



## STANDARDS COMMITTEE

YOU ARE REQUESTED TO ATTEND A MEETING OF THE STANDARDS COMMITTEE TO BE HELD IN THE PRINCIPAL COMMITTEE ROOM, THE DEANE HOUSE, BELVEDERE ROAD, TAUNTON ON TUESDAY 14TH NOVEMBER 2006 AT 14:15.

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### **AGENDA**

1. Election of Chairman
2. Election of Vice-Chairman
3. Apologies
4. Minutes of the meeting of the Standards Committee held on 15 August 2006 (attached)
5. Declaration of Interests - to receive declarations of personal or prejudicial interests in accordance with the Code of Conduct
6. To consider draft Annual Report of the Standards Committee (attached) David Baker
7. Fifth Annual Assembly of Standards Committees (attached) David Baker/Greg Dyke
8. Report of Parish Liaison Officer (attached) David Greig
9. South West Independent Member Group meeting (attached) David Baker
10. Verbal report of Monitoring Officer on ethics and probity issues Jeremy Thornberry
11. Attendance at meetings
12. Statement from the Chairman
13. Future Programme of the Committee

G P DYKE  
Member Services Manager  
07 November 2006





Members of the public are welcome to attend the meeting and listen to the discussion. Lift access to the main committee room on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is a time set aside at the beginning of the meeting to allow the public to ask questions



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact Greg Dyke on:



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## **Standards Committee – 15 August 2006**

Minutes of a meeting of the Standards Committee held in Committee Room 1, The Deane House, Belvedere Road, Taunton on Tuesday 15 August 2006 at 2.15 p.m.

Present: Mr D Baker (Chairman)  
Councillors Mrs Allgrove, and Croad  
Mrs A Elder, Mr J Dewdney, Mr D Gollins, Mrs P Hawks, Mr H Inder  
and Mr W L Rogers

Officers: Mr JJ Thornberry (Monitoring Officer) and Mr G P Dyke (Member Services Manager)

### **32. Apologies**

Councillors Slattery and Mrs Whitmarsh  
Mr M Stanbury and Councillor E Warren

### **33. Minutes**

The minutes of the previous meeting of the Committee held on 13 June 2006 were taken as read and were signed.

### **34. Declarations of Interest**

Councillor Mrs J Allgrove declared a personal interest in any items relating to parish council matters as she was Vice Chair of the Somerset Association of Local Councils.

### **35. Appointment of New Members**

Mr David Gollins and Mr Harold Inder were welcomed to the meeting. They had both been appointed as independent members of the Committee, subject to formal approval by the Council.

### **36. Councillor Training**

The Committee discussed the Member Training session that had taken place on 27 June 2006. It was agreed that this had been successful in reminding councillors of the current responsibilities with regard to ethics and probity and in drawing attention to likely changes in the near future.

It was noted that only 5 out of the Council's 54 members had not been able to attend any of the training promoted by the Committee within the last 3 years.

It was also reported that it was intended to hold a training session for representatives of Parish Councils at this years Annual Meeting of Parish Councils. In answer to a question it was explained that the Parish Liaison

Officer offered one to one training to members and clerks of parish councils who were elected or appointed mid term

RESOLVED that

- (a) a further training opportunity on ethics and probity be offered to those councillors who had been unable to attend any of the previous sessions;
- (b) the Parish Liaison Officer provide the Committee with details of the training event he intended to present at the Annual Meeting of Parish Councils

### **37. Local Investigation – Trull Parish Council**

The Committee discussed the lessons that had been learnt following the first local investigation which had recently taken place.

As far as the process was concerned the bureaucracy of the procedure had certainly involved officers in a significant amount of time, particularly in view of the minor nature of this particular breach. It had, however, served as good training for any future such investigations.

The amount of time taken to complete the investigation and bring the matter before a Hearing Sub Committee had been the subject of previous discussion. This was acknowledged as an area where improvements would need to be made in future cases. The inflexibility of the investigation process and the amount of time that had to be devoted to it meant that there was no spare capacity to deal with future cases. It was anticipated, therefore, that external investigators would need to be appointed to carry out initial investigation work. A timetable for the desired completion of each stage of the process would also be developed for such cases.

This particular case had also revealed the need for a change in the culture of ethics and standards within some parish councils. This Committee felt that it had a vital role to play in continuing to promote ethics and probity within parish councils. The Committee would, therefore, look to become more involved in this area and would wish to discuss the matter further at its next meeting.

