

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 25 January 2011 at 14:30.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Committee held on 20 October 2010 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 The Future of Local Standards Framework. Report of the Monitoring Officer (attached).
Reporting Officer: Tonya Meers
- 6 Protocol for Local Authority Partnership Working. Report of the Monitoring Officer (attached).
Reporting Officer: Tonya Meers
- 7 Performance Indicators for the Standards Committee - How are we doing six months after adoption of the indicators? Report of the Democratic Services Manager (to follow).
Reporting Officer: Richard Bryant
- 8 The Standards Committee on the Council's Website. A copy of the updated pages relating to the Committee are attached for consideration and comment.
Reporting Officer: Richard Bryant
- 9 Allowances for independent Members of the Standards Committee. Verbal report from the Democratic Services Manager following meetings of the Members' Allowances Panel and Full Council.
- 10 Attendance at Taunton Deane Committee meetings. Report of the independent Members of the Committee.
- 11 Raising the profile of the Standards Committee. A general discussion for Members of the Committee.

- 12 Setting the Forward Plan of the Standards Committee.
- 13 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.

- 14 Update on complaints made against Councillors under the Local Assessment Framework. Verbal report of the Monitoring Officer.
Clause 2 - Information which would reveal the identity of an individual.
Reporting Officer: Tonya Meers

Tonya Meers
Legal and Democratic Services Manager

13 April 2012

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.

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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

Standards Committee Members:-

Councillor J Allgrove

Mr T Bowditch

Councillor S Brooks

Mr A Cottrell

Mr H Davenport

Mrs A Elder

Councillor E Gaines

Mr D Macey

Mr M Marshall

Mr L Rogers

Mr R Symons

Mr B Wilson

Standards Committee – 20 October 2010

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Wednesday, 20 October 2010 at 2.30 p.m.

Present: Mrs A Elder (Chairman)
Councillors Mrs Allgrove, Brooks and House
Mr T Bowditch, Mr A Cottrell, Mr D Macey, Mr M Marshall, Mr L Rogers,
Mr M Stanbury and Mr R Symons

Officers: Mrs T Meers (Monitoring Officer), Mr D Greig (Parish Liaison Officer) and
Mr R Bryant (Democratic Services Manager)

Also present : Councillors Coles and Williams

42. Welcome

The Chairman welcomed Mr Terry Bowditch to the meeting. She explained that he had been selected to fill the independent Member vacancy on the Standards Committee following the resignation of Mr Peter Malim OBE. Mr Bowditch's appointment had been formally confirmed by Full Council on 5 October 2010.

43. Appointment of Vice-Chairman

Resolved that Mr Alan Cottrell be appointed Vice-Chairman of the Standards Committee for the remainder of the Municipal Year.

44. Minutes

The minutes of the previous meeting of the Committee held on 8 June 2010 were taken as read and were signed.

45. Declaration of Interests

The Chairman, Anne Elder, declared a personal interest as a Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution. Councillor Brooks declared a personal interest as a Member of Somerset County Council. Councillor Mrs Allgrove declared a personal interest as Chairman of the Somerset Association of Local Councils.

46. The future of Standards for England and Standards Committees

The Monitoring Officer, Tonya Meers, reported on the Coalition Government's proposals relating to the future of the quango Standards for England and of Council's Standards Committees.

The early indications from the Government were that Standards for England and the Code of Conduct were to be abolished and that the rules relating to the Registering of Interests were going to be changed.

Mrs Meers stated that until the Localism Bill was published for consultation there could only be speculation as to what was likely to replace the current Standards regime.

She reported that together with the Chairman a letter had been drafted and sent to Mr Eric Pickles, the Secretary of State for Communities and Local Government, setting out why it would be a retrograde step to remove the Code of Conduct, which most Councillors now fully accepted. Sadly no response from the Secretary of State had been received.

Councillor Williams stated that whilst the opportunity for increased "localism" should be embraced, it would be unfortunate if the Code of Conduct and Standards Committees were to be totally abolished.

He felt that it was important that a Code of Conduct for Councillors should exist and reassured Members of the Committee that there would be one whilst he remained as Leader of the Council.

Councillor Mrs Allgrove felt that the timing of the proposed changes was wrong particularly with many new District and Parish Councillors likely to be elected in May next year. She also understood that the Government was planning to introduce a criminal charge which could be brought against a Councillor for the non-declaration of a significant interest. Surely the current system was preferable?

