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North Devon Council
Brynsworthy Environment Centre
Barnstaple
North Devon EX31 3NP

M. Mansell, BSc (Hons),
F.C.P.F.A.
Chief Executive.

ETHICS COMMITTEE

A meeting of the Ethics Committee will be held in the Barum Room - Brynsworthy Environment Centre on **WEDNESDAY, 23RD JANUARY, 2019 at 6.00 pm.**

(NOTE: A location plan for the Brynsworthy Environment Centre is attached to the agenda front pages. There are limited car parking spaces in the Visitors parking area. If no spaces are available, please find an alternative space. Please ensure that you enter your name and car registration details in the book in front of the entrance door)

Members of the Ethics Committee Councillor White (Chairman)

Councillors Croft, Davis, Meadlarkin, Moore and Wilkinson

AGENDA

1. Apologies for absence.
2. To approve as a correct record the minutes of the meeting held on 17th October 2018 (Pages 1 - 4)
3. Items brought forward which in the opinion of the Chairman should be considered as a matter of urgency
4. Declarations of Interests
Please complete the form provided at the meeting or telephone Corporate and Community Services to prepare a form for your signature before the meeting. Interests must be re-declared when the item is called, and Councillors must leave the room if necessary.)
5. To agree the agenda between Part 'A' and Part 'B' (Confidential Restricted Information).

PART A

6. **Community Governance Review** (Pages 5 - 12)
Report by Head of Corporate and Community (attached).

PART B (CONFIDENTIAL RESTRICTED INFORMATION)

Nil.

**If you have any enquiries about this agenda, please contact Corporate and
Community Services, telephone 01271 388253**

15.01.19



North Devon Council protocol on recording/filming at Council meetings

The Council is committed to openness and transparency in its decision-making. Recording is permitted at Council meetings that are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will make sure any request not to be recorded is respected.

The rules that the Council will apply are:

1. The recording must be overt (clearly visible to anyone at the meeting) and must not disrupt proceedings. The Council will put signs up at any meeting where we know recording is taking place.
2. The Chairman of the meeting has absolute discretion to stop or suspend recording if, in their opinion, continuing to do so would prejudice proceedings at the meeting or if the person recording is in breach of these rules.
3. We will ask for recording to stop if the meeting goes into 'part B' where the public is excluded for confidentiality reasons. In such a case, the person filming should leave the room ensuring all recording equipment is switched off.
4. Any member of the public has the right not to be recorded. We ensure that agendas for, and signage at, Council meetings make it clear that recording can take place – anyone not wishing to be recorded must advise the Chairman at the earliest opportunity.
5. The recording should not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or in a way that ridicules or shows a lack of respect for those in the recording. The Council would expect any recording in breach of these rules to be removed from public view.

Notes for guidance:

Please contact either our Corporate and Community Services team or our Communications team in advance of the meeting you wish to record at so we can make all the necessary arrangements for you on the day.

For more information contact the Corporate and Community Services team on **01271 388253** or email **memberservices@northdevon.gov.uk** or the Communications Team on **01271 388278**, email **communications@northdevon.gov.uk**.

North Devon Council offices at Brynsworth, the full address is:
Brynsworth Environment Centre (BEC), Roundswell,
Barnstaple, Devon, EX31 3NP.

Sat Nav postcode is EX31 3NS.

At the Roundswell roundabout take the exit onto the B3232, after about ½ mile take the first right, BEC is about ½ a mile on the right.

Drive into the site, visitors parking is in front of the main building on the left hand side.

On arrival at the main entrance, please dial 8253 for Corporate and Community Services.



NORTH DEVON COUNCIL

Minutes of a meeting of the ETHICS COMMITTEE held at the Brynsworthy Environment Centre, Barnstaple on Wednesday 17th October 2018 at 6.00 p.m.

PRESENT: Members:

Councillor White (Chair)

Councillors Croft, Davis, Meadlarkin, Moore and Wilkinson.

Officers:

Head of Corporate and Community and Senior Corporate and Community Services Officer (BT).

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Manuel and Rob Jeanes

2 MINUTES

RESOLVED that the minutes of the meeting held on 3rd February 2016 (circulated previously) be approved as a correct record and signed by the Chairman.

3 ITEM BROUGHT FORWARD WHICH IN THE OPINION OF THE CHAIRMAN SHOULD BE CONSIDERED AS A MATTER OF URGENCY

(a) Former Parish Councillor Kenyon

The Head of Corporate and Community advised the Committee that Parish Councillor Kenyon who had been appointed to the Committee had resigned and was no longer a Parish Councillor. Therefore there were two Parish Council vacancies on the Committee. The Council's Constitution did not require a Parish Council Member representative to attend all meetings of the Committee. A Parish Councillor representative's attendance was only required for meetings whereby an investigation or complaint into a Parish Councillor was being considered. He recommended that no Parish Councillor Member be appointed to serve on the Committee until after the Parish Council elections to be held in May 2019 unless an appointment was required prior to the elections. In response to a question, he advised that he would seek advice as to whether a District Councillor who was also a Parish Councillor could also act as the Parish Councillor representative on the Committee.

