good manners and courtesy to others and 'treating others as you would want people to treat your own friends' were all essential and key to avoiding breaches of these parts of the Code. Further, it noted that there is a range of guidance particularly from the former National Standards Board which provided helpful guidance for members on what is and is not for example, disrespectful.
- 4.2 The T&FG considered it appropriate for all to recognise that the requirement to act in a respectful manner did not prevent political banter nor the expression of differences in political views, but comments which attacked an individual's personal characteristics or integrity were not acceptable. Another type of situation involving disrespectful behaviour might include a member who persistently refused to obey the chairman's ruling at meeting and / or refused to be quiet when asked by the chairman.
- 4.3 Similarly, in respect to bullying and intimidation which was not infrequently referred to in complaints about member conduct towards employees (at both a district and parish / town council level), it was noted that reasonable criticism of others is acceptable (e.g. when it concerns poor performance) but concerns should be addressed in the correct manner (e.g. through managerial processes, not public meetings where for example in the case of officers, it is not possible to respond on an equal footing and such comments can unjustifiably damage professional reputations). In response to feedback on

existing member and officer relations particularly within the context of the pending start of a new four year council term, the group considered it would be helpful for members to be provided with a list of key contacts and telephone numbers for each service area (to avoid members simply expecting junior officers to be able to respond instantly to issues raised by them as well as to seek to make prior appointments where possible to ensure that officers are not otherwise engaged); and for members to give officers advance notice of questions / issues they had before formal, usually public meetings so there was every prospect of comprehensive answers being given.

- 4.4 As part of the recent national report into standards of conduct in private life, the T&FG noted that the Council's own Standards Committee had endorsed the best practice recommendation that all councils should include prohibitions on bullying and harassment in their code of conduct, including definitions and examples of the sort of behaviour covered by the provisions. The TF&G has therefore put together some suggested changes to the Council's current code to supplement the Code's existing relevant provisions (see Appendix A foot-notes).
- 4.5 In helping to promote and maintain mutual respect between members and officers particularly at the start of a new council term, the group also supported the Standards Committee's decision at its last meeting to require members to attend standards training and for such events to include officers on occasion. It is currently proposed to have an officer and member event in the form of the Code Conduct training within the May 2019 member induction programme.
- 4.6 As part of a drive to improve respect between members themselves regardless of their political grouping, the T&FG also considered that a 'meet and greet' event as part of the pending member induction programme would be beneficial. Further, it added that given members were representatives of the Council, at formal meetings in particular full Council, members should be expected to dress appropriately. How members presented themselves (in terms of their appearance and language) inevitably had an impact on the image which the Council gave of itself to the public generally.
- 4.7 Whilst the group emphasised that each member was responsible for their own behaviour, in helping to secure respect members showed to officers and other members in formal meetings, the TF&G also considered that improvements could be made to the support and training provided to chairpersons in the new Council. In this regard, the T&FG considered that the emerging Member Development programme should include courses on '*How to Effectively Manage Meetings*' or similar, but also that members should learn from existing members' practical experience. In the latter regard, the views on top tips for being an effective chairperson were sought from the Chairman of Overview and Scrutiny, Cllr M Haines. He identified five very helpful and practical tips for which the group's thanks are conveyed to Cllr Haines. The T&FG proposes that the tips are included in member induction packs or otherwise made available to members who wish to be appointed to such positions (see Appendix B). The group also asks that Group Leaders ensure that those

persons identified as prospective chairpersons have their attention drawn to such.

- 4.8 Whilst acknowledging that the Code of Conduct set out the standards required of its own members and that disrespect, bullying and intimidation by its members would not be tolerated, the group did want to note that it was aware that on occasions members (and officers) had been subject to such unacceptable behaviour from the public. Such behaviour was clearly not acceptable albeit it would need to be addressed through private action and referral to the police as appropriate. Members were reminded that whilst the Code legally only applied to them when acting in an official council capacity or otherwise holding themselves out as so acting (as defined in Appendix A and reflective of the existing Code), members should avoid placing themselves in situations where behaviour in their private life might reasonably be viewed as undermining the high standards of conduct required of them as a councillor or which might bring the Council into disrepute.