Bob Symons reported that it was not surprising Standards for England faced abolition. Before the Local Standards Framework was introduced in May 2008, Standards for England had handled approximately 21,000 complaints. Of 6,000 that had been investigated, only 202 complaints had resulted in suspensions or dismissals at a cost of £200,000 per suspension. This was hardly cost effective and clearly demonstrated the dilemma faced by the Government.

The Chairman enquired whether the time was right to consider making further representations to the Government.

In response, Mrs Meers reported that the Localism Bill was due to be published during November 2010. This would enable the Committee to evaluate the Government's proposals at its next meeting on the 7 December 2010 and decide what it wished to say in respect of the proposals outlined in the Bill. She added that the views expressed by Committee Members about the possible demise of the Code of Conduct and Standards Committees were common throughout the other Somerset Districts.

The report was noted.

47. Change to the Executive arrangements of the Council

Mrs Meers reported that the Local Government and Public Involvement in Health Act 2007 required every Local Authority to reconsider its existing Executive arrangements and adopt one of only two specific Executive models.

Local Authorities were also required to pass a resolution by 31 December 2010 upon which one of the two Executive models would take effect three days after the next Local Government Elections on the 5 May 2011.

Taunton Deane currently operated an “old-style” Leader and Cabinet Executive which was one of three Executive models outlined in the Local Government Act 2000.

The 2007 Act now allowed for only two Executive models:-

- Mayor and Cabinet, or
- Leader and Cabinet (the ‘Strong Leader’ model).

The ‘new’ Leader and Cabinet arrangements provide the closest match with the arrangements that the Council currently operated and would provide for an Executive consisting of:-

- a Leader elected by the Council for a four year term; and
- two or more Councillors (with a maximum of nine) appointed to the Executive by the Leader.

Mrs Meers explained that at its meeting earlier in the month, Full Council had indicated that it would prefer the Strong Leader and Cabinet model as the model that should be implemented for Taunton Deane.

As a result, a “light touch” public consultation exercise would be undertaken in respect of the proposed change via a notice in the Somerset County Gazette, a notice on the Council’s website and letters to the Parish Councils. Any views received would be considered by the Executive prior to a final decision being taken at a special Full Council meeting scheduled for 14 December 2010.

Mrs Meers added that the new Coalition Government had already indicated that its Localism Bill could well contain proposals aimed at further altering Local Government governance arrangements, including the possibility of a return to the former Committee way of working.

Terry Bowditch asked what would happen with the Strong Leader model if there was a change of political leadership during the four year term.

Mrs Meers stated that there were provisions in the Act which enabled a Leader to be removed from office.

Councillor Williams added that he was not a supporter of four year terms of office. His preference was for the annual election of a Leader. With regard to the prospect of the return of a Committee structure, he commented that although this might be desirable, it would probably not be affordable given the current financial situation faced by Councils. He added that Members needed to use scrutiny in a better way. This did allow for matters of concern to be brought forward for consideration.

The report was noted.

48. Attendance at Taunton Deane Committee Meetings and Parish Council Meetings

The Democratic Services Manager, Richard Bryant, reported that in recent months independent Members of the Committee had attended meetings of Full Council, the Executive, the two Scrutiny Committees, the Corporate Governance Committee and the Planning Committee.

David Greig, the Parish Liaison Officer, reported that other than one appearance by the Chairman at a meeting of Wellington Town Council, no recent visits had been arranged. He reminded the Committee that this was to enable the independent Members to concentrate on attending meetings at Taunton Deane.

He added that with the uncertainty surrounding the future of the Standards regime it might not be advisable to arrange any further visits to the Parishes until everyone was clear as to what was going to happen. The Committee agreed with this view.

Mr Greig went on to inform the Committee of two areas of work he had been involved in over the past couple of months with regard to Parish Council matters in both the South Gloucestershire District and the Mendip District.

The report was noted.

49. Raising the Profile of the Standards Committee

Maurice Stanbury expressed the view that regardless as to what the Government was likely to do on a national level regarding the Standards regime, it was timely to raise the profile of Taunton Deane's Standards Committee to those outside of the Council, particularly if it was intended to retain local arrangements in the future. He felt this could be done in three particular ways – (1) The production of a leaflet for wide circulation; (2) The continued production of an Annual Report; and (3) Better information on the Council's website.

