



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 WEDNESDAY 7TH MARCH 2007 AT 14:00.

AGENDA

1. Apologies
2. Minutes of the meeting of the Committee held on 14 November 2007 (attached)
3. Public Question Time
4. Declaration of Interests
5. Consultation on Amendments to the Model Code of Conduct for Local Authority Members
To consider the draft revised Model Code of Conduct (copies of the relevant consultation document have been previously circulated)
6. Standards Committee Training - 19 February 2007
To receive feedback from those members who attended this event
(Also attached, for the information of those who attended, are the "answers" to the Problem Areas set on the day)
7. Report of South West Independent Members meeting to be held at Bristol on 2 March 2007
8. Verbal report of Monitoring Officer on current ethics and probity issues
9. Elections 2007 - To receive information on actions being planned to make new and existing Borough and Parish members aware of ethics and probity
10. Dates of Future Meetings
11. Standards Committee Forward Plan (attached)
12. Membership of Standards Committee - to report on possible changes in the membership of the Committee. To report the outcome of campaign to fill forthcoming vacancies for Independent members.

G P DYKE

Member Services Manager
27 February 2007



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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Website: www.tauntondeane.gov.uk (Council, Executive, Review Board & Review Panel Agenda, Reports and Minutes are available on the Website)

Standards Committee – 14 November 2006

Minutes of a meeting of the Standards Committee held in The Principal Committee Room, The Deane House, Belvedere Road, Taunton on Tuesday 14 November 2006 at 2.15 p.m.

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

Officers: Mr J J Thornberry (Monitoring Officer), Mr G P Dyke (Democratic Services Manager), Mr D Greig (Parish Liaison Officer) and Mrs D Durham (Democratic Services Officer).

42. Appointment of Chairman

RESOLVED that David Baker be appointed Chairman of the Standards Committee for the remainder of the Municipal Year.

43. Appointment of Vice-Chairman

RESOLVED that Anne Elder be appointed Vice-Chairman of the Standards Committee for the remainder of the Municipal Year.

44. Apologies

Councillors Mrs Allgrove and Mrs Whitmarsh
Mr D Gollin, Mrs P Hawks, Mr M Stanbury and Councillor E Warren

45. Minutes

The minutes of the previous meeting of the Committee held on 15 August 2006 were taken as read and were signed.

46. Draft Annual Report of the Standards Committee

Submitted a draft Annual Report of the Committee for consideration. Subject to a number of amendments it was agreed that the draft Annual Report be submitted to the Council's Corporate Governance Committee.

RESOLVED that the report be noted.

47. Fifth Annual Assembly of Standards Committees

The 2006 Annual Assembly of Standards Committees had been attended by the Chairman, David Baker and the Democratic Services Manager, Greg Dyke. Each provided a resume of the lectures and workshops attended. Outreach had been discussed, which involved trying to get young people interested in Local Government, with an emphasis on Ethics and Probity.

It required much work, with visits to schools and colleges, but the Committee felt it was worth pursuing.

RESOLVED that the report be noted.

48. Report of the Parish Liaison Officer

David Greig, the Parish Liaison Officer had attended the Annual Meeting with Parish Councils. Parishes were reminded of the importance of the Code of Conduct and the availability of training.

Details of a recently granted dispensation were given. The dispensation was granted by the Monitoring Officer after consultation with the Chairman of the Standards Committee in accordance with agreed procedures.

RESOLVED that the report be noted.

49. South West Independent Member Group meeting

Submitted a note of the latest meeting of the South West Independent Members Group which had been held in Poole on 29 September 2006. This committee had been represented by the Chairman, David Baker who submitted details of an address given by a Legal Advisor to the Standards Board. It was particularly noted that Standards Committees must remain impartial, as there had been a number of successful appeals.

RESOLVED that the report be noted.

50. 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, declarations of interest, the implementation and training of the new Code of Conduct and the 'White Paper'.

RESOLVED that the report be noted.

