

TORRIDGE DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Committee Room , Riverbank House, Bideford

27th February 2009

PRESENT: Mr B Ormerod (Chairman)
Mrs S Wragge-Morley, (Vice Chairman - Independent Representative)
Mr R Clark and Mrs G Millman (Parish Representatives)
Mr R De Crausaz, Venerable M Edson and Mr S Morgan (Independent Representatives)
Councillors Mrs M Brown, G E Lee, Mrs R A Lock and P W Pennington
(Torrige District Councillors)

ALSO PRESENT: Mr K Miles (Monitoring Officer and Adviser to the Committee and Solicitor)
Mr K S Hickman (Clerk to the Committee)

52. APOLOGIES

Apologies for absence from the meeting were received from Councillor S Robinson and Myc Riggulsford.

The Chairman reported that Mr C Yipp (Parish Representative) had resigned from the Committee because of personal circumstances. It was noted that the Chairman, on behalf of the Committee, had e mailed Mr Yipp thanking for his help and service.

The Monitoring Officer and Solicitor confirmed that the Independent vacancy had recently been advertised, and that some responses had been received. It was noted that these responses would be examined by the Chairman and Monitoring Officer with a view to drawing up a short list, conducting interviews and making an appointment.

The Monitoring Officer and Solicitor also confirmed that he would be writing to all Parish Councils asking if anyone was interested in becoming a Parish Council Representative on the Committee.

53. MINUTES

The minutes of the meeting held on the 16th January 2009 circulated with the Council Agenda, were confirmed as a true record and signed.

(Vote: Unanimous)

(a) Consultation Response on Code of Conduct Amendments

In reply to a question it was confirmed that the Consultation Response on Code of Conduct Amendments had been circulated at the last meeting. Since Councillor Lee had not been present at that meeting it was agreed that the Monitoring Officer and Solicitor should provide him with a copy. It was noted that no further correspondence had been received as a result of the response.

The Committee also noted that the inclusion of Parish Council Clerks within the Code of Conduct had not formed part of the submitted response.

54. SUB COMMITTEE MINUTES

The Minutes of the Sub-Committee Meetings held on the 24th October, 5th December 2008 and 16th January 2009 were presented.

The Committee discussed whether it was appropriate for the Sub Committee Minutes to be posted to Members, in view of their confidential nature. It was suggested that they could be tabled on the day of the Standards Committee Meeting. It was also recognised that the Sub Committee Minutes for the meeting held on the 24th October 2008 were more detailed than those usually supplied, which Members of the Committee felt was useful. The Monitoring Officer and Solicitor confirmed that Minutes were not meant to be a verbatim record of a meeting, and that the Minutes should in general say much the same as the decision sheet. The Chairman advised that further consideration would be given to this matter under Agenda Item 7 (Review of Local Assessment Arrangements).

Councillor Mrs Lock referred to Complaint No. TDC0001, which had been heard on the 13th June 2008 (Minute No. 4 of Meeting dated 24th October 2008 refers). In view of the fact that no decision had yet been received it was agreed that the Monitoring Officer and Solicitor should seek information as to the current status of this case.

The Monitoring Officer and Solicitor responded to a question raised in respect of the Minutes of the Sub-Committee held on the 5th December 2008 relating to declarations of interest.

Thereafter the Minutes of the Sub-Committee Meeting held on the 24th October, 5th December 2008 and 16th January 2009 were confirmed as a correct record and signed.

(Vote: Unanimous)

55. DECLARATIONS OF INTEREST

No Member declared an interest in accordance with the Members Code of Conduct in any item on the agenda.

56. URGENT MATTERS

There were no urgent matters brought forward.

57. REVIEW OF LOCAL ASSESSMENT ARRANGEMENTS

The Chairman advised that he proposed to take this matter in conjunction with Agenda Item 9 (Summary of Complaints).

58. EXCLUSION OF THE PUBLIC

Resolved: That the public be excluded from the remainder of the meeting because of the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act 1972.