5 EXTENSION OF NON STATUTORY INTERESTS

- 5.1 The T&FG considered the rules regarding interests as set out in the existing Code. In noting the light touch approach to the current rules in respect to non-statutory interests (i.e. those interests set out in paragraph 14 and Appendix B of the current code), it was concluded that they did not address situations where a councillor themselves might gain or lose personally to a significant degree (e.g. where they were a member of a private sports club which was applying for a grant to improve facilities which they would benefit from unlike the majority of others in their ward or district; or where members themselves, as opposed to their relatives or close associates might otherwise gain financially which did not currently fall within interests under Appendix A of the Code).
- 5.2 Whilst the group was not aware of any evidence that the current very limited definition of non-statutory interests had presented a significant issue in recent years, the group considered it important that members of the Council were seen not to be putting personal interests above the public interest when making decisions as a councillor. Consequently it recommends amendments to the existing rules to address these gaps, including an additional paragraph as shown in Appendix A at paragraph 6.4 (which is recommended in the national Report on Standards in Public Life (January 2019)) and the inclusion of the word “Member” in paragraph 6.3 (currently paragraph 14 in the existing code).
- 5.3 In respect to the recommendation that a member with a paragraph 6.4 interest should not participate in the discussion on the matter nor vote, the member may still stay in the room. This is consistent with the Council’s existing rules on non DPI financial interests (in paragraph 6.3 of the revised code in Appendix A and within the existing code). It should be noted that this is less onerous than the requirement for DPIs where members are also required to leave the meeting room.

6 NEW OBLIGATIONS

- 6.1 The group considered that the limited number of obligations within the Code regarding behaviour other than matters arising in connection with interests, was currently limited. For example behaviour which was clearly inappropriate but not necessarily within the confines of paragraphs 1 to 6 of the existing code may not readily be caught by the Code (e.g. repeated breaches of the Code). Similarly, a failure to co-operate with an investigation may not be an obvious breach.
- 6.2 Consequently, members considered that a ‘catch-all’ provision would be appropriate (i.e. so that behaviour (albeit only in an official capacity) which could reasonably be regarded as bringing a councillor’s office or the Council into disrepute, as per the former national code of conduct, would be caught). In addition, it considered a new provision requiring members to comply with and co-operate with an investigation regarding an alleged breach of the Code would promote and maintain credibility in the complaints process, particularly given some concerns about the absence of co-operation by members on occasion who were alleged to have breached the Code and / or other poor conduct of some members when responding to complaints. It was noted that a provision had also been advocated by the national Committee on Standards in Public Life covering this area. As such it is proposed that a new provision be included in the Code which required “councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors”.
- 6.3 In summary the group proposes that two new obligations are added to the Code as shown in paragraphs 4.6 and 4.7 of Appendix A to this report.

7 FORMAT

- 7.1 Whilst the T&FG considered that the existing Code and Investigations Procedure were largely fit for purpose, it felt that both elements of the standards framework could be better presented to make them easier to follow. Consequently, the Code format is proposed to be changed as shown in Appendix A. This presents the key provisions with reference to simple questions and sub headings (in little more than 2 sides of A4 rather than the existing 4 pages), with definitions and guides to help members and the public more easily understand what relevant provisions mean, reserved for footnotes at the end of the document. Importantly, other than the amendments addressed above, the substantive content of the Code remains unchanged.
- 7.2 In terms of the standards complaints form, the group considered such useful as it encouraged complainants to provide pertinent information. Nevertheless, the T&FG concluded that it should also be made clearer that complaints would be accepted for consideration even if the form was not completed. Two changes were also recommended by the group which will be implemented by the Monitoring Officer to improve clarity for complainants (and potentially members) namely:

- a simple flow chart be produced to summarise the investigation procedure and improve understanding; and
- a section be included in the complaints form whereby complainants could identify which of the available sanctions they would prefer if the complaint were to be upheld.

7.3 In considering the available sanctions, the T&FG proposed that the sanctions available in the case of a breach should make it clear that on the recommendation of the Standards Committee, the Council could remove a member from a committee or sub-committee or other appointment; and also that an additional provision should be included whereby the Standards Committee could recommend to Group Leaders that they apply their own group disciplinary rules to a member who has breached the Code of Conduct, but importantly, quickly.