RESOLVED that the Monitoring Officer submit a bid for additional resources in the next Budget round in anticipation of the need to appoint external investigators.

### **38. Standards Committee Annual Report**

Reported that it would soon be time for the Committee's Annual Report to be submitted to the Council. Consideration was given to the content of the report. It was agreed that a draft report be prepared which should include, amongst other things, reference to training, the need for additional resources, latest

trends and impending national changes. It was also agreed that once the report had been submitted to the Council it be circulated to all parish councils.

RESOLVED that a draft Annual Report of the Standards Committee be submitted at the next meeting.

### **39 Report of the Monitoring Officer on Ethics and Probity Issues**

The Monitoring Officer provided his regular briefing on matters that had come to his attention since the last meeting. The issues had included, possible breach of confidence, the media protocol, the role of councillors and land ownerships. All matters had been satisfactorily resolved.

RESOLVED that the report be noted.

### **40. Parish Matters**

Submitted a briefing note from the Parish Liaison Officer. Visits to Parish Councils continued with no problems being encountered. Routine enquiries only had been received from parishes about the Code. Training for Trull Parish Council and its Clerk had been arranged following the recent local investigation.

RESOLVED that the report be noted

### **41. Timetable of Future Meetings**

RESOLVED that meetings of the Committee be arranged for the following dates:

14 November 2006

13 March 2007

12 June 2007

14 August 2007

(The meeting ended at 3.23pm)

## **TAUNTON DEANE BOROUGH COUNCIL**

### **STANDARDS COMMITTEE – ANNUAL REPORT – 2005/06**

#### **Introduction**

The Council's Standards Committee has been operating since 2000. Although our meetings are open to the public, the minutes are available for inspection and regular updates of our work published in the Weekly Bulletin, we feel it is good practice to produce an annual report so that Members of the Council and the public are aware of our activities.

#### **Membership**

The Council has complied with the appropriate legislation and in addition, has ensured that the Committee had a majority of independent members who were not connected with the Council. In accordance with the legislation, our Chairman is chosen from the independent members.

There are also two Parish Council representatives and one Councillor from each of the political groups represented on the Committee

Over the last year we have had two vacancies for independent members. Following public advertisement and circulation of the vacancies amongst suitable voluntary and charitable bodies these vacancies have recently been filled and we are pleased to welcome David Gollin and Harold Inder to the Committee.

The Committee's membership is as follows:

##### **Independent Members:**

David Baker OBE (Chairman)  
Anne Elder  
John Dewdney  
David Gollin  
Harold Inder  
Maurice Stanbury  
W Lynn Rogers

##### **Parish representatives:**

Councillor Philippa Hawks  
Councillor Ernie Warren

##### **Council representatives:**

Councillor Mrs Allgrove  
Councillor Croad  
Councillor Slattery  
Councillor Mrs Whitmarsh

We are supported at our meetings by the following Council officers:-  
Jeremy Thornberry, Monitoring Officer, David Greig, Parish Liaison Officer,  
Greg Dyke, Member Services Manager and Donna Durham, Review Support  
Officer.

### **Terms of Reference**

The Local Government Act 2000 introduced certain principles governing the conduct of members and relevant authorities.

The Terms of Reference which have been adopted by Taunton Deane's Standards Committee are:-

- (a) To advise on the adoption and monitoring of the new local Code of Conduct for Members.
- (b) To be responsible for training of Councillors on ethical conduct.
- (c) To promote and maintain high standards of conduct in the Authority and assist the Authority's Members to observe its Code of Conduct.

### **Functions of the Standards Committee**

In accordance with Section 54 of the Local Government Act 2000, the Committee is responsible for:-

- (a) promoting and maintaining high standards of conduct by the Members and co-opted members of the Authority; and
- (b) assisting members to observe the Code of Conduct;
- (c) advising on the adoption of a Code of Conduct;
- (d) monitoring its operation; and
- (e) advising, training or arranging to train members on matters relating to the Code.

### **Future direction of Committee**

The Committee felt that it needed additional administrative support to enable it to better function. It was also felt that more should be done to engage public interest in the work of the Committee.

As well as needing additional resources and raising its profile it was considered that the Committee needed to be more proactive in its monitoring and advice role. Public awareness of the Committee and its work needed to be increased so that Councillors, Parish Councils and the public were aware of the work being undertaken to develop, promote and maintain high standards of conduct across local government.