The Committee felt that these suggestions should be supported.

Mr Bryant reported that work was currently being undertaken to improve and update the web page relating to the Standards Committee and hoped this would be completed at an early date.

50. Forward Plan of the Standards Committee

Submitted for information the proposed Forward Plan of the Standards Committee.

Resolved that the Standards Committee Forward Plan be noted.

51. Date of next meeting

The next meeting would be held on Tuesday, 7 December 2010 at 2.30 p.m. in The John Meikle Room at The Deane House.

52. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following items because of the likelihood that exempt information would otherwise be disclosed relating to Clause 3 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

53. Recent Audit Reports – Registers of Interests

Mrs Meers reported that two recent Internal Audit inspections had been undertaken in respect of the Register of Interests for Members and the Register of Interests for Staff.

The reports on the inspections had very recently been received from the South West Audit Partnership and copies had been circulated to Members of the Committee for consideration and comment.

The Committee felt that in respect of both reports most of the recommendations were reasonable. However, despite previously deciding not to publish a summary of Members' Interests on the Council's website, the view was now taken that this information should be made more generally available to the public.

As far as the Register of Interests for Staff was concerned, the Committee felt that action should be taken by the Monitoring Officer to ensure undeclared Directorships were included on the Register and updated on an annual basis.

54. Update on complaints made against Councillors

Reference Minute No. 41/2010, Mrs Meers reported that the one complaint that was currently outstanding had been investigated and a draft report had

been prepared. It was likely that a Consideration Sub-Committee meeting would be arranged before Christmas to progress this matter.

Resolved that the report be noted.

55. Ethical Governance Questionnaire

Reference Minute No. 38/2010, Mrs Meers informed the Committee that re-sending the questionnaire had brought a 50% response from Councillors, which compared well to the very poor response to the original circulation.

However, she stated that given the recent announcements by the Coalition Government about Standards and the relatively short time before the Local Government Elections next May, it was perhaps not the right time to take the toolkit forward.

The Committee agreed with this view.

(The meeting ended at 4.04 p.m.)

Taunton Deane Borough Council

Standards Committee - 25 January 2011

The Future of Local Standards Framework

Report of the Monitoring Officer

1. Purpose of the Report

- 1.1 To update the Committee on the pertinent elements of the Localism Bill that was laid before Parliament on 13 December 2010 relating to the abolition of the current Standards Regime and provide an opportunity to formulate any recommendations to Taunton Deane Borough Council on the most appropriate way forward.

2. Background

- 2.1 As the Committee will be aware, the new Government has been clear about its intention to abolish the current Standards Board regime. The Department for Communities and Local Government has produced a briefing note relating to the proposed changes to the Standards regime together with a letter to the Chairmen of Standards Committees which are attached at **Appendix A** to this report.
- 2.2 The Localism Bill was laid before the House of Commons on 13 December 2010 and included provisions relating to changing the Standards regime.
- 2.3 The relevant extract from the explanatory notes to the Bill covering the chapter on Standards is attached at **Appendix B** to this report.
- 2.4 The key elements contained relating to the Standards regime in the Bill are as follows:-
- The abolition of Standards for England (formally the Standards Board).
 - The revocation of the requirement for Local Authorities to have a Standards Committee.
 - The revocation of the requirement to have a Code of Conduct for Councillors.
 - A duty on the relevant authority to ensure that Members and co-opted Members maintain high standards of conduct.
 - Provision for a relevant authority to have the option to adopt a voluntary Code of Conduct and should an allegation of a breach of such a code be made in writing, that authority must take a decision on whether or not to investigate the allegation.
 - The requirement for the establishment and maintenance of a Register of Members and co-opted Members interests.

- Making it a criminal offence for a Member to fail, without reasonable excuse, to comply with the obligations to register or declare personal interests.
- The setting out of transitional arrangements following the abolition of the Standards regime.

2.5 In summary, it is proposed to remove the Members' Code of Conduct and abolish the Standards for England and the requirement for Local Authorities to have a Standards Committee. Instead it will be a criminal offence to fail to register or withdraw for a personal interest (the scope of which awaits regulations).