51. Attendance at meetings

Details of Members' attendance at meetings had been publicised as part of the review of Members' allowances. When the Chairman presented his report at the Resources Review Panel, Members felt that a broader view of a Councillor's work should be provided in the future, to give a more balanced view of their work.

A questionnaire that had been undertaken by Members approximately a year ago had subsequently been distributed to the Review Panel.

It was felt that all prospective candidates should be given the opportunity of attending meetings to learn about what would be expected of them.

The Chairman acknowledged that information should be balanced, otherwise the public view of the work of Councillors could become distorted. The publication of information should however, be encouraged, to reflect greater openness.

52. Statement from the Chairman

The Chairman emphasised the need for members of the Standards Committee to promote good standards themselves when attending meetings, both here and elsewhere. Members of the committee were required to act correctly at all times and any advice given on behalf of the Standards Committee should be given by the Monitoring Officer. Recent public expressions of opinions by members of the Standards Committee were likely to result in the perception of prejudice. This illustrated the care that members needed to take when speaking publically. Such perceptions were likely to affect an individuals ability to adjudicate at local hearings.

53. Future Programme of the Committee

The new Code of Conduct would shortly be available and it was agreed that it would be sent to members of the Standards Committee for comment. In view of this, and other developments that were likely to take place it was agreed that the Chairman, together with the appropriate officers would draw up a programme for the future work of the Committee.

(The meeting ended at 4.27pm)

SOMERSET STANDARDS COMMITTEES CONFERENCE

19 FEBRUARY 2007

PROBLEM AREAS, OR NOT

Comments on the various scenarios

1. Councillor White and the application for a taxi driver's licence

This problem is all about a Councillor trying to secure an improper advantage for an individual. It may also involve compromising the impartiality of an officer. And it may also be about bringing the authority into disrepute.

It is about more than just bringing the Councillor's office into disrepute because if it becomes known that a Councillor is fiddling the system for the grant of taxi drivers licences, then the whole licensing system, and therefore the Council, is brought into disrepute.

It was felt that the offence would be so serious that a period of suspension or disqualification would be appropriate.

The point was also raised that if the Council gave delegated powers to the licensing officer to approve, but not refuse applications, the effect of Councillor White's intervention might be that the application was improperly taken away from the Licensing Committee's remit.

2. Local or Central Investigations

The six cases given are cases where the Monitoring Officer has asked the Ethical Standards Officer to take back the investigation of a complaint against a Councillor.

Volume 4 of the Case Review issued by the Standards Board for England at page 21 reports on what actually happened in a number of these cases, see (b), (c), and (d).

It seems to me that the Ethical Standards Officer was reasonably lenient in these cases and might have argued that the investigation could still have been carried out locally but by an independent officer appointed by the Monitoring Officer.

The same comment may be made about paragraphs (a), (e) and (f).

3. Confidentiality

Whilst all the papers and discussion of the award of a contract in confidential session are justifiably confidential at the time, once the contract has been awarded, the need for confidentiality reduces. For example, the name of the successful contractor may be made public almost immediately. There will still be some confidential details that remain for some considerable time. For example, information about references, about individual rates, etc., and perhaps about some commercially confidential processes.

In addition, the new Code of Conduct will allow a public interest test as to whether the interest of the public in knowing the information is greater than the interest of any particular party in keeping the information confidential.

On the public interest test, all four matters mentioned in Councillor Plum's press release may be justified, especially if the award of the contract was controversial.

Even under the existing Code of Conduct, the Adjudication Panel seems to give weight frequently to the public interest test, finding that although there may have been a breach of the code, the public interest provides strong mitigating circumstances.

Finally, one of the issues regarding Councillor Plum's press release is that it was issued within three hours of the meeting and may well have pre-empted any official press release or public information. Would jumping the gun like this involve showing a lack of respect to officers or other councillors handling the contract or could it be devised to secure an improper advantage or disadvantage to somebody? If it was designed to cause embarrassment to the majority party or to a senior officer, would that constitute "obtaining an improper disadvantage"?