There were a number of operational areas within the Council that the Committee felt it needed to be more aware of. These included the Register of Interests, Hospitality Register, The Constitution, codes of practice and protocol and monitoring procedures.

## **Training**

The Committee used the Member Briefing session on 27 June to provide Councillors with an update on ethical standards issues, remind them of the current position and draw attention to planned changes to the Code of Conduct.

Generally, the Committee have been very pleased with the way in which training has been delivered and accepted by councilors. Not only is specific training provided but ethics and probity now forms a core element of induction training for all new councilors. The only note of disappointment is that out of the 54 members the following councilors are the only ones who have not been able, for a variety of reasons, to attend any of the training sessions: Councillors C Cluff, J Cluff, Meikle and Murphy.

With Borough Council elections coming up in May next year there will be further opportunities for more training in ethics and probity.

## **Review of the Year**

The Committee held its first local hearing when it considered an allegation that a former Parish Councillor failed to declare an interest and withdraw from a meeting. The Committee came to the conclusion that there had been a breach of the Parish Council's Code of Conduct and that the Parish Councillor had failed to declare a personal and prejudicial interest and withdraw from the meeting. It was further agreed that as a result of this breach, the Parish Councillor be censured and further training be offered to the Parish Council and its clerk. This further training has now been carried out.

As this was our first local hearing it was a valuable learning exercise for us all. We are now much more aware of the time that this type of investigation takes, the high level of officer resource that is necessary to comply with the requirements of the legislation in relation to local hearings and role that we, as members of a Standards Committee have to play.

Although we concluded this particular issue successfully we were struck by the inflexibility of the current system and have lobbied for a fairer more equitable way of dealing with different levels of breaches of the Code.

A meeting between the Chairman of the Committee and the political group leaders of the Council took place on 11 April 2006. Many issues were discussed, particularly the forthcoming changes in legislation and the proposal that local Standards Committees would have greater responsibility for appeal hearings.

It was essential that the delays experienced in the determination of cases by the Standards Board for

England were not duplicated when hearings were heard locally. The Group Leaders were informed of the view that sufficient funding would need to be made available to ensure that these delays did not occur.

In general the Group Leaders were supportive of the training programmes which had been developed by the Standards Committee and would encourage all of its Members to attend ethics and probity training/briefing.

We have asked the Monitoring Officer to conduct a review of the Employees' Register of Interests, as concern was expressed that not all employees were aware of their obligation to record any items of interest.

The Committee had requested, that the Council's Hospitality Registers and the Register of Interests were made available to us for inspection. It was agreed that as part of its role to monitor Ethics and Probity proactively, these Registers would be made available for inspection on a regular basis to the Committee.

Independent members continued to attend the South West Independent Members Forum at which we are able to hear from officers of the Standards Board and share good practice with our colleagues.

The Monitoring Officer provides regular briefings on current Ethics and Probity Issues and we were pleased to note that Members continue to seek advice on all issues relating to Ethics and Probity.

The Chairman, Jeremy Thornberry, Monitoring Officer and Greg Dyke, Member Services Manager attended the 2005 Annual Assembly of Standards Committees and will attend the 5<sup>th</sup> Annual Assembly in Birmingham in October. Great value is gained from attending the Annual Assembly of Standards Committees when we get the opportunity to hear direct from the Standards Board for England and the appropriate Government Ministers.

### **Work with the Parishes**

David Greig, Parish Liaison Officer continues to work with the Parishes to raise the awareness of ethics and probity. During the year he visits most parishes and no concerns had been raised from his observations of these Parish Council meetings over the way the Parishes approach their responsibilities under the Code of Conduct.

Numerous enquiries from Parish Councils or declarations of personal and prejudicial interests had been received and suitable advice given.

The Chairman had attended a meeting of the West Hatch Parish Council where he gave a presentation on the work of the Standards Committee. This had been an opportunity to explain what the Committee's role was and he had written to all Parishes offering the attendance of Standard Committee Members at their meetings.

The Annual Meeting of Parish Councils had included an item regarding Ethics and Probity and the Chairman of the Standards Committee had addressed the last meeting.

The Committee considered in what areas improvements could be made and felt that it was necessary to build monitoring into regular meetings and that the Committee should do more to fulfill its statutory role in relation to Parish Councils.

It was noted that Borough and Parish Council elections would take place in 2007 when many new Councillors would be elected. There would be a need for formal training sessions at that time in addition to the usual induction awareness that is given to all new councillors.

