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17 July 2019

## STANDARDS COMMITTEE

A meeting of the **Standards Committee** will be held on **Thursday, 25th July, 2019** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **1.30 pm**

PHIL SHEARS  
Managing Director

## A G E N D A

### Part I

1. **Apologies for Absence.**
2. **Minutes** (Pages 3 - 8)  
To approve and sign the minutes of the meeting held on 5 April 2019.
3. **Declarations of Interest**
4. **Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RECOMMENDED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of item 5 on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

### **Part II: Item suggested for discussion with the press and public excluded**

**5. Standards Complaint**

(Pages 9 - 10)

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## **STANDARDS**

### **5 APRIL 2019**

Present:

Councillors Prowse (Chairman), Evans, Keeling and  
TALC representative Councillor Dowding

Members in Attendance:

Councillor Dewhirst

Apologies:

Councillors Bromell, Dennis, and Independent Persons Mr Barnicott and Ms 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 Connell 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 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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