

At an extraordinary Meeting of the **WEST DEVON BOROUGH COUNCIL** held in the **COUNCIL CHAMBER, KILWORTHY PARK, TAVISTOCK** on **TUESDAY** the **26TH** day of **JUNE 2012** at **4.00pm** pursuant to Notice given and Summons duly served.

Present

Mr C R Musgrave – Mayor
Mr W G Cann OBE – Deputy Mayor

Mrs S C Bailey
Mr M J R Benson
Mr L J G Hockridge
Mr A F Leech
Mr N Morgan
Mr R J Oxborough
Mrs L B Rose
Mrs D K A Sellis

Mr K Ball
Mr T J Hill
Mr D W Horn
Mr J B Moody
Mr M E Morse
Mr T G Pearce
Mr R F D Sampson
Mr J Sheldon

Corporate Director (AR)
Member Services Manager
Deputy Monitoring Officer

CM 29 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mr R E Baldwin, Mrs K A Clish-Green, Mr D W Cloke, Mrs M V L Ewings, Mrs C Hall, Mrs C M Marsh, Mr J R McInnes, Miss D E Moyse, Mr P Ridgers, Mr P R Sanders, Mr E H Sherrell, Mr D Whitcomb and Mr D M Wilde.

CM 30 DECLARATIONS OF INTEREST

There were no declarations of interest made to the meeting.

CM 31 COMMUNICATIONS FROM THE MAYOR

The Mayor had no communications to bring forward.

CM 32 ADOPTION OF NEW LOCAL CODE OF MEMBERS' CONDUCT AND LOCAL ARRANGEMENTS UNDER THE CODE

The Deputy Monitoring Officer (DMO) introduced the report, and advised Members that, as the expected transitional arrangements had not been forthcoming, it was necessary to meet today to put measures in place in relation to Standards matters and a Code of Conduct.

Decisions taken today would not be set in stone, and it would be possible to review options at a later date. There were a few new requirements, and for clarification, any mention of the Devon code related to the draft Code that had been compiled by the Standards Committees across Devon.

The DMO then circulated a sheet that listed each of the recommendations relating to the report (some of which had been amended). It was agreed that each recommendation be taken in turn and the DMO gave a brief introduction of each one for the purposes of clarity.

The first recommendation was proposed by Councillor R F D Sampson and seconded by Councillor A F Leech as follows:

1.
 - i) To appoint a new Standards Committee:
 - a) A membership of 9 members to be politically balanced;
 - b) Functions to include: the new standards responsibilities under the Localism Act (to include the new Code, Register of Interest, training, advice, standards complaints, investigations, considering reports, hearings, sanctions and dispensation);
 - c) Sub-Committees of three Members to deal with specific standards cases;
 - d) At the Council meeting on 31 July 2012 to appoint to the new Standards Committee:
 - Chairman and Vice Chairman;
 - Members (to be politically balanced); and
 - Invite the two current parish/town council representatives as non-voting members to be co-opted to attend when dealing with parish standards matters (or alternatively to invite Parish Councils to nominate up to 2 parish councillors to those roles).
 - ii) That the remaining functions of the existing Standards Committee are reassigned as follows:
 - a) The Audit Committee to have an overview of the Constitution; and
 - b) The Overview and Scrutiny Committee to have an overview of Corporate Complaints and Ombudsman Complaints.

During debate, the consensus amongst Members was that it would be important to deal with issues on a local basis. A Member did urge caution in that there were difficulties in having to judge fellow councillors, and the DMO did remind Members that decisions today would not preclude a joint committee at a later date. When put to the vote the motion was **CARRIED**.

The second recommendation was proposed by Councillor R F D Sampson and seconded by Cllr Leech as follows.

2. That the Council adopts the Devon Code at Appendix A of the presented report and agrees the following:

- a) That the following current General Principles be included in the new Code (as set out in paragraph 1.2 of the draft Devon Code on page 11 of the presented agenda report):
- Selflessness
 - Honesty and Integrity
 - Objectivity
 - Accountability
 - Openness
 - Personal Judgement
 - Respect for others
 - Duty to uphold the law
 - Stewardship
 - Leadership
- b) That the Council includes the mandatory provisions on Disclosable Pecuniary Interests in the Code and in a Register of Interests and members register those interests with the Monitoring Officer within 28 days of the adoption of the Code
- c) That the Code of Conduct includes 'other personal interests' (as set out in paragraph 7.2 of the draft Devon Code at Appendix A of the presented agenda report) i.e.
- Membership of other bodies as specific in paragraph 7.2 (a)
 - Any other body which the Member might view as creating a conflict of interest as specific in paragraph 7.2 (b)
- d) That paragraphs 1, 4 and 5 (General provisions and General Obligations) of the draft Devon Code are included in the new Code
- e) That the definitions in paragraph 2 and the provisions of paragraph 3 of the draft Devon Code be included in the new Code

A number of Members raised concerns relating to the requirements for spouse/partner interests to also be registered. It was agreed that an additional recommendation be added which sought to lobby Government on this aspect.

