

You are requested to attend a meeting of the Standards Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 9 December 2009 at 15:30.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Committee held on 20 October 2009 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 Standards and Taunton Deane Borough Council. The Chief Executive, Mrs Penny James, will be in attendance for this item.
- 6 Ethical Governance Toolkit. Report of the Monitoring Officer (attached).  
Reporting Officer: Tonya Meers
- 7 Joint Standards Committees. Verbal report of the Monitoring Officer.  
Reporting Officer: Tonya Meers
- 8 Leaflet on Dispensations. Report of the Monitoring Officer (attached).  
Reporting Officer: Tonya Meers
- 9 Better working with other Committees. Chairman and the Monitoring Officer to report.  
Reporting Officer: Tonya Meers
- 10 Date of next meeting.

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 11 Update on complaints made against Councillors under the Local Assessment Framework. Report of the Monitoring Officer (to follow).

Clause 12 - Legal Advice

Reporting Officer: Tonya Meers

- 12 Report on other action. Report of the Monitoring Officer (attached).  
Clause 12 - Legal Advice

Reporting Officer: Tonya Meers

Tonya Meers  
Legal and Democratic Services Manager

02 December 2009

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 356382 or email [d.durham@tauntondeane.gov.uk](mailto:d.durham@tauntondeane.gov.uk)**

**Standards Committee Members:-**

Councillor D House  
Councillor J Allgrove  
Councillor S Brooks

# Taunton Deane Borough Council

## Standards Committee – 9 December 2009

### Ethical Governance Toolkit

#### Report of the Monitoring Officer, Tonya Meers

#### 1. Purpose of the Report

- 1.1 To agree the letter and questionnaire to go out to all members and senior officers and the timescales for the survey to be carried out.

#### 2. Background

- 2.1 In October this Committee agreed to carry out a 'light touch' health check to establish how far the ethical governance framework had been embedded into the Council.
- 2.2 The Committee requested the Monitoring Officer to provide a questionnaire to be agreed by the Committee prior to this being undertaken.
- 2.3 A letter and questionnaire has been prepared and is attached at Appendix A to this report.

#### 3. Recommendation

- 3.1 to approve the letter and questionnaire and agree the process to be undertaken in order to carry out the review.

Contact Tonya Meers, Monitoring Officer,  
[t.meers@tauntondeane.gov.uk](mailto:t.meers@tauntondeane.gov.uk) Tel: 01823 356391

**TONYA MEERS**  
**LEGAL & DEMOCRATIC SERVICES**  
The Deane House, Belvedere Road, Taunton TA1 1HE  
Tel 01823 356391 Fax 01823 356329  
email: t.meers@tauntondeane.gov.uk

Our Ref: TM/102567

Your Ref:

«Date»

«Name and Address (no more than 6 lines)»

Dear Member/Officer

### **Ethical Standards Self Assessment Survey**

I am one of the Independent Members and also the Chairman of the Standards Committee of Taunton Deane Borough Council and with the support of the Leader of the Council, I am writing to you to introduce a self-assessment survey of Ethical Standards within the Council.

As you hopefully will be aware the Standards Committee has a statutory responsibility to promote and maintain high standards of conduct and to assist elected members to observe the Code of Conduct. The Committee is also responsible for guidance and training on matters relating to the Code. It is important that there is a check on whether there are issues that have not yet come to the surface that could be dealt with more easily by an earlier intervention. The Committee need to see where and what the issues are as part of an initial "health check".

As part of the first stage, we are surveying the views of both officers and members of the Borough council in relation to a wide area of ethical governance related matters. You are one of the "chosen" ones and your assistance in completing and returning the attached form will be greatly appreciated by the whole Committee. The survey results will help the Committee to identify and concentrate on those areas that require further development, improvement or support. It will also help the Council to demonstrate that it has arrangements in place designed to promote and ensure probity and propriety in the conduct of its business, in accordance with the key lines of enquiry for the Use of Resources Assessment carried out by the Audit Commission. Finally, it will provide a benchmark for comparison with surveys carried out in subsequent years.