In an effort to continue to be proactive, the Committee felt that it might be useful for Members to visit and observe meetings of Parish Councils from time to time. It was also suggested that a small Road Show presented by the independent members of the Committee visit Parish Councils to explain the work of the Standards Committee during an Information Evening.

The Parish Liaison Officer would continue to make Parish Councils aware of their responsibilities with regard to Ethics and Probity and would periodically report back to the Committee, any issues he felt they should be aware of. The Committee agreed to make themselves available to attend Parish Council meetings and to make Parish Councillors aware that they would be welcomed to attend any meetings of this Standards Committee.

Training in Ethics and Probity would now be available for new Parish Councillors as part of their induction.

### **Latest trends and impending national changes**

The Office of the Deputy Prime Minister (ODPM) had produced a paper on the Government's thinking on the general direction of travel for the development of the conduct regime for Local Government.

It was anticipated that the Standards Board for England would have a more central strategic role continuing as a champion and promoter of consistently high standards of conduct across Local Government whilst continuing to investigate matters of most national significance. The focus of its work would be adjusted away from the primary role of the investigation of cases and towards the provision, maintenance and monitoring of a national framework to ensure high standards locally.

This meant that a more local approach for case handling would be developed with more cases being referred to local Standards Committees for investigation.

This development would result in the need to strengthen local Standards Committees and provide sufficient capacity for monitoring officers to undertake investigations. Additional training and support arrangements would possibly be necessary. It was anticipated that this work would take some time to complete but in the meantime the Standards Board for England intended to continue the trend of referring an increasing number of cases for local investigation and determination wherever appropriate.

A new Code of Conduct was also being developed which would be clearer, simpler and change the existing rules relating to personal and prejudicial interests. Whilst welcoming the changes proposed by the ODPM the Committee acknowledged that this would result in additional pressure on the Council's Monitoring Officer and that further resources would be necessary if investigations were to be undertaken locally.

### **Communications**

Public access to documents was an important issue for the Standards Committee. This had been improved, with regular updates in the Weekly Bulletin. There was now a dedicated page on the Taunton Deane web site for the Standards Committee which detailed the membership and outlined the role of the Committee. Minutes of the meetings of the Committee were also available to the public via the web site.

David Baker  
Chairman  
Taunton Deane Standards Committee

**Fifth Annual Assembly of Standards Committees**  
**Venue: ICC Birmingham – 16/17 October 2006.**

**General:**

Two thirds through the first day I wondered if I was wasting my time and the Council's money but I should not have worried. Enough came out of this Assembly to feed our minds for many months to come and hopefully give us the impetus to develop our role in Taunton Deane. In the end it was one of those conferences you come away from feeling a little shattered with the amount of information given to you. I hope to highlight many of the issues raised so we may have a thorough debate.

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**Phil Woolas MP, Minister for Local Government:**

The Minister told us the White Paper on Local Government is only weeks away. This is intended to be devolutionary and there was even talk of the importance of neighbourhoods. It will need primary legislation to put into effect and will operate from 2008.

There will be a new Code of Conduct in place in time for the May 2007 elections. That in itself will present a problem for us for training for the new Code must be in place if new Councillors are to receive it when elected. We must consider the new Code and recommend adoption if necessary before May. We are assured the new Code will be user friendly but having done a session on personal and prejudicial interests at the conference, I have my doubts.

He recognised the problem over resourcing but apart from getting the clear message from the audience, no promises were forthcoming.

He touched on the need sometimes to co-operate with other authorities, perhaps on training or inter-support on determinations.

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**Patricia Hughes, Deputy Chair, Standards Board:**

During this session we heard that the new Code will be far reaching. In respect of declarations of interest, Councillors will have the right to talk about issues unless there is a clear conflict of interest.

The process of moving the Standards Board to Manchester has begun and we are assured they will be taking on a strategic role, offering guidance to local SCs. The average number of complaints per District Council is 5 in a year. 66% of all complaints are now dealt with locally.

There will be a recommendation to ministers that SCs will have flexibility in the way they deal with complaints, something welcomed at the Assembly to avoid the bureaucracy of minor complaints. There will also be a system of 'filtering' and Greg went to a session on this so I will not steal his thunder.

The big question for us will be: What time targets will we set for dealing with complaints?

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**Professor Gerry Stoker.**

We had an excellent analogy for SCs. He likened us to breeds of dogs!

