



## 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 23RD OCTOBER 2007 AT 14:15.

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### **AGENDA**

1. Apologies
2. Minutes of the meeting of the Standards Committee held on 14 August 2007
3. Declaration of Interests. To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct
4. Code of Conduct Training for Parish Councils - details of Parish Councils that have received training on the new Code of Conduct David Greig
5. Guidelines for the implementation of Filtering Committees
6. Code of Conduct Training Course - report of the Chairman of the Standards Committee David Baker
7. Feedback from the SW Independent Members Forum
8. Performance Indicators
9. Annual Assembly of Standards Committees Annual Report (report of the Monitoring Officer) Jeremy Thornberry
10. Parish Matters - an update by the Parish Liaison Officer David Greig
11. Ethics and Probity - report of the Monitoring Officer Jeremy Thornberry

G P DYKE  
Democratic Services Manager  
16 October 2007

Standards Committee Members:-

David Baker (Chairman)  
Anne Elder (Vice-Chairman)  
Jenny Hoyle  
Harold Inder  
Dick Macey  
Mike Marshall  
Lynn Rogers  
Maurice Stanbury  
David Wilson

Councillor Mrs Allgrove  
Councillor Morrell  
Councillor Slattery



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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Fax: 01823 356329  
E-Mail: [g.dyke@tauntondeane.gov.uk](mailto:g.dyke@tauntondeane.gov.uk)

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

## **Standards Committee – 14 August 2007**

Minutes of a meeting of the Standards Committee held in Committee Room 2, The Deane House, Belvedere Road, Taunton on Tuesday 14 August 2007 at 2.15pm.

Present: Mr D Baker (Chairman)  
Councillor Mrs Allgrove  
Mrs A Elder, Mrs J Hoyle, Mr W L Rogers and Mr M Stanbury

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).

### **25. Apologies**

Councillor Slattery  
Mr H Inder  
Mr D Macey

### **26. Minutes**

The minutes of the previous meeting of the Committee held on 25 June 2007 were taken as read and were signed.

### **27. Declaration of Interests**

Councillor Mrs Allgrove declared an interest as Chairman of Somerset Association of Local Councils (SALC).

### **28. Membership of the Committee – Appointment of Parish Representatives**

Considered the appointment of two Parish Representatives to the Standards Committee.

The criteria for the appointment of Independent Members of the Committee specified that candidates should not currently be employed by any local authority or have been so employed within the last 5 years. The Committee felt that the same sort of criteria should be applied when considering the appointment of Parish Representatives. It should also relate to past members of the Council as well as those that had been employed.

Seven nominations had been received, all of a high standard. Many offered a vast amount of knowledge and experience.

RESOLVED that:

- (i) the criteria for the appointment of Parish representatives state that candidates should not have been a Member of Taunton Deane Borough Council for at least five years preceding their appointment;
- (ii) Mr Mike Marshall of Ruishton and Thornfalcon Parish Council and Mr David Wilson of Wiveliscombe Parish Council be appointed as Parish Representatives to the Standards Committee.

## **29. Training for Councillors**

An Ethics and Probity training session had been held on 11 July 2007 and was attended by 30 Councillors.

Before the training session, the draft presentation had been given to the Standards Committee and this had proved useful as a number of minor amendments had been suggested.

The training that had been delivered, complimented other Ethics and Probity training at the Induction Day and when Members had met with the Chief Executive and Monitoring Officer.

The success of the Ethics and Probity training was illustrated by the number of enquiries that had been forthcoming from Members.. There had also been an upsurge in declarations made at meetings.

The Committee felt that the training should be repeated, possibly annually, in order to keep Members well informed. They also asked that a list of attendees be submitted at the next meeting of the Standards Committee.

RESOLVED that the report be noted.

## **30. Performance Targets/Indicators**

The Committee felt that it was important that some performance targets/indicators were in place in order that the work of the Committee could be measured.

Various performance targets were discussed and it was suggested that a sub-committee, consisting of the Chairman, Mr Stanbury, Monitoring Officer and Democratic Services Manager, should meet to draft a list of indicators.

It was felt that communications needed to be improved and monitored and this would be discussed at the next meeting.

## **31. South West Conference for Independent Members of Standards Committees**

The Democratic Services Officer had previously reported that the South West Independent Members of Standards Committees Conference would be held at The Deane House on 20 September.