7.4 More generally, whilst it was hoped by the T&FG that situations where formal sanctions are warranted should not arise (because members comply with the Code), it was considered important for Group Leaders to actively promote and maintain high standards of conduct by their group members and not in any way condone behaviour which might reasonably be viewed as falling below the high standards of conduct required of persons holding public office.

8 OTHER AREAS FOR FUTURE CONSIDERATION

8.1 To ensure that any key changes to the Code may be resolved by the existing Council before the May 2019 election, the T&FG has concentrated on key issues only. Further it should be noted that standards legislation will probably be changing in the next 12 months in response to the Report on Standards in Public Life. Consequently the T&FG suggests that:

(a) The T&FG is not disbanded after its report is submitted to the Standards Committee but is retained so that it may reconvene in 2019/2020 to provide a means by which the Committee might facilitate further detailed work to be undertaken the Code. The councillor membership of the T&FG would be subject to any changes which the Group Leaders propose at the AGM in May 2019; as well as of course, the availability of the independent persons who are able to provide an important and impartial public perspective on the members' ethical framework.

(b) Whilst the current report principally concerns the standards required of district councillors, further support and guidance is anticipated to assist town and parish councils in understanding and accommodating changes to the Code in view of the pending changes in the law over the coming year. In cases where issues to be considered by the T&FG also concern town and parish councillors, the parish councillor representative should also be invited to join future meetings of the T&FG which the Standards Committee may wish to allocate to the T&FG for consideration.

- (c) The T&FG should consider in 2019/20 the impact of social media within the context of standards; and also undertake a review of how the amended code (in particular the new provisions) has operated in practice and whether standards of conduct particularly regarding the relationship with officers has improved in view of the changes made.

8.2 In the meantime, the TF&G hopes that the Standards Committee and Council will support the changes it has proposed to the Code and Investigation Procedure. The publication of this report has been advertised in the Members' Newsletter so that all members have had the opportunity to comment on the T&FG report in advance of the Standards Committee. In closing, the T&FG would like to emphasise that its recommendations are made to further promote high standards of conduct amongst its members the vast majority of whom already behave in a manner compatible with the Code and the revisions proposed. It should also be recognised that the changes proposed are consistent with the Council's duty to promote and maintain high standards of conduct which ultimately serve to protect the integrity of decision making, maintain public confidence and safeguard local democracy within the Council's district.

STANDARDS

5 APRIL 2019

Present:

Councillors Prowse (Chairman), Evans, Keeling and Dowding

Members in Attendance:

Councillors Dewhirst

Apologies:

Councillors Bromell, Dennis, Barnicott and Smith

Officers in Attendance:

Karen Trickey, Solicitor to the Council and Monitoring Officer

Trish Corns, Democratic Services Officer

5. MINUTES

The Minutes of the meeting held on 27 February 2019 were confirmed as a correct record and signed by the Chairman.

6. CHAIRMAN'S ANNOUNCEMENTS

Three members of the Task and Finish Group: Independent Persons Mr Barnicott and Ms Smith, and Councillor Jones had given their apologies for the meeting. Councillor Connett had also tendered his apology.

The Chairman advised that all Members of the Council had been invited to provide comments on the findings of the Task and Finish (Code of Conduct) Group. No written representations had been submitted for the Committee's consideration.

7. FIRST REPORT OF THE TASK & FINISH (CODE OF CONDUCT) GROUP (2019)

The Committee referred to the report of the Task and Finish (Code of Conduct) Group.

The Chairman invited Councillor Dewhirst who was in attendance, to address the Committee on any issues he wished to raise on the report of the Task and Finish (Code of Conduct) Group. Councillor Dewhirst made the following comments on specific parts of the report:

Paragraph 4.3 of the report:

This set out the view that good member and officer relationships could be promoted by members giving "*officers advance notice of questions / issues*

they had before formal, usually public meetings so there was every prospect of comprehensive answers being given.”

Councillor Dewhirst advised he disagreed with this comment. He considered that a Councillor would not wish to give advance notice to an officer of issues and questions that the councillor may want to make at a public meeting, referring by way of example to planning committee meetings when members might want to determine an application contrary to officer advice.