2.6 Local Authorities may still adopt a non-statutory Code and will have a duty to consider allegations of breach of such a Code but there are no statutory sanctions against an offending Member so there will no longer be a power to suspend or disqualify Councillors who bully, are rude, disclose confidential information or bring their authorities in Local Government generally into disrepute. Provided they do not commit a criminal offence they will remain in office until the electorate have the chance to remove them at the next election. The definition of a "relevant authority" includes Principal Authorities such as Taunton Deane Borough Council together with Town and Parish Councils.

3. Implications and Discussions to date

3.1 It is clear that the proposals relating to the Standards regime reflect the new Government's promotion of the Localism agenda whereby rather than having a top down regulated approach, it will be left to the discretion of Local Authorities/areas to determine what, if any, arrangements are put in place for dealing with Code of Conduct related issues.

3.2 Nevertheless there will be specific regulations produced that Local Authorities will be expected to follow, particularly in respect of transitional arrangements and the establishment and maintenance of a register of Members' Interests.

3.3 As part of this change in approach, it is likely that the Council will have no statutory role in relation to the operation of a Standards regime covering Parish and Town Councils. One specific point that is yet to be clarified is whether a Monitoring Officer of a Principal Council will be made responsible for ensuring that Town and Parish Councils undertake the duty of drawing up and maintaining a Register of Interests for their local Councillors.

3.4 Therefore the Committee should decide whether there should be a discussion with the Leader of the Council and the two other Group Leaders as to whether there would be value in exploring an introduction of a voluntary Code of Conduct for Taunton Deane Members and maintaining a Standards Committee to include independent Members.

3.5 In addition it would also be considered sensible for there to be close working with other Local Authorities and Monitoring Officers in Somerset. Ideally, it

should also be considered whether it would be desirable to explore options for the Council to continue to support Town and Parish Councils in Taunton Deane on standards and probity issues although it is recognised that it would be at the discretion of individual Town/Parish Councils as to whether they would wish to be part of any such arrangement.

- 3.6 In terms of timescales, at this stage it is expected that the abolition of the current regime is likely to have an implementation date around the end of 2011/early 2012. There will be a requirement for this Committee to continue its statutory role up to and including this date and any subsequent transitional arrangements that may be introduced.
- 3.7 There is therefore some time for further deliberation and discussions although the earlier there is a clear view on the way forward the better as if there is a desire to introduce a voluntary framework, the details such as the content of a voluntary Code of Conduct, the terms of reference and membership of a local Standards Committee, potential joint working with other local authorities and possible working with Town and Parish Councils will all require specific consideration and further discussion.
- 3.8 In this respect, the Monitoring Officer of the Somerset County Council has already asked district colleagues in the County to give feedback on the following issues:-
1. Whether there is an appetite for introducing any local voluntary arrangements.
 2. If the answer to 1. is yes, whether there would be an interest in working together to develop such a voluntary Code; and
 3. Whether there would be an interest in constituting one joint voluntary Standards Committee.
- 3.9 At this stage, therefore, the Committee is invited to:-
- a. Consider whether it has an agreed position on the principle of the introduction of a voluntary Code of Conduct and/or maintaining a local Standards Committee for recommendation to Full Council; and
 - b. Agree specific responses to the three points raised by the Monitoring Officer of Somerset County Council as set out above.

4. Financial Implications

- 4.1 Whilst there are no specific financial/resource implications in respect of the current report, potentially the complete cessation of a local Standards regime could provide the Council with some savings, particularly in not having to finance the cost of any investigations. This would, of course, need to be balanced against the value of any potential loss of reputation should there be

a perception that the standards of Member behaviour is not given an appropriate level of attention and priority. There is nevertheless a reality check that given the current stringent financial climate that the Council faces then it will be more challenging to devote resources to an issue that is no longer statutory.

5. Equalities Impact

- 5.1 The current Code of Conduct does include specific provision for Members to pay close regard to equality and diversity issues and removal of any Code could prejudice the Council's commitment to its statutory and non-statutory equality and diversity obligations.

6. Environmental and Community Safety Implications

- 6.1 There are none in connection with this report.

7. Consultation Implications

- 7.1 Any way forward in respect of potentially introducing a voluntary local Standards framework would require consultation with other neighbouring local authorities at County, District and Town/Parish Council level.

8. Links To Corporate Aims

- 8.1. None in relation to this report.

9. Risk Management

- 9.1 If no provision is made for a process to govern and monitor the conduct of Councillors following the abolition of the current regime the reputation of standards and good governance of Local Government in Taunton Deane may suffer which would have a major impact on the reputation and credibility of the Authority.

