

AGENDA - STANDARDS COMMITTEE - 12th JUNE 2012

PART ONE - OPEN COMMITTEE

1. **Apologies for Absence**
2. **Declarations of Interest**
Members are reminded to declare any personal or prejudicial interests they may have in any item on this agenda.
3. **Items Requiring Urgent Attention**
To consider items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

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4. Confirmation of Minutes Meeting held on 24 th January 2011 (previously circulated)	
5. New Code of Conduct and Related Arrangements Report of the Monitoring Officer	7
6. Annual Monitoring Report of the Standards Committee 2011/2012 Report of the Deputy Monitoring Officer	28
7. Monitoring Officer Annual Report 2011-2012 Report of the Deputy Monitoring Officer	36
8. Ombudsman's Annual Letter 2011-2012 Report of the Deputy Monitoring Officer	43
9. South Tawton Parish Council – Applications for Dispensations Report of the Deputy Monitoring Officer	53
10. Appointment to Assessment and Review Sub-Committees Verbal report of the Deputy Monitoring Officer	

PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any)

If any, the Committee is recommended to pass the following resolution:-

“**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting on the grounds that exempt information may be disclosed as defined in Part I of Schedule 12(A) to the Act”.

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West Devon Borough Council Members' Code of Conduct

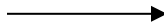
Declarations of interest

If you are in any doubt about what to do, please seek advice

Do you have an interest in any item?



Is it a **Personal** interest?



A **Personal** interest is one that:

- you should include on your Register of Interests or
- where well-being or financial position of you, members of your family or someone with whom you have a close association is likely to be affected by the interest more that it affects:
- majority of inhabitants of the ward or electoral division affected by the decision, or
- inhabitants of the Council's area

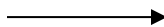
If you have a **Personal** interest you must **declare** it (and **the nature of the Interest**) at the meeting before the matter is discussed or as soon as you become aware of it, unless an exemption applies (see over page).



If you have a **Personal** interest you may still take part in the meeting and vote **unless** the interest is also **Prejudicial**. A **Prejudicial** interest is a matter for you to decide.



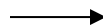
Do you have **Prejudicial** interest?



Your personal interest will also be **prejudicial** if all these conditions are met:

- Matter is not **exempt** (see over page)
- Matter affects your financial interests or relates to a **licensing or regulatory** matter, and
- a member of the public, who knows the relevant facts, would **reasonably think that your personal interest is so significant** that it is likely to prejudice your judgement of the public interest.

If you have a **Prejudicial** interest you must **declare** it (and **the nature** of the interest) as soon as it becomes apparent to you, and **withdraw** from the room where the meeting is being held (unless you are allowed to make representations – see over page).



West Devon Borough Council Members' Code of Conduct (see part 5 of the Constitution)

Personal Interests - You will have a **personal interest** in a matter if:

- anything that you should have mentioned in your Register and/or
- the well-being or financial position of you, members of your family, or people with whom you have a close association

is likely to be affected by the business of the Council more than it would affect the **majority of the inhabitants** of the ward or electoral division affected by the decision, or the inhabitants of the Council's area.

Exemption - An exemption applies where your **personal interest** arises solely from your membership (or position of control/management) on any body to which you were appointed/nominated by the Council or any other body exercising functions of a public nature. In such cases (unless you have a prejudicial interest) you only need to declare your interest if and when you speak on a matter.

Personal Interests include:

- Your membership/position of control/management in bodies to which the Council appointed/nominated you, or any bodies exercising functions of a public nature, directed to charitable purposes or whose principal purposes include influence of public opinion or policy, including any political party or trade union;
- Your job(s) or business(es), and the name of your employer;
- Name of any person who has made a payment towards your election expenses or expenses you have incurred in carrying out your duties;
- The name of any person, company/other body which has a place of business/land in the Council's area and in which you have a shares of more than £25,000/stake of more than 1/100th of the share capital of the company;
- Any contracts with the Council between you, your firm or a company (of which you a paid director) for goods, services or works.
- Any gift/hospitality estimated to > £25 and the name of the person who gave it to you;
- Any land/property in the Council's area in which you have a beneficial interest (or a licence to occupy) including the land and house you live in, any allotments you own or use.

