

TEIGNBRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE

2 OCTOBER 2020

Report Title	Matters referred to Committee by full Council
Purpose of Report	To consider how the Committee wishes to proceed with those items referred to it by full Council on 3 September 2020.
Recommendation(s)	<p>It be RECOMMENDED to full Council: The membership of the Standards Committee be limited to six elected members.</p> <p>It be RESOLVED by the Committee:</p> <ul style="list-style-type: none">(a) A sub-committee of three members be appointed to deal with standards hearings;(b) Non-voting parish / town council members be selected to participate in hearings as outlined in the report;(c) The arrangements for dealing with the Code, associated protocols and the investigation procedure be reviewed by the Committee and recommendations to full Council made following consideration of further guidance from the LGA.
Report Author	Karen Trickey Solicitor to the Council and Monitoring Officer Tel: 01626 215119 Email: karen.trickey@teignbridge.gov.uk
Appendices	Appendix A – Guidance Note to Teignbridge Councillors Appendix B – draft model Code of Conduct see https://www.local.gov.uk/sites/default/files/documents/LGA%20Model%20Member%20Code%20of%20Conduct.pdf

1. BACKGROUND

1.1 Full Council has requested that the Committee consider the following matters (i) councillor training on standards (ii) co-opted membership of the Committee and (iii) any changes which may be needed to the Code.

2. COUNCILLOR TRAINING

2.1 To date training has been based upon a mix of workshop and advice to individual members and parish / town council clerks. It is proposed to supplement these with

periodic guidance notes to Members, an example of a new format for such, recently produced is attached in Appendix A.

- 2.2 Whilst it is considered that all Members largely appreciate the requirements upon them in terms of conduct and do willingly comply, for those that do not wish to comply or are reckless as to whether they do or not, given the limited sanctions available to secure compliance, there is little incentive to comply. Consequently, the effective application and enforcement of high standards of conduct amongst all councillors relies heavily on the vast majority of Members leading by example; making it clear that they, as individuals, as well as full Council as a whole, will not tolerate breaches of the Code. This line is one which it is recommended should be promoted by the Committee.
- 2.3 It should be appreciated by the Committee that the principal areas of concern regarding the conduct of councillors at a district, parish and town level continues to relate to disrespectful conduct and matters of possible predetermination within the context of planning matters. Conduct regarding these areas is the subject of two protocols of the Council, namely the Member and Officer Protocol and also the Guidance on Planning. Neither of these documents have been reviewed in recent years; although the underlying messages within them remain relevant to the Council now. Concern has been raised by third parties including as part of investigations, regarding the lack of consideration given to these by councillors in practice. This may be due in part to a lack of awareness of these documents even though the contents form part of the Constitution and are largely a matter of good manners / practice and common sense etc..
- 2.4 Subject to the noting of the point made in Section 3 below regarding a possible review of the Code of Conduct, it is recommended that the Committee considers these two documents as part of a small time limited task and finish group before making recommendations to full Council on any changes. The Committee should in any event arrange / promote regular training for all District Council Members on existing requirements as well as any changes implemented; and provide guidance for parish / town council clerks to relay to their council members.
- 2.5 Pending a review of the Code of Conduct and / or these documents, as an interim measure, the Committee may still wish to resolve that the guidance / foot notes to the existing Code make it clear that when determining whether other existing provisions in the Code have been breached (e.g. interest rules; requirement not

to bring the Council into disrepute; and the requirement to treat others with respect), consideration will be given to whether or not members of the district council have complied with relevant protocols such as the Member / Officer Protocol and the Guidance on Planning.

3. CODE OF CONDUCT

- 3.1 Earlier this year, the Local Government Association published a proposed revision to its current model Code of Conduct (see also the separate report to this Committee on Public Consultation on Standards in Public Life and Appendix B link to the current report). That revised code is due to be considered by the LGA in response to range of consultation being carried out later this year / early 2021.
- 3.2 It is recommended that the Standards Committee await the outcome of the LGA work before making any recommendations regarding its own Code, particularly as the existing Code is still largely fit for purpose, covering many of the points within the model code. In the interim, the Committee might consider its time is better spent seeking to promote compliance with the existing Code as noted in Section 2 above.

4. MEMBERSHIP OF STANDARDS COMMITTEE

- 4.1 The Constitution currently provides that the membership of the committee may comprise six elected members of the Council; plus up to three co-optees (one independent person; and two parish council members). The co-opted members do not have voting rights. This arrangement has not been reviewed for some years.
- 4.2 There is no legal requirement for a specific Standards Committee, nor in that regard any requirements regarding its membership. Some authorities' committees involve non-elected members (including independent persons and parish councillors). In such cases, these external members do not have voting rights (voting rights only being possible in the case of advisory committees). Some authorities don't have any external members as members of the committee, inviting them instead, when appropriate, to attend committee; and / or involving them in the complaint process only.
- 4.3 One option for the Standards Committee membership could be as follows:

- (i) The full committee comprise only elected district council members (currently six) and parish / town councillor representative be invited along with independent persons to the Committee as appropriate. This change would need to be resolved by full Council.
- (ii) The Committee resolve to set up a sub-committee to deal with report investigations only (reserving the option to deal with hearings as a full Committee in the case of more serious alleged breaches) where:
 - the sub-committee membership is limited to three members of the committee, appointed according to their availability;
 - the sub-committee has a (non-voting) parish / town council representative (in connection with complaint hearings on parish / town councillor matters) on that sub-committee as an additional (non-voting) member along with the existing independent member;
 - the sub-committee still consults with the independent person prior to a decision being made by the sub-committee / committee on any complaint hearing.

4.4 If the Committee is mind to recommend a parish / town councillor representative as a non-voting member to assist with complaint hearings involving parish or town councillors, the Committee should consider the process for appointment of such members. Currently, that is simply by means of accepting a nomination from Teignbridge Association of Local Councils rather than all parish or town councils in the district. It is recommended that if the Committee wishes to include parish / town councillor representatives it should contact all parish / town council clerks and invite one application from a named member from each council; with the applicants being shortlisted by the Chair and the Monitoring Officer before an interview with the members of the committee.

4.5 Currently it should be noted that hearings where a breach of the Code has been established by the investigator are dealt with by way of a formal hearing. As suggested above, it is proposed that a sub-committee largely deal with these. The complaint process could also provide for investigation reports to be dealt with by means of considering documents only; or simply continue to do so only where the member against whom the complaint is notified has agreed. The Committee may wish to review the current arrangements in this regard.