Details of the timetable for the day were submitted. The new Director of Casework at the Standards Board for England, Hazel Salisbury, had agreed to speak at the conference. She would detail the sort of cases that might occur under the new Code, as well as the success of the pilot projects that were underway.

The Committee felt that guidance on the structure of Standards Committees would be useful, as well as a presentation by the Parish Liaison Officer regarding the training of Parish Councils.

RESOLVED that the report be noted.

### **32. Parish Matters**

The Parish Liaison Officer had previously reported on the adoption of the new Code of Conduct by Parish Councils and confirmed that there was 100% acceptance of the Code.

The Parish Liaison Officer had submitted a schedule of Parish Council meeting dates as requested at the previous meeting.

Ethics and Probity training had been delivered by the Parish Liaison Officer at recent Parish Council meetings. Although a training session at The Deane House was discussed, it was felt that the training that was currently being provided was the most effective way of delivering training to Parish Councillors. A discussion took place on the advisability of a meeting with the Chairman and Clerk, attended by an Independent member of the Standards Committee, prior to the delivery of the training by the Parish Liaison Officer. After discussion it was agreed that this approach would not be necessary. It was felt that as well as delivering training at Parish Council meetings, members of this Committee should attend meetings from time to time to familiarise themselves with the workings of Parish Councils and to raise awareness of the ethics and probity work that the Committee was undertaking. The Chairman, Lynn Rogers and the Parish Liaison Officer would discuss a corporate brief for members attending Parish Councils which would then be circulated.

RESOLVED that the report be noted and the method of training Parish Councils and parish councillors, as outlined by the Parish Liaison Officer be agreed.

### **33. 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 the auditing of the adoption of the new Code of Conduct and recording of

Members interests and the current status of the Local Government and Health Bill.

He reported his concern about changes to the Code of Conduct which meant that Members could now comment on planning applications and issues that they had an interest in. He was concerned that credibility needed to be maintained and in order to ensure that members of the public understood the new procedure, a protocol would be provided. Members of the public needed to be aware of what was happening with the procedure being transparent.

The Monitoring Officer also drew attention to the large number of allegations made to the Standards Board for England in respect of one particular Parish Council. None of the allegations had been worthy of investigation and it was apparent from the issues involved that an inappropriate use of the Code was being made.

Members had also been previously notified of a case concerning a parish councillor. Although early indications pointed to this case being referred for local determination the SBE had now informed us that it would be dealing with this case itself.

RESOLVED that:-

(i) the Chairman, together with the Monitoring Officer and the Democratic Services Manager, draft a protocol regarding declarations of prejudicial interest at meetings of the Planning Committee for consideration by this Committee at its next meeting;

(ii) the Parish Liaison Officer, together with the Chairman visit the Parish Council referred to above in order to offer advice and guidance on the proper use of the Code of Conduct;

#### **34. Standards Committee Training Event 2008**

Noted that Somerset County Council would be holding a Standards Committee Training event for members of Standards Committees throughout the County on 31 January 2008 .

(The meeting ended at 4.05pm)

