

At a Meeting of the **STANDARDS COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the **11<sup>th</sup>** day of **FEBRUARY 2014** at **2.00 pm**.

**Present:**

	Cllr J McInnes – Chairman
	Cllr D M Horn – Vice-Chairman
Cllr A Clish-Green	Cllr A F Leech
Cllr J B Moody	Cllr P J Ridgers

Chief Executive  
Monitoring Officer  
Committee & Ombudsman Link Officer

**In attendance:** Mr G Barnicott – Independent Person  
Mr M Gleed – Independent Person  
Mrs V Spence – Independent Person

**SC 4 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors S C Bailey, R E Baldwin and M V L Ewings.

**\*SC 5 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 16<sup>th</sup> July 2013, were confirmed and signed by the Chairman as a correct record.

**\*SC 6 STANDARDS COMPLAINTS UPDATE AND THE ROLE OF THE INDEPENDENT PERSONS**

The Monitoring Officer presented a report (page 5 to the Agenda) updating the Committee on the number of complaints received since the introduction of the new Standards Regime in July 2012 and on the work and role of the Council's Independent Persons. A table presented with the report as Appendix A (page 10 to the Agenda) showed that four complaints had been received and referred to the Independent Persons for a view. Three of the complaints required no further action whilst the fourth had been referred to a full investigation resulting in a formal hearing before the Standards Committee.

The role of the Independent Persons under the new process is to express a view as to whether any action should be considered in relation to a formal standards complaint being received. The options available are no further action; informal resolution; referral for investigation; and referral to the Standards Committee (who have the same options available). The Council's Monitoring Officer and the Independent Persons consider complaints independently and then discuss the most appropriate way forward. The person complained of is kept informed throughout and it is only the facts of the complaint which are considered.

It was **RESOLVED** that the report be noted and that the Monitoring Officer be requested to provide the Committee on a 6 to 9 monthly basis with statistical information in table format of complaints received, the action being taken and the resulting outcomes.

## SC 7

### REVIEW OF THE CODE OF CONDUCT

The Monitoring Officer presented a report (page 11 to the Agenda) on a review of the Council's Code of Conduct. The West Devon Members' Code of Conduct was adopted in June 2012 and Members were asked to review the Code in the light of experience.

There had been no major issues with the Code of Conduct since its adoption in June 2012, however, on the basis of feedback from Members and from the Monitoring Officer's perspective for clarity, a number of amendments were being proposed. These were highlighted in Appendix A presented with the report (page 15 to the Agenda) and were:

1. in "Definitions" (paragraph 2) the following clarifications were proposed:
  - (i) **'close associate'** includes someone you are in either regular or irregular contact with over a period of time who is more than just an acquaintance and who is someone a reasonable member of the public might think you would be prepared to favour or disadvantage;
  - (ii) **'family'** includes your parents; parent-in-law; son/daughter; brother/sister; son/daughter-in-law; stepson and stepdaughter; grandparent; grandchild; nephew/niece; uncle/aunt; or any of the above of a partner; any partners of these people.
2. in "Personal or other interests":
  - (i) 7.2 (c) the name and address of any person or body from whom you have received a gift or hospitality with an estimated value of at least £25.00
  - (ii) 7.3 Where a matter arises at a Meeting which affects the wellbeing or financial interest or position of you, any relevant person, member of your family or close associate (other than a Disclosable Pecuniary Interest) more than it would affect the majority of people living within the ward or electoral division affected by the matter.
3. in "Declaration of Interests etc":
  - (i) 8.1 (d) where you have an interest under **Paragraph 7.3** you shall not take part in the discussion or vote on that matter save that you may speak on the matter before withdrawing from the Meeting room if members of the public are also allowed to speak at the Meeting.

It was **RESOLVED** to **RECOMMEND** to Council that the West Devon Members' Code of Conduct be amended as shown highlighted in Appendix A to the report.

**\*SC 8**

**REVIEW OF THE CODE OF CONDUCT COMPLAINTS PROCEDURE**

The Monitoring Officer presented a report (page 23 to the Agenda) on a review of the Code of Conduct Complaints Procedure in the light of experience since its introduction in June 2012. Two appendices were presented with the report: Appendix A – Dealing with Standards Complaints, and Appendix B – Hearing Procedure. (Both appendices carried their own pagination).

It was being proposed that the following changes be made:

1. To Appendix A – 'Dealing with complaints'
  - (i) to combine Stages 1 and 2 of the Monitoring Officer assessment of the complaint; and,
  - (ii) to consider a further option at Stage 1 of 'other actions' such as referring the matter back to the Parish or Town Council for local resolution, recommending training or referral to Political Group Leaders.
  
2. To Appendix B – 'Hearing Procedure'
  - (i) to streamline Stages 1 and 2 of the Hearing with regards to the findings of facts and evidence so that both are dealt with together to enable a more simplified process; and,
  - (ii) to amend the pre-hearing process to accord with the above.

By invitation, the Chief Executive reported on an investigation that he had carried under Stage Two of the Council's Complaints Procedure relating to a Standards Hearing conducted during the Autumn 2013. Two suggestions relating to procedure had arisen from the Chief Executive's extensive review of the complaints in addition to the two proposals above. Firstly that whilst the Standards Hearing was a legal process, was it possible for a complaint to be discussed by the parties concerned with a view to resolution before embarking on a hearing? Secondly, the protracted Hearing process was time consuming and cumbersome and this would benefit from streamlining providing the revised process retained its integrity. A possible option would be to hold a "paper hearing" where there would be no Committee involvement except where sanctions may be applied.

It was **RESOLVED** that the revised scheme, taking account of the comments of the Chief Executive, be delegated to the Monitoring Officer in consultation with the Chairman and Vice-Chairman and then circulated to Members of the Standards Committee for comment.

(The Meeting terminated at 3.00 pm.)