

Standards Advisory Committee

You are requested to attend a meeting of the Standards Advisory Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 17 July 2017 at 14:30.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Advisory Committee held on 23 May 2017 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors, Town or Parish Councillors will automatically be recorded in the minutes.
- 5 Raising Standards : Parish Council Health Checks. Presentation by Justin Robinson, County Executive Officer of the Somerset Association of Local Councils.
- 6 Discontent with the current Standards Regime. Copies of the further letters to the local Member of Parliament and the Secretary of State for Communities and Local Government are attached for information/comment.
Reporting Officer: Richard Bryant

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.

- 7 Complaints against Councillors - Update by the Monitoring Officer. Paragraph 1 - Information which would reveal the identity of an individual.
Reporting Officer: Bruce Lang

Assistant Chief Executive

07 August 2018

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, 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



The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall 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 219736 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Standards Advisory Committee Members:-

Mrs A Elder	(Chairman)
Ms L Somerville Williams	(Independent Person)
Councillor T Davies	
Councillor E Gaines	
Councillor T Hall	
Councillor G James	
Mr M Marshall	
Mr L Rogers	
Councillor F Smith-Roberts	
Mr B Wilson	

Standards Advisory Committee – 23 May 2017

Present: Councillors Davies, Gaines, Hall and James.
Ms L Somerville (Independent Person)
Michael Marshall and Bryn Wilson (Parish Council representatives),
Anne Elder and Lynn Rogers (Co-opted independent members of the
Advisory Committee)

Also Present: Cllr Aldridge

Officers: Bruce Lang (Monitoring Officer) and Marcus Prouse (Democratic Services
Officer - Scrutiny)

11. Appointment of Chairman

Resolved that Mrs Anne Elder be appointed Chairman of the Standards
Advisory Committee for the remainder of the Municipal Year.

12. Apology

Councillor Mrs Smith-Roberts.

13. Minutes

The minutes of the meeting of the Standards Advisory Committee held on 28
March 2017 were taken as read and were signed.

14. Declaration of Interest

Mrs Anne Elder, declared a personal interest as a Public Governor of the
Taunton and Somerset NHS Trust.

15. Raising Standards : Parish Council Health Checks

This item was deferred due to the indisposition of Mr Justin Robinson, the
County Executive Officer of the Somerset Association of Local Councils.

16. Discontent with the current Standards Regime

The Monitoring Officer, Bruce Lang, introduced the item and stated that this
flowed from previous discussions that the Committee had had on the
perceived ineffectiveness of the Standards Regime, brought about by the
major reforms brought in by the Localism Act 2011. Notably this had removed
the legal requirement for Councils to have a Standards Committee.

It was recognised that currently with the lack of formal sanctions, the best
work that could be undertaken by the Advisory Committee was to encourage
good behaviour by Councillors to prevent breaches of the Code of Conduct.

The only legal requirements on the Council was to ensure the Register of
Interests was displayed on the Website and to have a formal complaints

process and to deal with such complaints accordingly. However, with regard to the latter, this had been made more difficult without effective sanctions in place.

The response that had been received from the Minister was considered disappointing, with the message seemingly that we had to work with the tools given which Taunton Deane's Advisory Committee had interpreted as education, training and prevention. The Council did undertake non-statutory practices such as training to support Members and strived to maintain a responsible culture amongst all the Members.

During the discussion of this item the following points were made:-

- The Sedgemoor letter was worthy of endorsement, however, it was felt that the Advisory Committee should draft a follow-up letter to the Secretary of State as to which parts of the new Standards Regime were considered to be appropriate and what could be improved.
- It was recognised that whilst the change of the former Standards Committee to an Advisory Committee had been a downgrade, to enable co-opted Members to retain voting rights, the Council had supported this and enabled this to work by recognising informally the primacy of the Committee's recommendations.
- One issue which Members felt was inappropriate was permitting Parish Council's to shape their own Codes of Conduct rather than having one version across the board. This had led to confusion.
- The Advisory Committee confirmed its wish for any review of Localism Act to restore voting rights to the co-opted Parish Council representatives and the independent members.
- Parish Councils were felt to be more remote from Taunton Deane Borough Council, especially since the deletion of the Parish Liaison Officer post.
- Clarity was sought over the exact implications of the 2011 Localism Act.
- It was recognised that the old regime had been too centrist and cumbersome, and the reforms had allowed for a streamlining of guidance and allowed for a local touch.
- The 'ballot box' judgement was not felt to be an effective deterrent in Standards cases as, unless the Crown Prosecution Service was involved, the public was often not aware of breaches of the Code of Conduct.
- Confirmation should be sought from the local Member of Parliament that all of the Advisory Committee's concerns had been passed through to the Minister for Local Government as the response received did not appear to address all of the issues.
- A follow-up letter supporting the 'Sedgemoor Letter' be sent to the Secretary of State re-iterating this Council's support and the points raised during the meeting. It was agreed that the letter should be sent for information to the other signatories of the Sedgemoor Letter.

Resolved that the report be noted with the actions set out above being taken.

