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15 September 2022

STANDARDS COMMITTEE

A meeting of the **Standards Committee** will be held on **Monday, 26th September, 2022** in the **Long Room, Old Forde House, Brunel Road, Newton Abbot, TQ15 4XX** at **3.00 pm**

PHIL SHEARS
Managing Director

Membership:

Councillors Bullivant, Evans, Peart, L Petherick, Nutley and Swain

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 meeting room you are consenting to being filmed.

A G E N D A

Part I

1. **Apologies for Absence.**
2. **Minutes** (Pages 5 - 6)
To approve and sign the minutes of the meeting held on 18 March 2022.
3. **Declarations of Interest**
4. **Election of a Chair 2022/23**
5. **Election of a Deputy Chair 2022/23**

6. **Report by the Centre for Governance and Scrutiny** (Pages 7 - 26)
For Standards Committee Members to consider the report by the Centre for Governance and Scrutiny.
7. **The recruitment of Independent Persons** (Pages 27 - 28)
8. **To review the Code of Conduct and its effectiveness in setting standards for members over the last 24 months**
Verbal discussion.
9. **To consider the Monitoring Officers proposed amendments to the Constitution relevant to the Standards Committee** (Pages 29 - 92)
10. **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.

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

11. 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 the following item 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.

12. Ombudsman Complaint

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