### Code of Conduct Training - Parish Councils

| Parish Council    | Date Visited | Chair | Clerk | Parish Councillors | Independent Members | Comments  |
|-------------------|--------------|-------|-------|--------------------|---------------------|---|
| Trull             | 16/07/2007   | ✓     | ✓     | 9/10               | Lynn Rogers         |   |
| West Buckland     | 31/07/2007   | ✓     | ✓     | 6/7                |                     |   |
| Chipstable        | 01/08/2007   | ✓     | ✓     | 4/5                |                     |   |
| Creech St Michael | 06/08/2007   | ✓     | ✓     | 10/11              |                     |   |
| Milverton         | 13/08/2007   | ✓     | ✓     | 12                 | Lynn Rogers         |   |
| Staplegrove       | 14/08/2007   | ✓     | ✓     | 5/6                |                     |   |
| Oake              | 14/08/2007   | ✓     | ✓     | 4/5                |                     |   |
| North Curry       | 29/08/2007   | ✓     | ✓     | 9/13               | Lynn Rogers         |   |
| Ashbrittle        | 03/09/2007   | ✓     | ✓     | 5/5                |                     |   |
| Corfe             | 04/09/2007   | ✓     | ✓     | 7/7                |                     |   |
| Ruishton          | 05/09/2007   | ✓     | ✓     | 10/11              | David Baker         |   |
| Wiveliscombe      | 10/09/2007   | ✓     | ✓     | 14/18              | Jenny Hoyle         |   |
| Otterford         | 11/09/2007   | ✓     | ✓     | 3/5                |                     |   |
| Bishops Lydeard   | 12/09/2007   | ✓     | ✓     | 9/16               | Anne Elder          |   |
| Cheddon Fitzpaine | 13/09/2007   | x     | ✓     | 5/6                | Maurice Stanbury    |   |
| Bishops Hull      | 20/09/2007   | x     | ✓     | 8/12               |                     |   |
| Bradford on Tone  | 19/09/2007   | ✓     | ✓     | 6/7                |                     |   |
| West Hatch        | 25/09/2007   | ✓     | ✓     | 5/7                | Dick Macey          |   |
|                   |              |       |       |                    |                     | Special meeting to address Code of Conduct issues and behaviour of Parish Councillors. Difficult meeting. Training session deferred and instead discussion on recent problems. Most agreed to put past difficulties behind them. Most seemed to be assured at our stance on complaints. |
| Norton Fitzwarren | 01/10/2007   | ✓     | ✓     | 6/9                | David Baker         |   |



|                         |            |   |   |       |
|-------------------------|------------|---|---|-------|
| Wellington Town Council | 01/10/2007 | ✓ | ✓ | 10/15 |
| Sampford Arundel        | 02/10/2007 | ✓ | ✓ | 6/7   |
| Wellington Without      | 02/10/2007 |   | ✓ |       |
| Kingston St Mary        | 08/10/2007 | ✓ | ✓ | 6/9   |
| Burrowbridge            | 09/10/2007 | ✓ | ✓ | 5/7   |
| Stawley                 | 19/06/2007 | ✓ | ✓ | 4/5   |
| West Monkton            | 10/10/2007 | ✓ | ✓ | 6/9   |
| Lydeard St Lawrence     | 22/10/2007 |   |   |       |
| Halse                   | 29/11/2007 |   |   |       |
| Comeytrove              | 05/11/2007 |   |   |       |
| Neroche                 | 08/11/2007 |   |   |       |
| Hatch Beauchamp         | 09/01/2008 |   |   |       |
| West Bagborough         | 16/01/2008 |   |   |       |

David Baker

Clerk has now fully  
briefed the PC  
following his training  
session

## **Training Session held at Bridgwater – 5<sup>th</sup> October 2007.**

### **Summary**

The training was undertaken by Peter Keith-Lucas, Partner and specialist on the Code of Conduct with Bevan Britton.

- 1 He hoped the Bill would be approved in October but it depends if there is an election which would delay it.
- 2 All complaints will be addressed to the Standards Committee from next May and the allegation will be by letter only and not a set form.
- 3 It will be for the SC to decide if they wish to investigate, refer to the Standards Board or take no action. In some cases the investigation can be adjourned for further clarification. The complainant may request the SC to reconsider their refusal to investigate.
- 4 We will need to set up a 'referral committee' which is prepared to meet at short notice. He suggested the RC may wish to arrange meetings at 3 weekly intervals and if no complaints are received, then the meeting can be cancelled.
- 5 We will also need a 'review committee' so that the Monitoring Officer and other staff may review allegations to be proceeded with and prepare reports for the MO to sign off. They would also advise the Referral Committee of other information required.
- 6 Authorities would need to consider the cost implication of the new system and make provision. His estimate of the cost to investigate an allegation to be heard was £8,000.
- 7 We should consider if our committee is sufficient to deal with the workload. Whilst we may have enough independent members, he did advocate that we should have one Councillor (of the same political party) sitting on a sub-committee as well as a Parish representative if the allegation concerned a Parish Councillor.
- 8 He thought that our maximum penalty would be increased to one of 9 months' suspension.
- 9 I believe there is a need in the coming months to produce a set of guidelines for each sub-committee to work to so that the committee can have in place by May a procedure for hearing complaints and for members to be designated to a sub-committee. This would include crib sheets, Chairman's notes etc and samples of these were given to us at the meeting.
- 10 He emphasized the importance of having a structure in place so that we can record not only the allegations but also our findings since these may be required in the event of an appeal.
- 11 We need to decide if we will have 3 members or 5 or some other number sitting on the referral committee and hearings panel.
- 12 The speaker also covered the functions of the sub-committees but it may be better to leave this until we have suitable training including the types of allegations we are likely to meet. However, you may wish to have sight of some of the sample cases we discussed and perhaps at our meeting we can spend 15/20 minutes looking at the issues.