- Paragraph 4.6 of the report:

This provided that “ ... members were representatives of the Council, at formal meetings in particular full Council, members should be expected to dress appropriately. How members presented themselves (in terms of their appearance and language) inevitably had an impact on the image which the Council gave of itself to the public generally.”

Councillor Dewhirst submitted that the word “appropriate” is subjective and that some Councillors may not be able to afford such clothing.

- Paragraph 4.4 of the Report Appendix A, which comprised the revised Code of Conduct:

This set out a requirement upon councillors “Not [to] disclose information which is confidential or where disclosure is prohibited by law.”

Councillor Dewhirst submitted he had previously provided confidential information to Councillors of another authority.

The Chairman reminded Councillor Dewhirst of the declaration of acceptance of office which he and all councillors signed following their election, which required each councillor to comply with the Code of Conduct. She pointed out that the existing code imposed this requirement on councillors.

- Paragraph 4.6 of the Report Appendix A:

This set out a proposed requirement on councillors “To co-operate and comply with any formal standards investigations and not to make trivial or malicious allegations against others.”

Councillor Dewhirst submitted what is considered malicious allegations by one, can be considered as political banter by another. He explained that Councillors who had been complained about may wish to seek advice from others, be on holiday or otherwise unavailable and that this might prevent them from complying with an investigation.

The Chairman added that the obligation at 4.6 is a recommendation from the national committee on Standards in Public Life which reported to the Government.

Councillor Keeling also supported paragraph 4.6 referring to there possibly being unacceptable delays with investigations due to councillors not co-

operating and referred to a case in the past where that seemed to have happened.

- Paragraph 4.7 of the Report Appendix A:

This referred to a new proposed provision upon councillor *“Not to bring the office of councillor or the Council into disrepute”*

Councillor Dewhirst submitted that this paragraph could be used unfairly, and should be removed. He noted it was a ‘catch all’ provision for poor conduct and considered that if this new obligation is to remain, the words in the guidance notes that such a provision *“might include poor conduct which doesn’t readily fall within any other provision of the Code ...”* should be removed because it extended the meaning of the word “disrepute”.

Councillor Evans commented that she would expect the content of paragraph 4.7 to be included in any Code of Conduct and supported its inclusion.

- Paragraph 6.3 of the Report Appendix A:

This provided that *“Where a matter arises at a Meeting which relates to a financial interest of the Member, his / her friend, relative or close associate (other than an interest in Appendix 1 or 2), the Member must:*

- (a) *Disclose the interest*
- (b) *Not vote on the matter*
- (c) *Only speak on the matter if members of the public are also allowed to speak on the matter at the meeting.”*

Councillor Dewhirst submitted the terms *“friend”* and *“close associate”* required further definition. He suggested that it would not include someone who a Member meets occasionally, once a week, in an open social environment but would include those people with whom the Member has socialised in their own home.

In response it was pointed out to Councillor Dewhirst that these words were in the existing Code and common sense should prevail. As per the existing Code, if a reasonable and objective member of the public would consider an individual and a Councillor to be friends or close associates in a particular situation, the Councillor should declare an interest in relation to any financial interest of that individual.

Councillor Keeling commented that if Councillors are unsure of an interest, they should seek advice from the Monitoring Officer.

It was confirmed that the majority of the proposed code was unchanged and that the main change was to its format, which would make it easier for councillors as well as the public to understand it.

The Chairman also referred to paragraph 8.2 of the report emphasising that the changes proposed are consistent with the Council’s duty to promote and maintain high standards of conduct which ultimately serve to protect the integrity

of decision making, maintain public confidence and safeguard local democracy within the Council's district.

The Chairman thanked Councillor Dewhirst for his comments and that whilst comments on the report had been requested in advance of the Committee meeting further consideration could be given to any suggested amendments to the proposed new code if Councillor Dewhirst would put these in writing to the Chairman and the Monitoring Officer. Councillor Dewhirst said he would do that after the committee meeting.

Councillor Keeling advised he had reservations about the possible change in the law which would re-introduce a sanction of 6 months' suspension because the electorate would be without their elected councillor for the duration.