10. Legal Implications

- 10.1 The new Bill proposes to make it a criminal offence for any Member to fail without reasonable excuse to comply with obligations imposed by regulations for disclosure and registration of Members' interests.
- 10.2 This report is generated in direct response to proposed changes to the Council's Statutory obligations following the implementation of the Localism Bill.

11. Recommendations

- 11.1 To decide whether to discuss with the Leader of the Council and Group

Leaders whether the Council should sign up to a voluntary Code of Conduct and retain a local Standards Committee.

- 11.2 The Committee is recommended to note the position set out in the Localism Bill relating to the abolition of the current Standards regime and formulate any recommendations for consideration by the Council on the appropriate way forward following the implementation of the Bill.

Contact Tonya Meers, Monitoring Officer,
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A handwritten signature in black ink, appearing to read "Dr. Robert Chilton".

15 OCT 2010

Conduct of local authority members

Recently Andrew Stunell announced the broad package of changes that we intend to put in place to abolish the Standards Board regime. A press notice relating to this announcement is available on the Department's web-site at:

<http://www.communities.gov.uk/news/corporate/157558411>

When we met on Wednesday 15 September, I undertook to let you have the details of what we are proposing once the package of changes was announced, and accordingly I enclose a short paper setting out the changes we intend to make.

I would of course be very happy to discuss these with you and your Committee. If you would like a meeting, please don't hesitate to get in touch with my office.

A handwritten signature in black ink, appearing to read "Bob Neill".

A printed signature in black ink, appearing to read "BOB NEILL MP".



Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to “abolish the Standards Board regime”.

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent,.

This means that until the appointed day, an allegation of misconduct can be made; after the appointed day, no further allegations of misconduct can be made under the standards board regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Proposed transitional measures

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

The Government is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

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To: Standards Committee Chairs

30 November 2010

Dear colleagues

I would like to draw your attention to a letter sent to me from the Local Government Minister, Bob Neill MP about the Government proposals for the future of standards in local government. This letter has now been published on both our and CLG's website.

As you will know, since the Coalition Government announced its intention 'to abolish the Standards Board regime', there has been little detail available about what this would mean in practice. The letter from the Minister now sets out the proposition in greater detail.

In brief, you will see that the proposal is that, alongside the abolition of Standards for England, the First Tier Tribunal (Local Government Standards in England) would lose jurisdiction over member conduct. The Government also intends to remove the national Code of Conduct for councillors and the requirement to have a standards committee. Instead it would be for councils themselves to choose whether or not they wish to have a local code or a standards committee (which would be an 'ordinary committee' of the authority and therefore not need to have independent representation). Any standards committee would no longer have the power to suspend a member. There would also be a new criminal offence created relating to failure to register or declare interests.

In the meantime, you will see that these proposals will need primary legislation. Our understanding is that the Decentralisation and Localism Bill, which would contain such provisions, will be introduced to Parliament by the end of the year. The current framework will continue in place until such time as the bill receives Royal Assent and the relevant provisions are enacted. Our understanding is that

this is likely to be some time in the summer or autumn next year, although exact timing will obviously depend upon Parliamentary progress of the bill as a whole. Consequently, in the meantime, as the Minister recognises, standards committees will continue to have a legal requirement to operate as now and, in particular, to continue to consider any allegations.

You will see that the Minister's letter sets out, in some detail, the transition arrangements that they intend to apply to any cases which will be in the pipeline at the end of the framework. While these proposals obviously depend on Parliamentary approval, in brief, Standards for England would cease to handle cases from an Appointed Day (likely to be two months after the coming into force of the provisions). At that stage, all cases still open would be passed back to the relevant local authority to complete. Any cases with the Tribunal at that stage would be completed but no further references could be made to it. Any cases being handled locally would need to be completed locally after that date by the standards committee, with no power to pass them to Standards for England or the Tribunal, but no new allegations could be made after the Appointed Day.

I hope that you find this helpful.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'R Chilton', with a stylized flourish at the end.