No doubt you will appreciate that failure to achieve high ethical standards has consequences in terms of loss of credibility and public confidence, allegations of breaches of the Code of Conduct, poor decision-making and possible challenge. We all have a responsibility to ensure that the reputation of local government is strengthened particularly at a time when the reputation of government generally is under such close public scrutiny and therefore your participation in this matter would be very much appreciated.

Yours faithfully

Anne Elder

Chair of the Standards Committee

Ross Henley

Leader of the Council

# TAUNTON DEANE BOROUGH COUNCIL – STANDARDS COMMITTEE

## ETHICAL STANDARDS SELF-ASSESSMENT SURVEY

Please indicate whether you are a:

Member

Officer

### Members and Officers' Ethical Standards and Compliance

#### (A) Code of conduct – compliance

For each statement/question please tick the box that most closely reflects your view

**1) I know where to find the codes and procedures that govern the ethical standards expected of Members/Officers of the Council.**

YES  NO

**2). I know how to report a breach or potential breach of the Members/Officers' codes of conduct.**

YES  NO

**3) The Council encourages high ethical standards and appropriate behaviour across the Council.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### (B) Standards Committee

**4) The Standards Committee is making a positive difference to the ethical environment within the Council.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**5) What else should the Standards Committee do to encourage and develop high ethical standards within the Council?**



**(C) Whistle blowing**

**6) I know that the Council has clear and confidential arrangements for staff to express concerns about misconduct, fraud and corruption.**

YES       NO

**7.1) I know where to find the policy and procedure for reporting misconduct, fraud and corruption.**

YES       NO

**7.2) I would feel confident in expressing concerns about misconduct, fraud and corruption under the whistle blowing policy.**

YES       NO

**7.3) If you answered No to question 7.2 please let us know the reasons why you would not feel confident using the whistle blowing policy.**

**(D) Training**

**8) Appropriate training is given to Members/Officers on issues of conduct.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you answered Disagree or Strongly Disagree to Question 8 please let us have your views or give examples where you think training has been lacking.

**9) I have been provided with advice, a briefing note/information or training on the following. Please tick those that apply.**

Human Rights Act	<input type="checkbox"/>	Freedom of Information Act	<input type="checkbox"/>
Data Protection Act	<input type="checkbox"/>	Race Relations (Amendment) Act	<input type="checkbox"/>
Sex Discrimination Act	<input type="checkbox"/>	Disability Discrimination Act	<input type="checkbox"/>

**(E) (a) Interests – Members**

**10) I understand the differences between a personal and a prejudicial interest.**

YES  NO

**11) I regularly record and update my relevant interests in the Council’s Register of Members’ Interests.**

YES  NO

**12) I am aware of the sorts of interests that should be included in the Council’s Register of Members’ Interests (e.g. land ownership; business interests; membership of certain bodies).**

YES  NO

**13) I am aware of the rules for registration of gifts and hospitality.**

YES  NO

**(E) (b) Interests – Officers**

**14) I am aware that I must declare any personal interests that conflict with the Council’s interests.**

YES  NO

**15) I am aware of the rules regarding receipt of gifts and hospitality in the course of my work.**

YES  NO

**(F) Codes of Conduct – Behaviour and Cultural Leadership**

**16) Members listen to the advice of officers.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**17) Members involve officers inappropriately in party political issues.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**18) Members treat all others fairly and without discrimination.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**19) Members perform their duties with honesty, integrity, impartiality and objectivity.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**20) I understand the role of the Council's Monitoring Officer.**

YES  NO

### **(G) Communications**

**21) The communication between Members is open and constructive.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**22) The communication between Members and Officers is open and constructive.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### **(H) Relationships**

**23) There is an atmosphere of trust in the Council between Members and Officers.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**24) There is a culture of bullying in the Council.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**25) I am aware of the Member/Officer Protocol.**

YES  NO

**26) I know where to find the Member/Officer Protocol.**

YES  NO

**(I) Accountability**

**27) Decision making by Members is transparent, objective and follows agreed procedures.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**28) Members must account for their decisions and actions.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**29) I think that Members are aware that they are accountable for their decisions and actions.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**30) The public has easy access to information on who has taken particular decisions.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**(J) Management of Standards**

**31) Decisions made by Members may be challenged, without reprisal, by other Members, Officers, partner organisations or the public.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you Disagree or Strongly Disagree please give your reasons.

