



Minutes of the Standards Committee

9 June 2011

-: Present :-

Councillors Doggett, Addis and McPhail

Independent Members: Messers Bastow, Branch, Dalzell and Hutchinson

Brixham Town Councillor Henderson

(Also in attendance: Councillors Davies)

60. Election of Chairman/woman

Mr Heath was elected as Chairman for the 2011/2012 Municipal Year, in his absence.

61. Appointment of Vice-Chairman

Mr Dalzell was elected as Vice-Chairman for the 2011/2012 Municipal Year.

62. Apologies

Apologies for absence were received from Councillor Stocks and Independent Member Mr Heath.

63. Minutes

The Minutes of the meeting of the Standards Committee held on 24 November 2010 were confirmed as a correct record and signed by the Chairman.

64. Terms of Reference of Standards Committee and Appointment of Standards Sub-Committees

Members received and noted the terms of reference for the Standards Committee, as detailed in the Report.

Resolved:

- 1) that a Referrals Sub-Committee be established with the membership and Terms of Reference set out in the Report;
- 2) that a Review Sub-Committee be established with the membership and Terms of Reference set out in the Report;

- 3) that a Hearings Sub-Committee be established with the membership and Terms of Reference set out in the Report;
- 4) that a Standards Appointments Sub-Committee be established with the membership and Terms of Reference set out in the Report.

65. Finding Against The Council of Maladministration Causing Injustice in Relation to Bankruptcy Proceedings in Response to Council Tax Debt

Members received a report from the Ombudsman detailing the finding of maladministration causing injustice against the Council, in that bankruptcy proceedings were taken against the complainant in response to a Council Tax debt without having proper regard to the personal circumstance of the complainant, in particular his mental health.

Members discussed the findings, highlighting the areas of communication, documentation and accountability as areas of concern, and suggested that a policy document for collection of Council assets should be developed.

The Committee agreed with the conclusions in the report.

66. Devon Wide Code

Members discussed the abolition of the standards regime and the proposal to develop a 'Devon wide' voluntary code in its place. The Committee agreed that if it was decided to adopt a 'Devon wide' code then Independent Members must be included to ensure impartiality of process but they also expressed concern at the lack of legislative enforcement behind any new code.

Members also discussed the Group Rules that they must abide by, and whether these would be enough going forward, however, it was felt that a decision could not be made on this until the Groups had discussed it and seen more information on the possible structure of a unified code.

The Elected Members agreed to bring the options to the attention of their Groups for discussion and feedback to the next Standards Committee.

67. Standards Committee Work Programme

The Committee reviewed the proposed work programme for the coming municipal year as set out in Appendix 1 to the Report.

Resolved:

- 1) that, due to the imminent changes to the standards regime, it would retain the programme from the previous year
- 2) to set up a Sub-Committee to review the work programme should there be any necessary changes to make. The membership of the Sub-Committee

would be Councillor Doggett and Independent Members Mr Dalzell and Mr Branch.

68. Statistics

The Committee reviewed the basic statistics regarding the number of complaints received in the 2010/11 Municipal Year and the results, as set out in the Report. It was noted that the one complaint that had been delayed due to the election had now been dealt with, and the Committee was pleased to see that the number of complaints deemed to require no further action had risen from three to six.

The Committee noted the Report.

69. Observation Reports

The Committee considered the Observation Reports produced by the Independent Members with their observations of different committee meetings. It was hoped that these reports were constructive, and Elected Members agreed that they had been helpful, particularly for those in the Chair.

The Committee noted the Report.

Chairman/woman