Robert Chilton
Chair

Appendix B

Chapter 5: Standards

Clause 14 - Amendments of existing provisions

145. Clause 14, and the Schedule it introduces, abolish the Standards Board regime, which consists of the Standards Board for England, standards committees of local authorities, the jurisdiction of the First Tier Tribunal in relation to local government standards in England and a codes of conduct for councillors. The abolition of the Standards Board for England and revocation of the codes of conduct will take place on a date appointed by the Secretary of State. None of the functions of the Standards Board for England are to be preserved. The power for the Secretary of State to issue a model code of conduct and to specify principles to govern the conduct of members of relevant authorities is removed together with the requirement for relevant authorities to establish standards committees. The First Tier Tribunal loses its jurisdiction over councillor conduct issues.

146. The Schedule contains provision for the Secretary of State to make an order regarding the transfer of the assets and liabilities from the Standards Board for England. It also makes provision for the Secretary of State to issue directions in connection with the abolition, including directions about information held by the Standards Board for England and makes provision for the final statement of accounts for the Standards Board for England to be prepared by the Secretary of State.

Clause 15 - Duty to promote and maintain high standards of conduct

147. Clause 15 places a duty on a relevant authority to ensure that members and co-opted members maintain high standards of conduct. It also defines what a 'co-opted member' is and what a relevant authority is for the purpose of this Chapter.

Clause 16 - Voluntary codes of conduct

148. Clause 16 provides that a relevant authority may adopt a voluntary code of conduct. If an allegation of a breach of a code is made in writing, the authority must take a decision on whether or not to investigate the allegation and, if it is considered that an investigation is warranted, investigate in any way the authority sees fit.

Clause 17 - Disclosure and registration of members' interests

149. Clause 17 provides for the establishment and maintenance of a register of members' and co-opted members' interests by the local authority by giving the Secretary of State power to make regulations to specify what interests must be recorded in that register. The regulations may make provision for restrictions on taking part in the business of the council to be imposed on a member or co-opted member with a registered or declared interest. The regulations may require the register to be available to the public and may make provision about exempting sensitive information from it.

Clause 18 – Offence of breaching regulations under clause 18

150. Clause 18 makes it a criminal offence to fail, without reasonable excuse, to comply with obligations imposed by regulations under clause 17 to register or declare personal interests, or to take part in council business when prevented from so doing by such regulations. The penalty that the magistrates' court may impose upon conviction is a fine of up to £5,000 and an order disqualifying the person from being a member of a relevant authority for up to five years. A prosecution for the offence may be brought within 12 months of the prosecuting authorities having the evidence to warrant prosecution, but only by or on behalf of the Director of Public Prosecutions.

Clause 19 - Amendment of section 2 following abolition of police authorities

151. Clause 19 removes police authorities from the list of "relevant authorities" in clause 15. The Police Reform and Social Responsibility Bill contains provision for the abolition of police authorities and their replacement with police and crime commissioners. The clause will be commenced when police authorities cease to exist.

Clause 20 – Transitional provision

152. Clause 20 gives the Secretary of State power to make transitional provision in relation to the abolition of the Standards Board regime. Allegations of misconduct can be brought against a member up to the date when section 57A of the Local Government Act 2000 is repealed. The transitional provisions made under this clause will make provision for any such allegations to be transferred from the Standards Board for England to local standards committees, and may make provision for the penalties which can be imposed by those committees, and rights of appeal to be modified.

Taunton Deane Borough Council

Standards Committee - 25 January 2011

Protocol for Local Authority Partnership Working

Report of the Monitoring Officer

1. Purpose of the Report

- 1.1 The Committee is required to review the Partnership Behaviour Protocol attached to this report and give their views as to whether it is something that Taunton Deane Borough Council should adopt when working with its various partners.

2. Background

- 2.1 Standards for England has been working with Manchester City Council and their partners to produce a protocol for authorities to use with their partner organisations to help ensure that there are high ethical standards being adhered to by all - a copy of which is attached at **Appendix A**.
- 2.2 The reason for this protocol is that partners who are involved in local authority decision making who are not Members of an authority are not subject to the same rules governing their behaviour as elected or co-opted Members on the same bodies.
- 2.3 The approach involves partners developing a shared set of values and behaviours that they think should underpin partnership work.
- 2.4 Due to the variety of different ways in which local authorities work in partnership with others there can be considerable variations in governance arrangements, therefore the protocol has been designed to attempt to address inconsistencies and to improve the governance of partnerships.
- 2.5 It should be noted that good governance can help to promote:-
- * high quality leadership;
 - * good decision making;
 - * clarity in relation to roles, responsibilities and activities; and
 - * successful working relationships.
- 2.6 The aim of the partnership behaviour protocol is to:-
- embed high ethical standards in partnership working;
 - address the disparity of rules and scrutiny governing those involved in local decision making;