17. Monitoring Officer's Update

Mr Lang stated that the interesting and wide ranging discussion on the previous item had covered a lot of the points he was going to make.

In terms of activities other than complaints, Mr Lang had continued to engage with Parish and Town Council's as well as members of the public about their concerns, as well as continued interaction with Taunton Deane Members on their Declarations of Interest.

The Chairman offered more background on her role and the fact that she sought to attend (on a voluntary basis) meetings of the Planning and Scrutiny Committees and Full Council. It had been acknowledged that this had had a restraining effect on the behaviour of Members present at those meetings
Resolved that the report be noted.

18. 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 2 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.

19. Update on complaints made against Councillors

The Monitoring Officer, Bruce Lang, provided a report on the complaints that had been received by him over the past three months, the action that had been taken to deal with the matters raised and the outcomes.

Resolved that the report be noted.

20. Date of next meeting

The next meeting of the Advisory Committee would be held on Tuesday, 4 July 2017 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.40 p.m.)

Our Ref: RB/DS001T

Date : 23 June 2017

Rebecca Pow
Member of Parliament for Taunton Deane
House of Commons
London
SW1A 0AA

Dear Ms Pow,

The current Local Government Standards Regime

Thank you for your letter of the 27 April 2017, enclosing the response you had received from the Local Government Minister, Mr Marcus Jones in connection with concerns expressed by the Council's Standards Advisory Committee about the current Local Government Standards Regime.

Both your letter and the one from the Minister were submitted for information to the meeting of our Advisory Committee on 23 May 2017.

Although Members were pleased to learn that a review of the current Standards Regime was going to take place later this year, it was noted from the Minister's response that there were a number of points which had originally been brought to your attention that had not been addressed by the Minister.

The Members of the Standards Advisory Committee therefore asked me to write to ask for confirmation that the full list of its concerns was provided to the Minister.

I look forward to receiving this confirmation from you in due course.

On the same topic of concerns with the current Standards Regime, I am attaching for your further information a copy of a letter submitted by Sedgemoor District Council – endorsed by eleven other local authorities in the South-West – to the Secretary of State for Communities and Local Government at the beginning of May.....with some further input from Taunton Deane!

Yours sincerely,



Richard Bryant
Democratic Services Manager

Our Ref: RB/DS002T
Your Ref: 3272387

Date : 22 June 2017

The Rt Hon Sajid Javid MP
Secretary of State of Communities
and Local Government
2 Marsham Street
London
SW1P 4DF

Dear Secretary of State,

Local Authorities and the Standards Regime

I am writing to you to relay further concerns raised by Taunton Deane Borough Council's Standards Advisory Committee at its most recent meeting on 23 May 2017 about the current Local Government Standards Regime.

This is subsequent to the letter that was sent to you by Sedgemoor District Council on 2 May 2017 which was endorsed by the Standards Committees of eleven local authorities in the South West, including Taunton Deane.

This Council's Standards Advisory Committee wish to re-affirm its support for the Sedgemoor letter and would welcome the opportunity to work with you in the future to create a system that is proportionate and better suited for the Local Government community as a whole.

At the request of the Advisory Committee, this letter is going to be sent to the other eleven authorities, offering them the opportunity to endorse its contents. Taunton Deane's additional views on the following points from the previous letter are set out below:-

- 1) **'The concern is in relation to the limits on sanctions that Councils can now apply against Councillors.'**
- 2) **'The Committee would welcome the availability of sanctions with some teeth.'**
- 3) **'The Committee would ask, therefore, that you increase the range of sanctions available to local Standards Committees.'**

The Advisory Committee has always sought to promote good Councillor behaviour to prevent breaches of the Code of Conduct which can lead to complaints being submitted. In the past this has been relatively successful judging from the limited number of complaints the Council has had to deal with over the years.

However where complaints are received, the Advisory Committee recognises that often the best way of treating such referrals and potential transgressions is to allow the Monitoring

Officer to consider them, if appropriate, in an informal, pro-active way where the parties concerned have an opportunity to 'have their say' without the Council following what could be a costly formalised complaints procedure to deal with what can be a relatively minor issue.

The advantages of this approach are obvious where the offer of an apology can often result in the matter being concluded. However, such an approach cannot be used where the complaint against a Councillor is of a far more serious nature.

In these circumstances the formal investigation route should be the route to be followed to ascertain whether the Code of Conduct has been breached by the Councillor concerned.

Unfortunately though, it is considered by many Local Authorities that the limited sanctions that can now be applied to an errant Councillor since the introduction of the Localism Act makes the time, effort and cost of formal action something to be avoided if at all possible.

It could certainly be argued that the lack of sanctions 'with teeth' could easily be perceived by certain Councillors that they are able to breach the Code of Conduct with little in the way of punishment. Whether there is any proof that Councillor behaviour has become worse since the 2011 Act is perhaps open to question.

Nevertheless, as far as this Council's Advisory Committee is concerned the diminution of the sanctions previously available has somewhat hamstrung the approach of encouraging and *enforcing* behavioural change where and when necessary.