**32) The Council's complaints procedures are clear and accessible.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you Disagree or Strongly Disagree please give your reasons.

**33) The Council takes seriously complaints from the public relating to ethical standards.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you Disagree or Strongly Disagree please give your reasons.

**34) The Council has a clear commitment to fight financial misconduct, fraud and corruption.**

Strongly Agree	Agree	Neither Agree Nor Disagree	Disagree	Strongly Disagree
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**35) Please add any additional comments as to how the Council could ensure compliance with ethical governance standards and build public confidence in local democracy.**

If you require any information regarding issues identified in this survey then please contact Tonya Meers, Legal & Democratic Services Manager and Monitoring Officer ([t.meers@tauntondeane.gov.uk](mailto:t.meers@tauntondeane.gov.uk) or 01823 356391)

**SURVEY TO BE RETURNED BY \*\*\*\*\* IN THE ENVELOPE PROVIDED.**

*Optional Details – Both your response and identity will be kept confidential.*

*Name:*

*Contact Telephone Number:*

*Position in the Council:*

**Thank you very much for taking the time to complete this survey. It will help the Council to act where appropriate to maintain high ethical standards and**

**public confidence in local government, which is of benefit to us all, members, officers and the public.**

# Taunton Deane Borough Council

## Standards Committee – 9 December 2009

### Leaflet on Dispensations

#### Report of the Monitoring Officer, Tonya Meers

#### 1. Purpose of the Report

- 1.1 To agree the leaflet to go out to all councillors and parish councils in respect of how to apply for a dispensation in order to allow them to continue with their business.

#### 2. Background

- 2.1 The Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255) came into force on the 15<sup>th</sup> June 2009 and amongst other things extended the power of Standards Committees to give members dispensations where they would otherwise be prohibited from participating on a matter because of a prejudicial interest.
- 2.2 As a result it was agreed at a previous Standards Committee that a leaflet should go out to all parish councils.
- 2.3 Attached at Appendix A is a draft leaflet which should have approval by the Standards committee.

#### 3. Recommendation

- 3.1 The committee are recommended to approve the attached leaflet for circulation to all parish councils and borough members.

Contact Tonya Meers, Monitoring Officer,  
[t.meers@tauntondeane.gov.uk](mailto:t.meers@tauntondeane.gov.uk) Tel: 01823 356391

**Information Leaflet and Application Form  
for Town and Parish Councils**

**Guidance  
on Dispensations for  
Town and Parish Councillors**

Leaflet issued by Taunton Deane Borough Council  
Standards Committee

December 2009



## **Guide to Dispensations**

As you may already be aware New Standards Committee (Further Provisions) (England) Regulations 2009 (SI 2009/1255), came into force from 15 June 2009. These regulations, amongst other things, revised the rules in relation to the granting of dispensations. They permit the Taunton Deane Borough Council's Standards Committee to grant a dispensation to a member of a Parish or Town Council on a matter with which they would otherwise not be permitted to deal, as a result of a prejudicial interest. Many Parish and Town Councils have adopted the optional provisions in the Code of Conduct that allow members with a prejudicial interest to make representations in relation to the matter that gave rise to the interest. However they are not entitled to vote and have to leave the room. On occasions there would be so many members leaving the room, sometimes in relation to the same interest, the meeting is no longer quorate and the matter cannot be discussed. The Regulations are designed to avoid this happening where possible.