- enable partners to hold each other to account and encourage constructive challenge between partners;
 - help partners to exercise leadership by demonstrating their own high standards of behaviour to other partners and to the public;
 - promote trust amongst the general public, demonstrating the partner's commitment to behaviour of a certain standard; and
 - improve performance management.
- 2.7 The protocol is useful both in forming partnerships, for example in assessing the compatibility of partners by asking them to sign up to some common values and behaviours but also in managing partnerships, for example enabling those engaged in partnership working to hold each other to account for the values and behaviours outlined in their agreed protocol.
- 2.8 The partnership behaviour protocol does not have a statutory basis or have sanctions attached to it, therefore Standards for England has suggested that there could be a role for Standards Committees in maintaining and overseeing adherence to the protocol.
- 2.9 The role suggested for Standards Committees by Standards for England are that they could:-
- act as chief promoters and champions of the Partnership Behaviour Protocol;
 - be well suited to oversee both the implementation of and adherence to the Partnership Behaviour Protocol;
 - play an active role where issues do arise in a partnership, for example one partner challenges another partner about their behaviour in relation to the protocol; and
 - mediate between partners where agreement cannot be reached or issues cannot be resolved.
- 2.10 An initial view of the Committee is sought before further consultation with CMT, the Community Scrutiny Committee and Corporate Governance Committee who will then sign off the Protocol.

3. Financial Implications

- 3.1 There are no financial implications in this report.

4. Equalities Impact

- 4.1 This protocol would help to ensure that all our partners needs are taken into consideration and would give the opportunity for specific concerns to be addressed.

5. Environmental and Community Safety Implications

5.1 There are none in connection with this report.

6. Consultation Implications

6.1. This report will be considered by Corporate Management Team, the Community Scrutiny Committee and Corporate Governance Committee

7. Links to Corporate Aims

7.1. None in relation to this report.

8. Risk Management

8.1. If the protocol is not adopted then there may be inconsistencies in how partners deal with each and governance arrangements may not be as robust as they should be.

9. Legal Implications

9.1 There are no legal implications in this report.

10. Recommendation

10.1 The Committee is required to review the Partnership Behaviour Protocol attached to this report and give their views as to whether it is something that Taunton Deane Borough Council should adopt when working with its various partners.

Contact Tonya Meers, Monitoring Officer,
t.meers@tauntondeane.gov.uk Tel: 01823 356391

Appendix A



Partnership behaviour protocol

Achieve intended outcomes

Our priorities are evidence based and our decision making is transparent.

We will:

- Share resources to achieve joint outcomes
- Monitor how well we have used our resources
- Actively encourage ideas and innovation
- Ensure that decision making is transparent
- Be committed to continuous improvement
- Ensure that claims of improved performance are based on clear evidence
- Establish accountability both across the partnership (horizontally) and within each organisation (vertically)

Public interest

We act in the interest of the public and demonstrate value.

We will:

- Focus on long term as well as short term issues
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Agree a protocol for the handling of complaints that relates to our joint work

Building partners' capacity

We build capacity in our partnership.

We will:

- Be committed to developing individual partners' skills to achieve our aims
- Encourage partners to be confident working outside of their organisational culture

- Be open to partners' suggestions and help.

Value and respect each other

We respect and value everyone's contribution.

We will:

- Ensure that all partners contribute appropriately and openly
- Acknowledge the capabilities of all members
- Recognise and embrace the role of voluntary and community sector partners
- Avoid dominance by one or two individuals
- Respect each other's roles and needs
- Actively encourage the participation of all partnership members
- Build effective working relationships with each other
- Recognise the value of all partners' contributions.

Act ethically

We act ethically. We are open and objective and encourage constructive challenge.

We will:

- Agree a mechanism for whistleblowing and dealing with complaints
- Ensure whistleblowers are supported
- Actively promote a 'no-blame' culture
- Support partners to both understand and constructively challenge any poor behaviour
- Use appropriate, unambiguous and simple language
- Agree how we will achieve democratic accountability
- Ensure that our dialogue is open and transparent
- Declare conflicts of interest and address them
- Make sure that the purpose of all meetings is made clear
- Be honest and objective.