RESOLVED that no Parish Councillor Member be appointed to serve on the Committee until after the Parish Council elections were held in May 2019 unless an appointment was required prior to the elections.

4 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

5 COMMUNITY GOVERNANCE REVIEW

The Committee considered a report by the Head of Corporate and Community (circulated previously) regarding the Community Governance Review.

The Head of Corporate and Community advised that following full Council on 25th July 2018, consultation had been undertaken on the proposed terms of reference for the Community Governance review. Only one response had been received from Arlington Parish Council which indicated that it wished to merge with Kentisbury and Trentishoe Parish and expressed their disappointment that this had not been included within the review. The next step was for the draft proposals to be drawn up and consulted upon. It was proposed that the consultation would commence on 25th October 2018 and end on 2nd January 2019. A note would be placed in a local newspaper and on social media. A letter would be sent to all households to advise of the proposals. Ward Members, Parish Councils and other recognised community bodies would also be consulted.

RESOLVED that consultation be undertaken on the proposals for the Community Governance Review as detailed in Appendix 2 of the report.

6 PROCEDURES FOR DEALING WITH COMPLAINTS

The Committee considered a report by the Head of Corporate and Community (circulated previously) regarding a revised procedure for dealing with complaints about Member behaviour.

The Head of Corporate and Community advised that under the Localism Act, District Councils must have in place arrangements under which complaints about Member conduct can be investigated and decisions made. The arrangements put in place was a matter for the discretion of the Council, although the general principles of acting reasonably and natural justice still applied. The Council had a procedure which was adopted in February 2013 in conjunction with Torridge District Council however this did not include a formal procedure for a hearing. The proposed procedure for a hearing was a simpler version than previous and applied the general principles to ensure that it was balanced between the Investigating Officer and Subject Member. For any future hearings, the Committee would receive training prior to the hearing taking place.

RESOLVED that the procedure for dealing with complaints about Member behaviour as set out in the Appendix be adopted subject to the views of the Independent Person being sought.

Agenda Item 2

Ethics Committee: 17th October 2018

Chairman

The meeting ended at 6.26 p.m.

NOTE: These minutes will be confirmed as a correct record at the next meeting of the Committee.

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REPORT TO: ETHICS COMMITTEE

Date: 23RD JANUARY 2019

TOPIC: Community Governance Review

REPORT BY: HEAD OF CORPORATE AND COMMUNITY

1 INTRODUCTION

- 1.1 Members will recall that Full Council approved the commencement of a Community Governance Review and also agreed to carry out a consultation on the draft Proposals as attached (Appendix 1).
- 1.2 The consultation has taken place and the purpose of this report is to set out the results and to seek a recommendation to proceed with the Review

2 RECOMMENDATIONS

- 2.1 That Committee note the consultation responses received.
- 2.2 That the Committee consider whether to proceed with the Review

3 REASONS FOR RECOMMENDATIONS

- 3.1 To allow members to consider the responses and to make a recommendation o full Council on the next course of action.

4 REPORT

- 4.1 Following Ethics Committee on the 17th October, consultation was undertaken on the draft Proposals approved by members. The consultation involved public notice in the press, correspondence with affected Parishes, a letter sent direct to all addresses affected and also an online consultation supported by social media.
- 4.2 The consultation concluded on 2nd January 2019 and a summary of the responses for each affected area is attached (Appendix 2).
- 4.3 Members will note that the responses that have been received relate only to the Gunn and Mill on the Mole proposals. No responses were received in respect of the other proposals.
- 4.4 In respect of Mill on the Mole, members will see that one of the responses has raised the issue of whether there would be any additional financial impact. As mentioned in previous reports, the impact on the residents would be that a higher Council tax would be paid as from 20/21.

4.5 In respect of the proposals affecting Mill on the Mole, 2 responses could be considered to be against the proposals and 1 is in favour.

4.6 In respect of Gunn, all responses are in favour of the proposals.

5 RESOURCE IMPLICATIONS

5.1 The carrying out of the CGR is being managed within existing budgets. However, there are knock on effects, not least the fact that if approved, the Proposals will see a number of dwellings being re-valued for council tax purposes. This will involve a significant amount of work and may require software changes for the Council's current system.