Definitions

- "**Well-being**" - condition of happiness and contentedness. Anything that could affect your quality of life, either positively or negatively, is likely to affect your well-being.
- "**Member of your family**" means a partner (i.e. your spouse/civil partner/someone you live within a similar capacity), parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner, brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece, or the partners of any of these persons.
- Person with whom you have a "**close association**" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour/ disadvantage when discussing a matter which affects them. It may be a friend, a colleague, a business associate or someone you know through general social contacts.

Prejudicial Interests - your personal interest will also be **prejudicial** if you meet conditions set out overleaf.

Exempt categories - you will **not have a Prejudicial** interest in a matter if it relates to:

(a) any **tenancy/lease** you hold with the Council (unless relating to your particular tenancy/lease); (b) **Schools** (meals/transport/travelling expenses): if parent/guardian of child in full time education or parent governor (unless relating to the school your child attends); (c) if you are receiving/entitled to **statutory sick pay**; (d) An **allowance/payment/indemnity** for members; (e) ceremonial honour given to members and (f) setting the council tax or precept.

Making representations - if you have a **Prejudicial** interest, you must declare that you have an interest and the nature of that interest as soon as the interest becomes apparent. You should leave the room unless members of the public are allowed to make representations, give evidence, or answer questions about the matter. If that is the case, then you can also attend the meeting for that purpose. However you must leave the room immediately you have finished and you cannot take part in the debate or vote.

Sensitive information

You may be exempt from having to declare sensitive information on your Register of interests in which case, although you must declare that you have an interest, you don't have to give any details about that interest on the register or to the meeting (please speak to the Monitoring Officer about this first).

Revised May 2007

Standards Committee

Composition

- (a) **Membership.** The Standards Committee will comprise up to :
- three Borough Councillors
 - two independent/lay members i.e. persons who are not Councillors or officers of the Council or any other body having a Standards Committee
 - two parish members being members of a parish/town council in the Borough
- (b) **Independent/lay members** will be entitled to vote at meetings.
- (c) **Parish members** will be entitled to vote at meetings.
- (d) **Length of office:** the independent/lay and parish members will be appointed for the same length of office as the Borough Councillors.
- (e) **Chairman and Vice Chairman:** The Chairman and Vice Chairman of the Committee will be elected by the Council and will be the independent/lay members.
- (f) The Committee will meet at least four times a year, and additionally as and when required.

Quorum of the Standards Committee

A meeting of the Standards Committee will not be quorate unless at least three members of the Committee are present for its duration, and

- (a) at least one independent/lay member is present for its duration; and
- (b) at least one Borough Member is present for its duration, and
- (c) at least one parish/town council representative is present for the duration of a matter where it relates to a parish/town council matter.

Roles and functions

1. To promote and maintain high standards of conduct by Councillors and co-opted Members;
2. To assist Councillors and co-opted Members to observe the Members' Code of Conduct;
3. To advise the Council on the adoption or revision of the Members' Code of Conduct;

4. To advise the Council generally on matters relating to the ethical conduct of the Council and its Members;
5. To monitor the operation of the Members' Code of Conduct;
6. To advise, train or arrange to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
7. To grant dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
8. To assess and review complaints alleging members' breach of the Code of Conduct;
9. To receive Investigation Reports and carry out Determination Hearings in respect of allegations of misconduct;
10. To grant exemptions for politically restricted posts;
11. To exercise 1 to 10 above in relation to the parish/town councils within the West Devon Borough and the members of those parish/town councils;
12. Overview of complaints handling and Ombudsman investigations;
13. Review of the Constitution of the Council.
14. Monitoring of member development and training against the development plan and reporting annually on the plan to the full Council.

Sub-committees of the Standards Committee

- **Membership:**
 - a minimum of three members to include at least one independent/lay Member, one borough member and one parish/town council representative if the matter relates to a parish or town council
 - in relation to a Hearing Sub-committee, all members of the Standards Committee are entitled to attend
- **Quorum:** three members for the duration of the meeting
- **Chairman:** one of the independent/lay members
- Members of an Assessment sub-committee cannot be members of a Review sub-committee when it considers a complaint on which an Assessment sub-committee decided to take no action.

Role and function of the sub-committees

- To grant dispensations to parish/town councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- To assess (Assessment Sub-committee) and review (Review Sub-committee) complaints alleging members' breach of the Code of Conduct;
- To receive reports and carry out Determination Hearings in respect of allegations of misconduct (Hearing Sub-committee);

Budget

To have authority for spending within the allocated budget.

Annual Review

The Standards Committee shall report annually to Council on its performance and achievements.