Lapdog – a pawn of the L/A itself, politicised and disengaged.

Watchdog – Deals with rules and enforcement but is generally reactive.

Guide Dog – Again deals with rules and enforcement but pre-empt any problems, issues guidance, sets up organisational processes and is proactive.

The challenge for us all to is to move to the guide dog status.

In essence he was saying we should demonstrate ethical leadership, show transparency and adaptability to meet changing standards.

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**Frances Done – Managing Director at the Audit Commission:**

Her advice was to look not only at procedures and arrangements but also behaviours of Councils in assessing ethical governance (a term often used at the conference).

Pointers included:

- Look at good leadership
- Failure in ethical governance impacts on performance and damages a Council's reputation.
- Most important were local values and leadership.
- Think about the Ethical Governance Diagnostic Tool, a voluntary web-based survey of members and senior managers.

The Audit Commission had found some Councils much more proactive than others on ethical governance. It was important to continually look at this aspect of local government and keep improving standards.

Post 2008, there will be a new assessment framework for Councils dealing with leadership and ethical governance and they will be key factors in assessing risk.

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**Workshops:** Implications of the Revised Code for SCs.

Issues that came out of this workshops included:

- What will happen to those cases midway through when the revised code comes into force.
  - Funding
  - We need the details of the new Code now if we are to be in time for the May elections
  - SCs need to see a target for pre-hearings and filtering as well as determinations
  - Many expressed difficulty in recruiting. Suggestions included – Web site, Personal approach, and advertising.
  - 62% of monitoring officers were members of their Corporate Management Team. This was seen as beneficial as they can put the views and concerns of the SC to this team e.g. it needs a budget or needs a greater profile.
  - Good practice was felt to be:
    - An independent chair (shortly to be compulsory)
    - A majority of independent members
    - Visits to Council and Parish Councils
    - Few or no hearings
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#### **The Revised Code:**

In the group I attended, we went through a scenario which highlighted the problem of Declared Interests. I have brought the paper away with me and suggest this is dealt with at a training session for SC members. It will cover issues such as interests on public service bodies, election to Council on a single issue, defining a relative, lobby group members, speaking for your ward and many other issues.

#### **The Hearing Procedure:**

This is also a subject I suggest is dealt with at a training session. I have brought away the scenario and suggest it is used along with the Guidance for Monitoring Officers – 2004. It will be necessary to update ourselves on the new procedure including filtering (mentioned earlier). We can then agree the target dates for hearing complaints. From 2008 we will be receiving complaints directly and deciding if they should be investigated and, if so, whether locally or nationally.

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#### **Sir Peter Soulsby MP**

This MP gave a gloomy picture of the public attitude to politics. He highlighted a declining turnout at elections, the absence of younger people coming forward, the fact that less than 1% of the public sign up to a political party and the general lack of interest in local governance. On the other hand he saw a media which constantly measured, inspected and denigrated politicians and wondered why so many entered politics when there were so many other activities.

He felt there were still serious issues concerning patronage and was fearful that the forthcoming white paper may not address some fundamental issues such as how local authorities should raise their funds.

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### **Gillian Beasley CE of Peterborough Council:**

Ms Beasley advocated some very novel ideas which we may wish to consider. She is an advocate of dealing with minor cases informally and highlighted the high number of cases dealt with where no action is taken.

The Peterborough approach:

- There are regular meetings of the Chair and Vice-Chair of the SC and the Group Leaders.
  - The behaviour of Councillors is monitored and if a monitoring officer sees conduct not considered appropriate or is not behaving properly (bullying for instance), the Chair of the SC is asked to write confidentially to the Councillor concerned.
  - If a Councillor does not declare an interest they will be called in by the monitoring officer and the issue discussed. If it happened a second time a complaint will follow.
  - She advocates a proactive role to deal with issues of ethics and probity.
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### **Raising the Profile of SCs:**

This was another very successful training session and I suggest it is dealt with at a training session of our own. I have brought away the material for discussion. I fear if it is dealt with at our meeting, not enough time will be devoted to this important topic.

