

STANDARDS COMMITTEE**MINUTES OF MEETING HELD ON 26 JANUARY 2017****I N D E X**

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STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON 26 JANUARY 2017

Present:

Councillor B Ridgway Chair

Councillor A Garrett
“ G Butler

Councillor A Powell

Councillor Mrs D Ward – Parish Council Representative
Councillor Mrs D Ruff – Parish Council Representative

Also Present:

Sarah Sternberg - Solicitor to the Council and Assistant Director of Governance & Monitoring Officer
Adele Wylie - Legal Team Manager (Contentious) (Solicitor) & Deputy Monitoring Officer
Nicola Calver - Governance Manager

444 Apologies for Absence

Apologies for absence were received from Councillors M Foster and A Welton.

445 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no interests declared at this meeting.

446 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 29 September 2016 be approved as a correct record and signed by the Chair.

447 Honiton Town Council – Judicial Review

The Committee considered a High Court case into Honiton Town Council’s Judicial Review concerning the ethical framework and the availability of sanctions for breaches of the Code of Conduct.

The Monitoring Officer presented the case to the Committee for their information. The Honiton case showed that legislation provided the District with the systems to address breaches of the Code of Conduct, however, nothing was provided to Parish Councils and therefore they were not able to determine any breaches and impose sanctions other than those recommended by the District. Further, training was identified as an appropriate sanction when addressing breaches of the Code of Conduct.

RESOLVED – That the approved judgement presented be noted.

448 Role of the Monitoring Officer – an Unprotected Species?

The Committee considered an article on the role of the Monitoring Officer written by Simon Goacher regarding recent legislative changes around the process for disciplinary action against statutory officers of Councils.

The most recent change was in October 2016 which confirmed that there was no longer a requirement for a DIP and that any dismissal of a Head of Paid Service, Section 151 Officer or Monitoring Officer had to be approved by full Council. Before any dismissal can be made the proposal must be considered by a panel of Independent Persons.

The Committee considered how this process may work in practice and the Deputy Monitoring Officer undertook to provide Members with a case of where the process had been followed, if one should ever be published.

RESOLVED – That the article be noted by the Committee.

449 Review of Council Procedure Rules

As part of the annual review of the Constitution consideration had been given to the Council Procedure Rules for both authorities. Both sets of Council Procedure Rules (CPRs) offered sound rules and procedures, however, both displayed strengths that could make each other more robust.

A revised set of CPRs was set out in the appendix to the report and did not make any substantive changes, just aligned the two sets of Rules in layout, taking the best elements of each to create one comprehensive document.

It was noted that further influence had been taken from Best Practice across a number of authorities and wording changes had been suggested to provide clarity around some ambiguous matters.

The table set out on page two of the report suggested changes which were considered to be more than typographical. The Committee considered each of these in turn and approved all apart from CPR 14.4 which was in reference to the number of Members required to request a recorded vote. Members wished to retain their current limit of three and decline the proposal to increase this to five Members.

RESOLVED – That the proposed changes to the Council Procedure Rules as set out in Appendix 1 to the report, as amended, be recommended to Council for adoption.

(Assistant Director of Governance and Solicitor to the Council & Monitoring Officer)

450 Review of the Constitution, including Delegation Scheme

The Monitoring Officer advised that work had commenced on the review of the Council's Constitution in time for the revised Constitution to be placed before the Annual Meeting in May for approval.

It was considered that not all parts of the Constitution would need reviewing beyond housekeeping, however, parts of the Constitution which would require further consideration were:-

- Council Procedure Rules;
- Delegated Decisions and their publication;
- The financial level for Key Decisions;
- Scheme of Delegation to Officers;
- Petitions Schemes;
- Code of Conduct;
- Protocol on Member/Officer relations;
- Joint Employment Committee and Joint Appeals Committee.

Further, financial regulations would be considered separately by the Section 151 Officer but would still be submitted as part of the review of the Constitution through Standards Committee to recommend on to Council.

The timetable and reporting format was discussed and it was agreed for a Working Party to be established involving all the Members of the Standards Committee to look at each area of the review.

RESOLVED – That:-

- (1) A Working Party be established to consider the revisions to the Constitution and report back to the Standards Committee.
- (2) The Working Party should comprise all the Members of the Standards Committee.
- (3) The timetable set out within the report be approved and that a series of meetings be scheduled to meet the timetable.
- (4) It be noted that the Financial Regulations were being reviewed and would be reported separately.

(Assistant Director of Governance and Solicitor
To the Council & Monitoring Officer)

451 Complaints Update

The Committee considered an update on complaints from the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer. It was noted that two complaints had been received, however, neither had been pursued any further after consideration by an Independent Person. It was noted that the Committee would receive a full report at the end of the municipal year.

RESOLVED – That the update on complaints be noted.

(Assistant Director of Governance and Solicitor
to the Council & Monitoring Officer)

452 Gifts and Hospitality Annual Report 2016

The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer, which advised of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to Members and Officers of the District Council during the period January to December 2016.

An update was requested for Members on registering Gifts and Hospitality by email just prior to Christmas.

RESOLVED – That the content of the Annual Report for the period January to December 2016 in respect of offers of gifts and hospitality made to members and Officers be noted.

(Assistant Director of Governance and Solicitor
to the Council & Monitoring Officer)

453 Work Programme 2016/17

The Committee considered a report of the Assistant Director of Governance and Solicitor to the Council & Monitoring Officer, which advised the Committee of its Work Programme for 2016/2017.

Members were advised of the background to the Work Programme and the fact that this was a live and changing document.

RESOLVED – That the 2016/17 Work Programme, attached as an appendix to the report, be noted.

(Governance Officer)

454 Urgent Business

Members were advised that there was no urgent business to be discussed in the public session at this meeting of the Standards Committee.