6 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3 Annexe 1	Referred

7 STATEMENT OF CONFIDENTIALITY

7.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

8 BACKGROUND PAPERS

8.1 The following background papers were used in the preparation of this report :

- Terms of reference
- Legislation and Guidance
- Responses from Parish Councils
- Consultation responses

The background papers are available for inspection and kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Author: Ken Miles Date:

APPENDIX 1

NORTH DEVON COUNCIL

COMMUNITY GOVERNANCE REVIEW

PROPOSALS

INTRODUCTION

- 1.1 North Devon District Council was subject to an Electoral Review conducted by the Local Government Boundary Commission for England (“LGBC”) during 2017/18. As a result, some parish boundaries no longer correspond with ward boundaries. The primary purpose of this review is to align those boundaries again.
- 1.2 In carrying out the review the Council is mindful of the duties to ensure that community governance in its area:-
 - reflects the identities and interests of communities in its area,
 - is effective and convenient, and
 - takes into account any other, non-parish, arrangements for the purpose of community engagement or representation in the area.
- 1.3 The Community Governance Review commenced on the 26th July 2018 with the publication of the proposed Terms of Reference for the Review. Public consultation has taken place and one response has been received. That response indicated that there was a wish for one Parish to merge with two other merged parishes so as to resolve issues of lack of membership.
- 1.3 It is considered that the issue of membership of Parish Councils is a general issue affecting the whole District and that a further more extensive Community Governance Review should be undertaken to consider this.

SCOPE OF THE REVIEW

- 2.1 The scope of the review will focus on the boundaries of a number of Parishes in the area. Most of the proposed changes are as a result of changes made by the LGBC but one comes as a result of a request from the relevant parishes. This request was made during the LGBC review.
- 2.2 Once completed, any approved changes will be implemented at the next Parish Council elections in May 2019.

PROPOSALS IN DETAIL

- 3.1 Mill on the Mole – At present, this area currently falls with the parish of Bishops Nympton. During the LGBC review, representations were received that the area had more association with South Molton which it is adjacent to. As a consequence the LGBC have recommended that it

be incorporated into the South Molton District Ward and so the proposal is to incorporate the area into South Molton Parish.

- 3.2. The area of land and the dwellings affected are as shown on the Proposal Map 1. The location of polling districts and polling places is also under review but it is likely that if the change takes place, residents would vote in the same location as existing. The current average Band C Council Tax for Bishops Nympton is £1630.41 pa compared to £1669.50 for South Molton.
- 3.3 Westacott – This area of land is currently situated within the Parish of Landkey. It is separated from the main village of Landkey by the A361 and a rural swathe of land. It is identified within the emerging Local Plan as an urban extension to Barnstaple with 950 new dwellings, although no houses have yet been built. The LGBC review has proposed that this be incorporated into the Westacott ward and representations received as part of that review indicated that the area ought to be included with Barnstaple Parish. The area of land affected is shown on Proposals Map 2.
- 3.4 The Council Tax for a band C property in Landkey is £1607.90 compared to Barnstaple of £1671.39.
- 3.5 Mount Sandford Green – This area of land is currently within Landkey Parish. It is separated from the main village of Landkey by extensive rural land. The area is adjacent to the A361 Link Road. It is identified within the Local Plan as an urban extension to Barnstaple. The LGBC review has proposed that this be incorporated into the Newport ward and representations received as part of that review indicated that the area ought to be included with Barnstaple Parish. The area in question is shown on Proposals map 3.
- 3.6 Gunn – The hamlet of Gunn is currently within the Swimbridge Parish. Representations were received as part of the LGBC review from residents who felt more of an association with the Goodleigh parish. It is therefore proposed to alter the boundaries so that Gunn falls within Goodleigh rather than Swimbridge. The exact area affected is shown on Proposals map 4.
- 3.7 The Council Tax for a band C property in Swimbridge is £1601.33 per year and £1603.76 in Goodleigh.
- 3.8 It is also proposed that the area shown on Proposals Map 4 be a warded area of Goodleigh parish represented by one Parish Councillor but with no overall increase in the number of Parish Councillors sitting on the Parish Council.

MAKING REPRESENTATIONS

- 4.0 If you wish to make representations on the Proposals as set out above, please send them to:

Community Governance Review,
Electoral Services,
North Devon Council,
Lynton House,
Barnstaple,
Devon

- 4.1 Any representations should be received by 2nd January 2019. If you need any further information please contact either Ken Miles, Head of Corporate and Community on 01271 388266 or ken.miles@northdevon.gov.uk or Judith Dark, Electoral Services Manager on 01271 388277 or Judith.dark@northdevon.gov.uk

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Appendix 2 – Consultation responses

Move Gunn from Swimbridge to Goodleigh	
Number of Properties consulted - 37	Number of responses - 7
Summary of content of responses	
<ul style="list-style-type: none"> - No objection - No objection as more in common with Goodleigh - Change will be positive - Lack of representation from Swimbridge 	

Move Mount Sandford Green from Landkey to Barnstaple	
Number of Properties consulted - 23	Number of responses - 0
Summary of content of responses	

Move Westacott from Landkey to Barnstaple	
Number of Properties consulted - 13	Number of responses - 0
Summary of content of responses	

Move Mill on the Mole from Bishops Nympton to South Molton	
Number of Properties consulted - 121	Number of responses - 3
Summary of content of responses	
<ul style="list-style-type: none"> - Happy with current arrangements and can't see need for change. - Against the change if it involves an increase in expenditure, such as Council Tax. - Fully supportive of proposal. Moving to South Molton would give residents more of a say in issues affecting them. 	

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