- However, some pointers did come out of the session which may be of interest:-
  - Communication is important (obvious)
  - What outcomes do we want
  - How will communication further the interest of the SC.
  - Avoid communication that lacks aims or targets.
  - Look to see if you have the right training skills
  - What budget do you have (You will need one when devolvement takes place). Is it a supplementary or contingency. Budget for training?.
  - What professional support do you have and resources from your local authority.
  - National support.
  - Tailor your message – internally: talks, newsletters, e-mails, intranet. Externally – media, Council magazine, leaflets, internet.
  - Be proactive.
  - Create a timetable of activities, spread over the year to keep an even profile and keep it under review. Make it someone's job. I suggest we think of a yearly diary of events.
  - Be opportunistic (maybe national or local events).



- Make your message informative and interesting and think of your audience.
- We should work out what profile we want to raise – the work we do – the work of Council.
- One MO member in the group talked of 32 media contacts including local radio.
- Ian Davison, MO to Horsham DC talked of how he links with the 32 Parish Councils and advocated engagement on topics:
  - Training
  - Communication
  - Education
  - Providing assistance
  - Information
  - Community engagement

Maybe an Annual Report to Parish Councils would be a good way of communication picking up the above topics.

He also said that:

- all SC agendas were sent to Parish Councils
- Parish Clerks meet quarterly
- Parish Clerk contact numbers collected
- The District Assn of Local Councils attends meetings
- Cluster meeting of Parish Councils are held and MO and Chair of SC visit them
- An outgoing relationship with PCs was advocated.
- A need to enthuse Parish Clerks and have a close rapport with them
- By visiting Clerks and PCs they found them beginning to trust more and were more willing to visit in reverse e.g. attend training.

It was important to emphasise to PCs:

- The significance of the Code. PCs very often felt that their need to look after PCs interests overrides their need to observe the Code.
- Members of SC and Officers' roles.
- Declaration of Interest (Appropriate means of communication (no slagging off))
- These could very well form the basis of a talk by an SC member when visiting a PC.

### **Outreach:**

I thought this suggestion had a lot of merit. It would involve visits to Schools and Colleges with 6<sup>th</sup> forms/youth councils. It would mean involving the Headteacher and the Leader of TDBC and would mean much pre-planning.

Before the day, a copy of the Code and Constitution would be sent

On the day it would require careful setting up at the college/school etc with tables and seating arrangements. There would be the arrival of students, staff members and officers and to provide a convivial atmosphere, refreshments could be made available.

In essence it would begin with an introduction of the work of the Council by the Leader of the Council, an introduction on the work of the Standards Committee by the Chair of SC, a question and answer session. After that the SC will go into meeting session dealing with its normal agenda and the youth form/Outreach members would be spectators.

The benefit would be the involvement of young people in local governance and the emphasis on ethics in local government.

It would present an opportunity to get the press interested and spread the Council's message, particularly on ethics and probity.

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### **Working Proactively:**

Margaret Taylor, MO for Kingston upon Hull talked of the role of the SC.

It included:

- Training. Yearly training plus after elections training for new members after they are given copies of the Code and sign the Code of Conduct. Also training for PCs
- Looking at Protocols – guidance on access to information, membership of outside bodies, dual hatted councillors, registering interests, election publicity, use of resources.
- Analysis of Complaints –At each meeting, complaints published by the Standards Board are analysed and issues which might affect members discussed. Annual analysis – look at sources of complaints, grounds, look at MOs Annual Report.
- Registers – Every 6 months SC to issue a reminder for Councillors to check register and review and update. Monitor gifts and hospitality.
- Officer Code of Conduct – Inspect 6 monthly.
- Hearings
- Ethical Framework
  - carry out an ethical audit (maybe jointly with the audit commission & IDA) which will lead to developing a communication strategy
  - Whistleblowing – One member of the SC is the named contact for anyone to contact and discuss breaches.
- Corporate Governance – joining up across departments and guidance on protocol
- Good Practice
  - All Standing Committees should have Terms of Reference

- Communications Strategy – external communications should give public details of the role and contact details of SC chair and there should be meetings with committees and officers.
  - Work Programme – A review done annually to highlight key issues to be looked at during year.
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### **Suggestions:**

Avoid the use of the word 'Training'. Use words such as 'Forum', 'Update' 'Networking'. Training puts people off. Other words overcome resistance to training.

Divide the Parishes among the SC members who will then keep in contact and liaise. Go to PCs armed with an agenda:

- Code
- Recent Problems of other PCs (SB web site)
- Disclosure of Interests.
- Forthcoming meetings (for Clerks PCs, etc)

Produce a small Card with printed Code. Give to each Councillor but take with you to PCs and hand out as 'gift' when talking of Code.