Aligning strategies and networks

We harness our collective efforts through joint planning, delivery and governance arrangements.

We will:

- Ensure that partners can influence the decision making of member organisations
- Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- Make sure that actions taken by the partnership are clear, time-limited

and task-orientated

- Encourage all partners to actively shape the strategy
- Ensure that agreed actions are carried out.

Taunton Deane Standards Committee

Under Section 53 of the Local Government Act 2000, every Council must set up a Standards Committee. The statutory functions of the Standards Committee include promoting and maintaining high standards of conduct for members, giving the Council advice on adopting a Local Code of Conduct, monitoring the effectiveness of the Code and training Members on the Code.



What does the Committee do?

The work of the Committee is set out in its Terms of Reference in the Council's Constitution.

The Standards Committee will have the following roles and functions in relation to the Borough Council and Parish Councils within Taunton Deane:-

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) Assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and any co-opted Members on matters relating to the Members' Code of Conduct;
- (f) Granting dispensations to Councillors and any co-opted Members from requirements relating to interests set out in the Members' Code of Conduct or delegating such power to a sub-committee which will be authorised to determine such dispensations based on principles agreed by the Committee;
- (g) Assessing complaints made against members of the Borough Council and Parish Councils within the Taunton Deane Borough in relation to breaches of the Code of Conduct;

(h) Conducting consideration hearings following receipt of reports from the Monitoring Officer into a Member's alleged misconduct.

(i) Conducting hearings on reports as to alleged contraventions of the Members' Code, and deciding upon appropriate sanctions.

Members' Code of Conduct Complaints Process

As mentioned above, the Standards Committee deals with complaints about the behaviour of Taunton Deane Borough Councillors or Parish Councillors. The Council has a Code of Conduct governing the behaviour of Councillors and can only deal with complaints covered by the Code - a copy of the Code is available on the Standards for England website on the following link:-

<http://www.standardsforengland.gov.uk/Guidance/TheCodeofConduct/Guidance/Guideformembers/>

If you make a complaint to the Committee it must be about why you think a Member has not followed the Code of Conduct.

All complaints alleging that Members have breached their Code of Conduct must be made to the Standards Committee who will decide whether any action should be taken and, if so, what. This means that if you wish to complain that a Taunton Deane Borough Council Member or a Parish Councillor has breached the Council's Code of Conduct you will need to send your complaint to:-

The Standards Committee
c/o Mrs Tonya Meers
Monitoring Officer
Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton TA1 1HE

Membership

(a) The Standards Committee will be composed of at least:-

(i) One member from each of the political groups who are then represented on the Council [currently there are three such Groups];

(ii) Seven people who are not Councillors or officers of the Council or of any County, District or Unitary Council or of any Parish Council within Taunton Deane (these are referred to as "Independent Members");

(iii) (subject to the same exceptions as (ii) above) three members of a Parish Council from within Taunton Deane who shall represent the interests of all such Parish Councils (the Parish Members);

(iv) Members of the Standards Committee will hold office from one Annual Meeting until the next - at which point their appointments shall be either renewed or terminated at Annual Council.

(b) Independent Members

Independent Members:-

(i) Shall be selected in accordance with the statutory rules prescribed under The Standards Committee (England) Regulations 2008;

(ii) Will be entitled to vote at all meetings of the Committee or on any sub-committees to which they have been appointed by the Standards Committee.

(c) Parish Members

A Parish Member must be present at any meeting of the Standards Committee when matters relating to Parish Councils or their members are being considered.

Current membership is as follows:

Chairman:

Mrs A Elder (Anne)

Vice-Chairman:

Mr A W J Cottrell (Alan)

Independent Membership

Mr T R Bowditch (Terry)

Mr R J Macey (Dick)

Mr W L Rogers (Lynn)

Mr M Stanbury (Maurice)

Mr R Symons (Robert)

Member Representatives:

Councillor Mrs J M Allgrove (Jean)

Councillor S Brooks (Steve)

Councillor D House (David)

Parish Representatives:

Mr M Marshall (Mike)

Mr D Wilson (Bryn)

Vacancy

How to contact us

Contact profile for Taunton Deane Standards Committee

Contact type	Contact details
Address:	The Standards Committee c/o Mrs Tonya Meers Monitoring Officer Taunton Deane Borough Council The Deane House Belvedere Road Taunton TA1 1HE