(Vote: Unanimous)

59. SUMMARY OF COMPLAINTS/REVIEW OF LOCAL ASSESSMENT ARRANGEMENTS

The Chairman advised that he hoped that at the end of the discussions relating to a review of the Local Assessment Arrangements the Committee would have achieved a summary/crib sheet for future use. This in turn would mean that all three Sub-Committees were working in a like manner.

The Committee discussed the position if it was stated that evidence existed, but it was not presented for consideration by a Sub-Committee. It was agreed that any decision had to be based on evidence available to the meeting, and that the onus was on the complainant to provide this.

A Member referred to previous decisions when the possibility of conciliation had been put forward. It was suggested that in cases of this nature it could be said that the Sub-Committee were assuming guilt, and it should be recognised that the Standards Committee was not a conciliatory service.

A Member suggested that there should be a review of the instructions for those wishing to make a complaint, with a view to strengthening this information, particularly with regard to evidence forming the basis of the complaint. In response it was suggested that the complaint form was quite clear, but nevertheless the Monitoring Officer and Solicitor was asked to examine this form with a view to improving the instructions relating to evidence as discussed by the Committee. It was further suggested that the document should be amended to make it clear that the Sub-Committee were not able to make a decision on the complaint, but were merely acting as a filter and reviewing evidence.

The Committee discussed at this stage the provisions of the Freedom of Information Act in relation to the rights of the complainant and the person about whom the complaint was being made. In response to a question as to why it was necessary to consider items in Part II, the Monitoring Officer and Solicitor explained the legislation relating to both the Freedom of Information Act and the Data Protection Act.

The Chairman then referred to the Minutes taken at Sub-Committee meetings, and advised that he rather the Minutes were written in the third person. It was noted that Chairmen were provided with a draft set of Minutes to enable them to make any appropriate amendments as they saw fit. The Monitoring Officer and Solicitor suggested that the decision sheet was the document upon which a challenge might be made, and that the reasons as to why the decisions were made would not be under scrutiny.

It was agreed that the Minutes provided for Sub-Committee Meetings were adequate, recognising that the decision sheet was the relevant document should there be a challenge. Reference was also made to the fact that the Standards Committee met and had regular training sessions.

It was suggested that consideration could be given to the introduction of two documents, being the usual minutes and contemporaneous notes, with the case notes having names removed for training purposes. The Monitoring Officer and Solicitor explained why verbatim Minutes would not always be helpful, and it was agreed that having two sets of Minutes was impractical and too onerous on the minute taker.

The Chairman then reported on the quarterly statistics report received from the Standards Board for England, from which it was not really possible to draw many conclusions. The Monitoring Officer and Solicitor was asked to compare figures within the statistics with North Devon Council and report back in due course to this Committee.

The Committee were then asked to review the complaints received and the conclusions drawn by the Sub-Committees, and a summary was circulated to the meeting. The Chairmen of the various Sub-Committees also gave a résumé of the cases, and answered questions put forward. In response to a particular question raised by a Member, the Monitoring Officer and Solicitor confirmed that training was being considered for Town Councils.

The Chairman advised the Committee with regard to list of the various stages which filter panel might go through, which had been prepared by one of the Chairmen of the Sub-Committees.

The Monitoring Officer and Solicitor asked the Committee if they were content with the deliberation sheet. In general the Sub-Committee were happy with the current procedures.

A Member expressed concern that occasionally legal issues were raised in Sub-Committee Meetings, and was advised that this was a matter for the Chairman of the Standards Committee and the Monitoring Officer and Solicitor to deal with.

The Committee also discussed how much information should be fed back to the complainant.

The Chairman then turned to the Sub-Committee Minutes, and asked if it was felt that these should continue to be despatched with Agendas. The Committee agreed that this practice should continue.

A Member asked about the status or value of personal notes, and it was suggested that it might be possible to utilise these notes for training purposes if a particular issue was highlighted.

60. DATE OF NEXT MEETING

Thursday, 9th April, 2009 10.00am, Committee Room, Riverbank House, Bideford

The meeting commenced at 10.00am and ended at 11.40 pm.

Date_Chairman