Produce leaflet on work of SC – contact South Gloucestershire MO for sample 3-fold leaflet and questionnaire to conduct internal audit on ethical framework they produce.

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### **Finale:**

To develop our work and take on board many of the proposals and suggestion in this report will be a major undertaking for Taunton Deane Standards Committee. More importantly it will need the support and co-operation of the Taunton Deane Council. The issue of resources and budget is an issue not in our control though I believe the benefits would outweigh the cost. I would in addition make a plea that the Monitoring Officer has a greater involvement too, particularly with the rapport necessary with the Chair of the Standards Committee. In that way, decisions can be made quicker and discussions take place directly rather than by referral. I feel that to be a desirable development with the more dynamic role of the Standards Committee.

David Baker.  
Chair  
Taunton Deane Standards Committee  
25<sup>th</sup> October 2006.

## **Fifth Annual Assembly of Standards Committees ICC Birmingham – 16/17 October 2006**

### **Introduction**

As David Baker and I both attended all the plenary sessions together I will not reproduce details here. David's report gives a fair and balanced view of the key note speeches. The one point I would emphasise was the clear message that Standards Committees should aim to create a climate which creates good behaviour. A positive framework would result in all round good behaviour rather than just good intentions.

Phil Woolas MP also made the point that we were just about to go through a period of change where stability and experience would be of great benefit to Standards Committees.

We decided that in order to get the most value from the Conference we should attend separate workshops. David has submitted details of the workshops attended by him and details of the ones attended by me are set out in this report.

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### **Implications of the revised Code and the future ethical environment – for Monitoring Officers**

This was an opportunity for Monitoring Officers to debate the implications of the revised Code of Conduct, the local filter for complaints and the future ethical environment. Unfortunately because the new Code had not yet been published and no one knew with any certainty what it would contain, this was not an easy task. All rather ironic having just come from a speech where we were warned of the danger of good intentions. However, best use of the workshop was made by looking at what we felt was needed to make the new Code work.

The recruitment of independent members and the possibility of a national campaign was one suggestion and all agreed on the importance of training for both councillors and Standards Committee members. Some discussion of reciprocal arrangements between Monitoring Officers in the local filter process took place but this was approached with a great deal of caution by those present.

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### **How do you measure up ?**

Delegates discussed how their authority compares to the national picture of Standards Committees. The main focus was then to identify strengths and weaknesses of authorities and share best practice.

In my view we measured up pretty well. We had a far better developed relationship with our parish councils than most and our Chairman has regular

meetings with the political Group Leaders. Both of these were hailed as good practice (before I told them we already did it). Suggestions for improving included using Borough Councillors as ambassadors at Parish Council meetings and the ability of dealing with “low level” complaints without the need to go through the beauracatic process that we currently have.

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## Case Reviews

The final session of the first day saw me at a workshop where Case Reviews were looked at in some detail to try and establish precedents. Not surprisingly one of the most recent cases referred to involved the past Mayor of Chard.

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## A robust local filter

This was the best, if most worrying workshop that I attended. In 2008 standards committees will be receiving complaints and deciding if they should be investigated. The workshop, which was made up mostly of Monitoring Officers, considered the practicality of such a local filter.

Whilst acknowledging that a local filter would help improve local ownership of the ethical framework, general concern was expressed at how this would operate in practice. All sorts of issues will need to be addressed regarding consistency, who deals with initial complaints, who provides advice, how an appeal mechanism (against decisions not to investigate) would work and the possibility of reciprocal arrangements. Once again the spectre of an over beauracatic system raised its head. It possibly wasn't helped by one of the speakers who started his talk with the quote “There are always flowers for those who want to see them “

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## An inclusive approach to towns and parishes.

This workshop had something of a local flavour about it as it was run by Vivienne Pay the Monitoring Officer at Mendip and Peter Lacey of the Somerset Association of Local Councils.

The workshop highlighted a range of strategies that could be implemented to better engage with town and parish councils. Amongst the issues explored were providing proactive training and support arrangements, the effect that parish council behaviour can have on the overall reputation of local government, communication with parish councils and joint training with District Councils. It was interesting to note that one suggestion that had failed dismally (at least in Mendip) was the provision of ethics and probity roadshows for parishes. The one point that everyone was agreed on was the benefits of having a designated officer at District Council level to deal with parish issues, working in partnership with the County Association and the parish councils in the area.

