

10 March 2022

## **STANDARDS COMMITTEE**

A meeting of the **Standards Committee** will be held on **Friday, 18th March, 2022** in the **Council Chamber, Forde House, Brunel Road, Newton Abbot, TQ12 4XX** at **10.00 am**

PHIL SHEARS  
Managing Director

### **Membership:**

Councillors L Petherick (Chair), Nuttall (Vice-Chair), Bullivant, Connett, Evans and Peart

**Please Note:** Filming is permitted during Committee meeting with the exception where there are confidential or exempt items, which may need to be considered in the absence of the press and public. By entering the Council Chamber you are consenting to being filmed.

## **AGENDA**

### **Part I**

1. **Apologies for Absence.**
2. **Minutes** (Pages 5 - 6)  
To approve and sign the minutes of the meeting held on 6 July 2021.
3. **Declarations of Interest**
4. **Member Complaint Process** (Pages 7 - 8)
5. **Member Code of Conduct and Behaviour**
6. **Notice of Motion - Cllr Eden**

Background provided by Cllr Eden to the Motion:

There are quite a number of gaps that have developed in the Standards Process – some highlighted in my previous motion on Standards Hearings procedure. There also needs to be a wider more precise application of what is or isn't acceptable in terms of conflict of interest.

Recently, this council had to resort to requesting an intervention from the PAS (Planning Advisory Service) over a matter that from the perspective of the general public should be quite clear cut.

From my experience chairing ethics committees in the NHS and from my professional training in matters of conflict and probity, it is clear that the result of the PAS report was far from satisfactory. We need to sharpen our focus on conflict or interest and raise the standard of those definitions.

Doing so will reduce the possibility of a councillor having their impartiality, integrity or probity being called into account.

**Wording of Motion proposed by Cllr Eden:-**

With that in mind, I would like to propose that the following definitions are added or amended.

- 1) The definition of a Conflict of Interest to be extended (in respect of family and friends) for all elected members to reflect the high standards set by the Charity Commission in respect of a 'Connected Person' - defined as follows;

**“Connected person:** In broad terms this means *family, relatives or business partners* of a councillor, *as well as businesses in which a councillor has an interest through ownership or influence*. The term includes a councillor's spouse or unmarried partner, or civil partner, children, siblings, grandchildren and grandparents, as well as businesses where a councillor or family member holds at least one-fifth of the shareholding or voting rights.”

The Council's legal team would be able to advise (where there is any doubt), but such advice should be made a public record.

- 2) Conflicts of Loyalty to be introduced as a notifiable requirement. This is defined as follows;

**“Conflict of loyalty:** This means a particular type of conflict of interest, in which a councillor's loyalty or duty to another person or organisation could prevent the councillor from making a decision only in the best interests of the council or the residents.”

- 3) Register of interests to include membership of ANY organisation that the member knows an officer of the council is also a member – for instance; Freemasons, professional bodies etc. Devon County Council requires members notify their membership of the Freemasons and TDC should do so right away.

This is an extension of the second point in the motion about Conflicts of Loyalty but deals potentially with influence exerted externally on, or by a councillor or officer.

If you would like this information in another format, please telephone 01626 361101 or e-mail [info@teignbridge.gov.uk](mailto:info@teignbridge.gov.uk)

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## **STANDARDS COMMITTEE**

**6 JULY 2021**

Present:

Councillors L Petherick (Chair), Connett and Peart

Member in Attendance:

Councillor Patch

Also in Attendance:

Complainant – Mr Robertson

Complainant's Solicitor – Mr Toft

Independent Person – Mr Barnicott

Investigator – Mr Campbell

Officers in Attendance:

Sarah Selway, Democratic Services Team Leader & Deputy Monitoring Officer

Christopher Morgan, Trainee Democratic Services Officer

### **10. DECLARATIONS OF INTEREST**

None.

### **11. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC**

The Sub-Committee agreed that the matter should be heard in public in the interests of openness and transparency.

### **12. STANDARDS COMPLAINT**

The Sub Committee considered the published report.

Attached is the live stream [Standards Committee - Tuesday, 6th July 2021 at 12:00pm - Teignbridge District Council Webcasting \(public-i.tv\)](#)

The Committee resolved to go into confidential session to consider the Investigator's recommendations regarding the alleged breaches of the Members' Code of Conduct.

**RESOLVED** that having made a finding of facts as set out in its Decision Notice, the Sub-Committee concludes that Cllr Patch breached Paragraph 4.7 of the Members' Code of Conduct (May 2019) as provided for in the Decision Notice and that:-

- (1) Cllr Patch be publicly censured for bringing his office of councillor into disrepute and consequently, the full decision notice should be published;
- (2) The Sub-Committee wanted it recorded that it also considered that Cllr Patch's conduct towards those investigating the matter and at times at the hearing was disrespectful and intimidatory. Such behaviour was clearly unacceptable and well below the standards expected of councillors; and

**RECOMMENDED** to the council's Procedures Committee for consideration;

- (1) The council's Procedural Rules should be amended so that councillors serving on the Planning Committee are no longer permitted to vote on applications within their ward;
- (2) Motion to Approve/Refuse/Defer Planning Applications should be made at the end of a debate on the application, which would allow any questions raised during debate to be answered;
- (3) All Councillors be reminded that the deadline for submission of new information on planning applications being considered by the Planning Committee is midnight Thursday prior to the meeting and no later; and
- (4) Any new information or submissions regarding planning applications should be submitted to the planning email address.

*Full Decision notice attached.*

The meeting started at 12.00 pm and finished at 1.50 pm.

Chairman

## Member Complaint Process

Step	Procedure
1	The Council will aim to acknowledge receipt of complaints within 5 working days. The Monitoring Officer will consider whether it appears that there had been a breach of the code of conduct. At this stage if the complaint is not to progress further the Monitoring Officer will notify the complainant in writing of that fact.
2	If the complaint amounts to a potential breach of the code the Monitoring Officer will write to the subject member with details of the complaint, including those of the complainant (unless any confidentiality request has been agreed) and seek their views.
3	The subject member of the complaint will provide their written comments, with supporting documentation or indicate that they do not wish to provide a written response to the complaint.
4	If the complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.
5	The Monitoring Officer will consider the complaint again in the context of any written submissions and supporting documentation provided by the subject member and will seek the views of the Independent Person.
6	Once the Monitoring Officer has reviewed the complaint they will decide if the complaint requires further investigation or can be resolved by way of local resolution. There may be occasions when Group Leaders could be asked to facilitate a local resolution.
7	Where informal resolution is not possible, the Monitoring Officer will refer the complaint to the Chair of Standards Committee to decide whether a formal investigation is required by an external Independent investigation officer.
8	If formal investigation is required, an Independent investigation officer will be appointed. Both the complainant and the member will receive a draft copy of the investigating officer's report and will have the opportunity to respond to it. The investigating officer will then produce a final report.
9	Once the final report is received the report will be referred to the Standards Committee for consideration and action as appropriate.

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