The whole Committee and also Councillor Dewhirst welcomed Appendix B on tips for chairing meetings, compiled by Councillor Haines.

TALC representative Cllr Dowding supported all the recommendations of the Task and Finish Group.

Having considered the feedback on the report and on being proposed by Councillor Keeling and seconded by Councillor Evans, the Committee voted to approve all the recommendations of the Task and Finish Group as set out in the report.

Resolved:

- (a) The Committee recommends to full Council that the Code of Conduct applicable to the Council be amended as follows from 8 May 2019:
 - (i) The format of the Code be revised as set out in Appendix A to the report of the Task and Finish (Code of Conduct) group, subject to delegated authority be given to the Monitoring Officer to make such additional minor amendments to further promote clarity in content (including its presentation) as she considers appropriate.
 - (ii) Two new obligations be added to require councillors not to act in a manner which brings their office as councillor or the council into disrepute; and to ensure co-operation and compliance with any standards investigation and prohibit malicious complaints (as shown in paragraph 4.6 and 4.7 of Appendix A to the report of the Task and Finish (Code of Conduct) group)
 - (iii) The definition of non-statutory interests which need to be declared at meetings (but not recorded in the Register of Interests) and in respect to which councillors are prohibited from participating in the debate (other than where members of the public are permitted to speak) and voting, be extended to include:
 - where *“a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it*

APPENDIX C – DRAFT MINUTES OF STANDARDS COMMITTEE

is likely to prejudice the councillor's consideration or decision-making in relation to that matter" (as shown in paragraph 6.4 of Appendix A to the report of the Task and Finish (Code of Conduct) group) and

- financial interests (as per paragraph 6.3 of Appendix A to the report of the Task and Finish (Code of Conduct) group)) of Members themselves as well as of their friends, relatives or close associates.
- (iv) The sanctions for breach of the Code involving removal from committee be revised slightly so that it be made clear that full Council could resolve to remove a member from a relevant position (subject to compliance with political allocation rules) and that a recommendation to Group Leaders could be made to invoke relevant party rules to further sanction the member (e.g. remove them from their group) in a timely manner.
- (b) The Task and Finish (Code of Conduct) Group reconvene in 2019/20 as outlined in section 8 of the report circulated with the agenda.
- (c) Members be encouraged via their Group Leaders to promote the 'top tips' for managing meetings, as shown in Appendix B to the report

CLLR ROSALIND PROWSE
Chairman

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COUNCIL

CHAIRMAN: Cllr Avril Kerswell

DATE: 18 April 2019**REPORT OF:** Tony Watson, Interim Head of Commercial Services
for Cllr Jeremy Christophers, Leader of the Council**SUBJECT:** Newton Abbot Cinema**PART I****RECOMMENDATION**

That the Council resolve the recommendations made in part II of this report.

1. PURPOSE

The purpose of this report is to update the Council on the development of a new 4 screen cinema in Newton Abbot.

2. BACKGROUND

The Master Plan for Newton Abbot Town Centre was approved by the Councils Executive in July 2018 and was exhibited to the public upon completion of the refurbishment of Market Walk in December 2018.

The regeneration of Newton Abbot Town Centre was first outlined in the adopted Local Plan (2013-2033) and seeks to situate Newton Abbot as the heart of the District, creating a social and economic hub for the Town, surrounding catchment and new urban extension.

The executive considered a report in November 2018 which outlined options to deliver a 4 screen cinema in the Town Centre and approved the principle of progressing options for delivery. The scheme seeks to promote evening economy and drive forward the further improvement of the Town Centre.

3. MAIN IMPLICATIONS

The main implications are outlined in part II of this report.

Tony Watson

Cllr Jeremy Christophers

TEIGNBRIDGE DISTRICT COUNCIL

Interim Head of Commercial Services Leader of the Council

BELOW TO BE FILLED IN BY THE REPORT AUTHOR:

Wards affected	Newton Abbot
Contact for any more information	Tom Butcher
Background Papers (For Part I reports only)	Executive Report: November 2018
Key Decision	Y
In Forward Plan	Y
In O&S Work Programme	N
Community Impact Assessment attached:	N
Appendices attached:	