It was also interesting to note that at the recent AGM of Local Council Associations one member had moved a resolution that all parish councils should express their continued dissatisfaction with an ethical framework that

included parish councils. Apparently this was roundly defeated with not one speaker in support. Indeed, the mood was apparently that everyone now appreciated the need for a Code and the protection it afforded all parish council members. This, of course, goes somewhat against the campaigns being continued in some sections of the media which would have us believe that the Code was responsible for destroying parish councils and losing thousands of members – nothing could apparently be further from the truth.

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Freedom of expression – drawing the line.

This workshop looked at where the line should be drawn between freedom of expression and causing offence to others.

We had interesting speakers which included a newspaper reporter and the Vice Chair of the Discrimination Law Association. The session looked at freedom of speech, the use of speech to be deliberately offensive and the boundary beyond which it became unacceptable. The big problem would be how to regulate it, how to enforce it and how to judge whether it was an offence within the Code.

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Greg Dyke  
Member Services Manager

Standards Committee 14<sup>th</sup> November 2006

Report of the Parish Liaison Officer

On the 4<sup>th</sup> October TDBC held the Annual Meeting with Parish Councils and, as agreed, the Code of Conduct was an agenda item.

Parishes were reminded of the importance of the Code and the availability of training for individuals or whole Parish Councils by the PLO.

Anticipated changes to the Code were outlined and training was promised both for new Parish Councillors after the May elections and more widely when the new Code came into effect.

In the meantime the PLO continues to monitor ethics and probity in regular attendances at Parish Council meetings.

A dispensation has recently been granted, at their request, to 7 members of Norton Fitzwarren Parish Council to remove any disability by reason of possible prejudicial interests existing as a result of the proximity of their houses to the major development proposed for the old Matthew Clarke cider factory in the village. It was made clear that the dispensation was solely granted in respect of the ownership/occupation of property and would not extend to any other interests that might exist as a result of the development. The dispensation was granted for a period of 1 year and covered both a specific planning application at present before the planning authority and any subsequent applications for the same site. (This dispensation was granted by the Monitoring Officer after consultation with the Chairman of the Standards Committee in accordance agreed procedures).

It should be noted that the development would have little or no material affect on these properties greater than that affecting the wider community. The Parish Council, however, wished to be in a position to give full attention to the planning application without the risk of an allegation of any breach of the Code of Conduct, however remote.

David Greig  
Parish Liaison Officer  
14<sup>th</sup> November 2006

## **SOUTH WEST INDEPENDENT MEMBERS GROUP MEETING – 29<sup>TH</sup> SEPTEMBER AT POOLE, DORSET**

Report:

This meeting was poorly attended, mainly because members had not had adequate notice. Several Standards Committees were not represented and only 17 attended the morning session and 12 in the afternoon. I think the fault lies in that notices were only sent to monitoring officers and some did not pass on the initial notification. In addition the agenda was only sent a week before the event.

As a result, it was decided there must be a proper database listing the Chairs as well as officer contacts and this is going to be done in time for the next meeting. They now have Greg's details as well as my own.

Very little came out of the meeting. There was a poor representative from the Standards Board who spoke on the procedure for determinations – something already well covered. The speaker was a last minute selection for they tried to get Sir Alistair Graham to come and he only declined recently.

During her talk, the speaker, a Legal Advisor to the SB, said how we must keep in mind the need not to show bias. This has resulted in a number of successful appeals.

There was a debate on whether the papers in respect of a determination should be sent to the press in advance of the hearing. Problems had happened when this had been done. The media can conduct a trial by media by quoting the details of the pre-hearing and other papers and is unfair if later on the panel agree the hearing can be in private. Most present thought it right not to send any papers but issue them on the day, but there was uncertainty how this conflicted with freedom of information.

There will be an attempt at the Birmingham Conference on the 12<sup>th</sup> October to set up an Association for Independent Members of Standards Committees. It will cost individual members £10 a year which the steering group hope can be recovered from their local authorities. There was not much support for the concept. We already have a regional group and members did not want to see a lobby group which might be divisive. Some monitoring officers have already said that they will not support their authority subsidizing the subscription.

The bad news. In the absence of Greg, I volunteered Taunton Deane as hosts for the next meeting in March. I hope Taunton will support the venue and am willing to do what I can to make it a success. We can do much better than Poole.

David Baker  
Chairman  
Taunton Deane Standards Committee  
29<sup>th</sup> September 2006