

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.

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.