The Regulations specify that dispensations may only be granted if (i) half the members entitled or required to participate in the business of the Parish or Town Council would not otherwise be able to because of prejudicial interests **or** (ii) the business of the Parish or Town Council will be impeded because the absence of members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting. A member is required to submit a written request for a dispensation explaining why it is desirable and that the Standards Committee must conclude that having regard to these matters and all the other circumstances of the case, it is appropriate to grant the dispensation. The Committee will consider a number of factors in reaching its decision. It will weigh up the risks and consequences of both granting or refusing an application, the extent to which the request could have been avoided, whether other arrangements could be made, the affect on public perception and confidence in local governance, the extent to which there is some personal benefit and the extent of public benefit obtained by agreeing to a dispensation. The Committee can decide the nature of any dispensation it grants. It could decide to allow a member to speak but not vote or to fully participate and vote. The Regulations also provide that a dispensation cannot be granted in respect of business conducted after four years.

Until such a dispensation is granted a Parish or Town Councillor may not participate in the consideration of the matter before the Parish or Town Council (or any Committee or Sub-Committee).

The Standards Committee will normally consider the dispensation at the first meeting after receipt. The Committee normally meets about every other month (the actual meeting dates can be found on our web site [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk) , so it is important to send in an application as soon as a potential problem is known, although it may be possible for a sub-committee to deal with the application in cases of extreme urgency.

A written request from each member is required. However where the interest is similar and relates to the same matter e.g. members are on the village hall committee and the matter under consideration is a funding request to the Parish or Town Council, in order to avoid duplication a single form could be submitted by the Clerk on their behalf provided it is signed by each councillor who is making the request. In any event, to ensure that sufficient full and complete information is made available to the Standards Committee it is suggested that the attached application form is used. It should be sent once completed to the Monitoring Officer at Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 2AH.

# Application Form for a Dispensation

under Section 81 of the Local Government Act 2000  
in respect of a Prejudicial Interest

Name of Council .....

1.	Names of Councillor(s) (if combined application the number must be not fewer than half of the total or you must show how the political balance of the council and outcome in relation to the matter would be affected by their non participation– if this is an individual application then the total number of councillors with prejudicial interests must (i) not be fewer than half of the total number of members of the council or committee or (ii) the political balance of the council and outcome in relation to the matter would be affected by the non participating councillors).	
2.	What is the total membership of your Council, Committee or Sub-Committee for which dispensation is sought? Please identify the political makeup of the Council, Committee or Sub-Committee to which this application relates.	
3.	What is the quorum of the Council, Committee or Sub-Committee concerned?	
4.	What is the matter for which dispensation is sought? Please provide <b>full</b> details including amounts where the matter involves funding or finance. <b>It is important that full and complete details are provided. The Standards Committee will not consider applications that lack information. Provide as much detail as possible.</b>	

5.	For which type of meeting is the dispensation sought? (Full Council, Committee or Sub Committee).	
6.	What is the nature of the prejudicial interest or interests? Please give full details.	
7.	For how long is the dispensation needed? Please note that it cannot be longer than 4 years nor exceed the term of office of the Councillors concerned. The dispensation should be no longer than is reasonably required.	
8.	Do you (where this is an application by an individual) or does any member benefit <u>personally</u> from the business to which this application relates. If "yes" the full details must be provided of the nature and extent.	
9.	How is the business of the Council being impeded in the absence of a dispensation (for example, a village hall matter where some members are exempt because they are Village Hall Trustees)?	

10.	Are there any other factors that might help the Standards Committee to reach a decision on the application?	
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Signed: ..... Date: .....  
 Clerk to Parish/Town Council (if appropriate)

Signed: ..... Date: .....  
 Councillor - Name.....

Signed: ..... Date: .....  
 Councillor - Name.....

Signed: ..... Date: .....  
 Councillor - Name.....

Signed: ..... Date: .....  
 Councillor - Name.....

Signed: ..... Date: .....  
 Councillor - Name.....

Please complete and return this form to:-

The Monitoring Officer  
Taunton Deane Borough Council  
The Deane House  
Belvedere Road  
Taunton  
TA1 2HE

The dates of the Council's Standards Committee meetings are available on the Council's web site and you should ensure that your application is received by the Monitoring Officer at least 14 days prior to the meeting at which you wish your application to be considered to enable a report to be prepared and your request included on the agenda. **Please remember that full information must be provided otherwise the Standards Committee will not consider your application.**