David Baker  
Chairman  
5<sup>th</sup> October 2007.

Middleton Borough Council

Standards Committee

Referrals Panel Decision Sheet

|   | Investigate | <u>Don't</u><br>investigate | Other actions or recommendations |
|---|-------------|-----------------------------|----------------------------------|
| Middleton District Council  |             |                             |                                  |
| Allegation by Councillor Claire Booth in respect of Councillor Robert Smith, Middleton District Council |             |                             |                                  |
| Allegation by Mrs. Alison Buckingham in respect of Councillor Robert Smith, Middleton District Council  |             |                             |                                  |
| Allegation by Councillor Tom Ellis, Middleton District Council, in respect of Councillor Robert Smith   |             |                             |                                  |
| Other Town Councils   |             |                             |                                  |
| Allegation by Mr. Martin Carroll in respect of Councillor Stephen Hughes, Toddington Town Council       |             |                             |                                  |

**Agenda Item 5b}**  
**For resolution**

**To the Chairman of the Standards  
Committee**

From Councillor Mrs. Claire Booth  
The Members' Room  
Middleton Council Offices  
Upton Road  
Middleton  
UP5 3ST  
5<sup>th</sup> April 2008

Dear Sir,

Re. Councillor Robert Smith

I write to make a formal complaint in respect of the conduct of Councillor Robert Smith.

I have been on the Council for a year now and I have continually been shocked by Councillor Smith's total failure to treat others with respect, especially during formal meetings of the Council and its Committees.

As you will be aware, I was elected to the position of Vice Chairman of Development Control Committee and, as Councillor Mrs. Johnson was absent from the meeting of the Committee on Wednesday 28th March, this was the first meeting at which I had to take the chair.

Councillor Smith was behaving in his usual boorish manner, leaping to his feet to speak on a number of items when I had clearly indicated for another member to speak, not giving the slightest indication of listening to any other speaker, noisily shuffling papers, and making loud aside comments either to Councillor Webster who sits beside him or in the direction of the Press Bench.

At one point I had to ask him to keep his remarks to his official speeches and not to interrupt other speakers, after I overheard him use the phrase "daft old biddy" when Councillor Mrs. Howe got up to speak on the item on the redevelopment proposals for the Upton Road Hospital site.

After that, he ostentatiously pulled a paperback novel out of his brief case and proceeded to read it for the next 10 minutes while the Committee debated this item, before noisily putting it and his other papers back in his briefcase and then walking out while another Councillor was speaking, ostentatiously winking and smiling at the Press Bench.

When I spoke to him in the Members' Room after the meeting, he told me that "if I could not keep control in a meeting, I should not try to act as Chairman", and he then turned his back and walked away. He was talking to Councillor Webster at the time, and I am sure that he can confirm the exchange.

I have tried, and on occasion Councillor Mrs. Johnson has tried, to restrain his behaviour both by a quiet word, or a formal warning from the Chair. It has no effect. His conduct is most disruptive to other Councillors, and to members of the public. As he will not respond to any informal advice, I have no alternative but to make this formal complaint.

Yours sincerely,

To the Chairman of the Standards  
Committee

From Mrs. Alison Buckingham  
Middleton Council Offices  
Upton Road  
Middleton  
UPS 3ST  
5th April 2008

Dear Sir,

**Re. Councillor Robert Smith**

I write to make a formal complaint that Councillor Robert Smith acted in a blatantly racist manner at last week's Equalities Workshop and thereby acted in breach of the Members' Code of Conduct.

Last Friday, as the Council's Head of Community Development, I organised a day's workshop for Councillors at Downton Hall, to explore current issues relating to community development as they affect the discharge of the authorities functions, particularly in the light of the recent adverse comments in the annual Audit Management letter and the recommendations of CRE following the disorders in the Victoria Street areas of the town.