4. Member/Officer Relations

The facts of this case are based broadly on the case of former Councillor Jarvis of Kingston upon Hull City Council on which the Adjudication Panel's decision was issued on 19 October 2006 after a hearing on 11 October 2006. The reference is APE0226.

The facts in the case study used on 19 February were an abbreviation of what Councillor Jarvis actually got up to.

The Adjudication Panel accepted that Councillor Jarvis had been a committed Councillor for a long period of time, but felt that there were considerable aggravating factors. Councillor Jarvis exhibited poor standards over a period of time, he failed to heed advice from other Councillors, and he had sought to put the responsibility for his own actions onto other people.

Councillor Jarvis was already disqualified for fifteen months for other matters that had been dealt with in September 2006 and the case tribunal in this case disqualified for a contemporaneous period of one year.

Allegation (d) is my own invention and was not involved in the Councillor Jarvis case. Almost certainly, in making comments to companions at a golf course, Colonel Mustard was not acting in his capacity as a Councillor and so the comments would not have been in breach of the Code of Conduct.

5. Accusing a Newspaper Editor of Bias

This case is based largely on a case of Councillor Dowden of North Baddesley Parish Council, which was heard by the Adjudication Panel on the 2 November 2006 with the decision issued on 10 November 2006. The case reference is APE0366.

It was an appeal against a decision of the Standards Committee of Test Valley Borough Council and the case tribunal hearing the appeal was technically called an Appeals Tribunal. The tribunal considered that the appellant had not breached the Code of Conduct. It took the view that the matters before it were "illustrative of the normal rough and tumble of local parish life and the level of political debate one might find in a small community".

The fact that the Editor had stood against the Councillor in an earlier election was evidence of the issue forming part of the rough and tumble of local politics. The issue at the heart of the dispute was the creation of a new Parish Council, a matter which was highly political. In any event the Editor was not under any obligation to provide a balanced view, or indeed to

provide the right of reply to any contributor. As such, an accusation of bias was perhaps not very serious.

6. Planning

This case study is based loosely on the case of Councillor Woodrow of the London Borough of Camden, a case heard by the Adjudication Panel in October and December 2006 with the decision being issued on 20 December 2006. The case reference is APE0352.

The case involved a huge development of an area around Kings Cross Station in London – a 27 hectare site. It was estimated that the building work on site would take approximately 20 years.

Councillor Woodrow was Chairman of the Planning Committee, but was concerned that the planning application was not being handled in the best way.

He made what may have been injudicious comments to statutory consultees and to the Editor of the Architects Journal.

The case tribunal found that there was nothing intrinsically improper with contacting a statutory consultee for advice, but that it was a breach of the code to contact a statutory consultee “with a view to lobbying that consultee to share a disposition against the form and substance of the planning application”.

With regard to contacting the press, the case tribunal found that no question of bringing the authority into disrepute could reasonably be said to arise where there was no risk of challenge to the ultimate decision on the ground of pre-determination. The Councillor had made it clear that he had not pre-determined his view on the planning application and the tribunal could see no reason why the reputation of the office of Councillor or the authority was harmed.

The only breach therefore was trying to lobby one of the statutory consultees and the tribunal found the breach to be at the low end of the scale of seriousness, having regard to the particular facts of the case. The tribunal decided to impose no sanction.

David Corry
26 February 2007

Standards Committee – Forward Programme 2007/08

Recent Decisions – Case Reviews e.g. Collins Judgement – every meeting

Anything arising from SBE Bulletin – every meeting

Report from Monitoring Officer – every meeting

Calendar of dates – March 2007

Visit from newly appointed Web Manager to talk about how the Standards Committee's web page can be improved – June 2007

Outreach work – during the year (members of the Committee to visit schools and/or colleges where local government is included in the curriculum to talk about ethics and probity within local government)

Strengthen links with Parish Council

- schedule 3 or 4 visits by members of Committee to Parish Councils
- - arrange meeting of parish clerks

On going training for Borough and parish councillors.

Annual Report

Schedule meetings with Group Leaders

Filtering process – once details are known set up sub committee to formulate procedure (including role of M.O., Investigating Officer, sub committees etc)