Members were concerned that their interests would be published on the website, and once the information was released there would be little control over what happened to it. In addition, security concerns were highlighted. Members were also concerned about how the message would be circulated to Town and Parish Councils. In response, the DMO advised that once the decision had been made today, then guidance would be published.

When put to the vote the motion was **CARRIED**.

The third recommendation was proposed by Councillor R F D Sampson and seconded by Councillor T G Pearce.

3. That the Council adopts paragraphs 6, 7 and 8 (Interests) of the draft Code at Appendix A to the presented agenda report including:

- Members with a Disclosable Pecuniary Interest in an agenda item should declare a DPI and leave the room while the item is considered;
- Members with other 'personal' interests should declare the interest but can remain and participate.

There was no discussion on this item and the motion was **CARRIED**.

The fourth recommendation was proposed by Cllr R F D Sampson and seconded by Councillor T G Pearce.

4. That Dispensation reason 1 is delegated to the Monitoring officer and reasons 2 – 4 are delegated to the body appointed to deal with Standards

There was no discussion on this item and the motion was **CARRIED**.

The fifth recommendation was amended to take account of the matter of payment, and then proposed by Cllr Sampson and seconded by Cllr A F Leech as follows:

5. Appointment of Independent Persons – That

- a) Under the transitional arrangements the current independent/lay Chairman of the Standards Committee ceases to be a member of that committee as at 30 June 2012
- b) The current independent Chairman of the Standards Committee be appointed as the Council's Independent Person under the Localism Act from 1 July 2012 to July 2013
- c) The Monitoring Officer takes steps to advertise for and appoint a further Independent Person
- d) The Monitoring Officer explores further the possibility of Devon wide Panel of Independent Persons or using the Independent Persons appointed by South Hams and Teignbridge
- e) The Independent Person appointed under b) above should receive payment as presently made to the Independent Chair of the Standards Committee, pending further consideration of the scale of remuneration.

The amended motion was **CARRIED**.

The sixth recommendation was proposed by Councillor R F D Sampson and seconded by Councillor T G Pearce as follows:

6. Local arrangements for dealing with complaints - That:

- a) The Council adopts the overarching framework set out in the flowchart in Appendix C of the presented agenda report
- b) The Monitoring Officer be given delegated authority to draft and implement appropriate detailed procedures for dealing with complaints in accordance with the flowchart in Appendix C of the presented agenda report

There was no discussion on this item and the motion was **CARRIED**.

The seventh recommendation was proposed by Councillor R F D Sampson and seconded by Councillor J Sheldon as follows:

7. That the sanctions set out in column 1 of Appendix B are adopted for the time being as potential sanctions for any breach of the Code, and that a review of those sanctions is undertaken by the new governance committee within six months.

During discussion, the DMO made it clear that no sanctions could be imposed that would prevent councillors from performing their duties. In response to a question relating to sanctions on malicious councillors, the DMO advised that perhaps the new Standards Committee may like to look at this subject and see if there was a way to deal with vexatious complainants. Finally, a number of Members commented on the less than impressive list of sanctions.

Following this debate the motion was **CARRIED**.

The eighth recommendation was proposed by Councillor R F D Sampson and seconded by Councillor K Ball as follows:

8. That the Monitoring Officer makes the appropriate amendments to the relevant parts of the Constitution.

It was confirmed that these amendments would form part of the report to Council on 31 July 2012. The motion was then **CARRIED**.

In line with discussions under Recommendation 2, an additional recommendation was proposed by Councillor R F D Sampson and seconded by Councillor K Ball as follows:

In adopting Recommendation 2 above, this Council records great concern that publication of councillors' and spousal interests gives rise to serious security risks and the Deputy Monitoring Officer is directed to make representation to Her Majesty's Government accordingly.

This motion was then declared **CARRIED**.

(The Meeting terminated at 5.45 pm)

Dated this 31st day of July 2012

Mayor