As one of the exercises, I split the Councillors, supporting officers and representatives of partner organisations into smaller working groups to brain storm on particular issues of immediate local' importance. Councillor Smith was part of a group of ten, including the representatives from the Police and from UNISON, who were asked to address the issue of the impact of the increasing drugs traffic on local communities. I set the group a scenario which was based upon the St Pauls area of Bristol, where there is an extensive local drugs culture which has hindered the regeneration of this part of the City. The scenario set out the history of this trade, with the influx of people of West Indian origin, and more recently of Somali origin, leading to often violent competition for control of the area and of the drugs trade.

When we were brain-storming possible solutions to this problem, Councillor Smith suggested that the answer was to re-patriate the West Indian and Somali populations. When it was pointed out to him that many of the local residents were third or fourth generation British citizens, and did not possess West Indian or Somali citizenship, he begrudgingly revised his suggestion to the deportation of all illegal immigrants. Chief Superintendent David Hutton raised the possibility of engaging in dialogue with local community leaders, and Councillor Smith then cut in to say that we would need to be very cautious in case the elders were themselves involved in the drugs trade. When challenged on this point, and the implicit assumption that elders in the St Pauls area would be involved in such activity, he said that he had personal experience of Colombia, where he said that the drugs cartels were controlled on family and tribal lines, and that you had to assume that if members of one group were involved in the drugs trade, then other members of the same group would also be. He also said that the fact that, as he put it, so many of the Somali community were either refugees or illegal immigrants, and the total lawlessness of Somalia, meant that the community did not engage with the law in Britain and had ready access to firearms.

When we remonstrated with Councillor Smith that he was applying prejudiced and racist stereotypes, and failing to recognise the historic cultures from which these two diverse communities came, he took great exception and thereafter limited his participation of a few disapproving snorts and grunts.

When we were taking time out to try to address such serious issues in a collaborative and constructive manner, Councillor Smith's prejudiced and racist stereotyping of whole communities, and his refusal to engage in the constructive dialogue within the group, in the presence of officers of the authority and of representatives of partner organisations, created a defensive climate and prevented the working group from effectively exploring these sensitive issues. His attitude was noticed and remarked upon by a number of those who were present and clearly brought his office and the authority into disrepute.

Yours sincerely,

(Mrs.) Alison Buckingham  
Head of Community Development  
Middleton Borough Council



**Agenda Item 5(f)**  
**For resolution**

By Email from councillor.tom.ellis@middleton.gov.uk

"To the Standards Committee

I wish to register a formal complaint against the conduct of Councillor Robert Smith, a member of Middleton District Council.

Councillor Mark Calverley is a member of both Middleton District Council and of Midshire County Council, where he and I are members of the Schools Organisation Committee.

During a debate at the Schools Organisation Committee meeting, held on 1 March 2008, regarding the proposed closure of Staveley School, in response to the question by Councillor Mark Calverley, "Are we doing the best thing for the children of Staveley Estate by closing the School and forcing them to go to other schools?", Councillor Smith replied "Of course it is best for them, they are all the children of junkies and smack heads anyway, it will give them something better to aim at, being put with normal people rather than being dragged down at Staveley".

This was witnessed by another member of the Schools Organisation Committee. In making such a sweeping generalisation, Councillor Smith has denigrated the people of Staveley, failed to show respect and brought her Office and the Authority into disrepute. In addition, Staveley Estate is an area of high minority ethnic population.

The Councillor Code of Conduct requires that:

You must treat others with respect

You must not do anything which may cause your authority to breach any of the equality enactments.

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

I request your consideration of this matter and early email reply.

Yours sincerely,



To the Chairman Standards  
Committee Middleton  
District Council Offices  
Uipton Road  
Middleton  
UP5 3ST

Dovecot Antiques Ltd  
1 Mill Street Toddington  
UP12 3HD  
2nd May 2008

Dear Sir,

Complaint in respect of Town Councillor Stephen Hughes

I enclose two deed boxes which comprise all the agendas and working papers in respect of the Toddington Town Council's consideration of the Toddington Town Centre Scheme, including the proposals for the pedestrianisation of Mill Street.

You will see how Town Councillor Stephen Hughes has consistently failed to listen to the concerns of businesses in the Town Centre and ploughed on with his personal preference for prettification of the Town Centre in a manner which would cause it to become a commercial Ghost Town.

It is clear from this documentation that he has failed to treat the traders with respect, consistently ignored their opinions and interests, and brought both his office and the Town Council into disrepute.

Yours sincerely,

Martin Carroll  
Director Dovecot  
Antiques