It is recognised that currently the only meaningful way of disciplining Members who have breached the Code of Conduct would be through the Monitoring Officer working with the Political Group Leaders to agree a suitable sanction such as the removal of the Party Whip or expulsion from the Party. However, realistically this would rely on the goodwill of the Group Leader or the Group itself to bring such a sanction into operation.

The Advisory Committee agreed that there was a pressing need for more stringent rules and regulations to be in place to deal with serious Member misconduct. It was felt that the only way to have an effective sanctions policy is to either enforce a monetary punishment or a removal of privileges.

Detailed below are some specific sanctions which the Advisory Committee would suggest should be made mandatory rather than only recommended courses of action:-

- Suspension of e-mail accounts;
- Removal of laptops/hand-held devices;
- Mandatory training;
- Public censure;
- Withdrawal of the Basic Allowance paid to Councillors for a stipulated period; and
- Suspension from Committee membership.

These could be applied incrementally whereby - for example - a Councillor who failed to make an apology or attend mandatory training within a specified time would have further sanctions applied.

The Advisory Committee believes that in being given the responsibility to impose the range of sanctions set out above would be very effective in preventing Councillor misbehaviour. These

suggestions are felt to be positive and constructive and any feedback and support would be welcomed.

4) 'It is recognised that the public can vote with their feet through the ballot box.'

The Advisory Committee whilst recognising this broad point feel that it should be emphasised that it is difficult and unrealistic for the Ballot Box to be relied upon as a deterrent measure and to sort disciplinary issues out in all but a tiny minority of the cases that come forward.

Even though a Council has the power to 'publicise' a finding against a Councillor who has breached the Code of Conduct, it is - in most cases - difficult for the public to be made aware of the specific details of a case, and for that to have a concurrent impact.

5) 'The Committee would ask, therefore, that Standards Committees be given the power to co-opt Independent Persons and Parish Representatives on to the Committee as full voting members of the Committee.'

The Advisory Committee felt it would be beneficial to explain how the Council has dealt with the introduction of the Localism Act 2011 and implemented a way of working which has endeavoured to retain the ethos of independence in the handling of standards issues in Local Government.

Up until July 2012, the Council had a Standards Committee comprising five independent members (effectively members of the public), three Parish Council representatives and three Borough Councillors. It was recognised for its truly independent and non-political nature and operated in a very effective way, taking its own decisions on matters that came before it.

The provisions of the Localism Act swept this Committee away and the Council introduced a politically balanced Committee as required by the legislation. However, within the first twelve months this Committee was changed to a Standards *Advisory* Committee. This allowed co-opted Members from the Parishes and independent members to return to the Committee and still have the ability to vote on matters discussed at its meetings.

Although this change did in a sense 'downgrade' the Committee by removing its ability to make decisions itself, any recommendations the Committee make to Full Council would normally be affirmed without amendment as an acknowledgement of the Advisory Committee's expertise.

The Advisory Committee does feel that the Parish Council representatives and the independent members are still "side-lined" under the current regime and a more central role should, in its view, be given statutory recognition.

A statutory requirement for all Councillors to receive standards training would be helpful in promoting and ensuring good conduct in the future. By properly recognising the important role that the representatives from Parish Councils and the independent members provide to the standards process, this would reinforce the important role that the Independent Person plays which is recognised as one of the positive initiatives arising from the Localism Act.

At present, the only way to prevent a Standards Committee from not being politically proportional (and therefore be perceived to be part of the 'political' process) is to establish an Advisory Committee as described above. This has resulted in the unintended consequence of Standards Committees in some Councils becoming far more political than previously, which is what the reforms were designed to prevent! It is not recognised by Taunton Deane's

Committee that partisan issues affected the credibility of the old regime to the extent that is popularly believed.

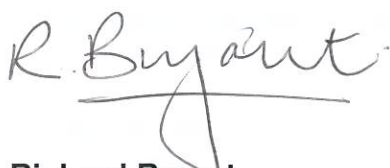
One other thing to bring to your attention is that the Advisory Committee has a Chairman, who is one of the independent members. The Committee finds this way of working effective, especially as the Chairman seeks to attend (on a voluntary basis) meetings of our Planning and Scrutiny Committees and Full Council Meetings which is felt to have a restraining effect on the behaviour of those Members present.

Finally, whilst it is acknowledged that the new system does have some advantages, such as less regulation/bureaucratic work for officers and the ability to have a local, lighter touch policy prescription, the Advisory Committee feels that allowing Parish Councils to have different wording in their Codes of Conduct (over and above those items that are stipulated) has diluted the effectiveness of the District Committee's Code of Contact as there is no set standard to measure up against, as well as causing confusion amongst some Councillors.

I hope these points add to your understanding of the situation as it relates to the current Standards Regime, and that you are able to take on board these comments when the reforms that were implemented in 2011 come under a review at some point in the near future.

I look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink that reads "R. Bryant". The signature is written in a cursive style with a horizontal line underlining the name.

Richard Bryant
Democratic Services Manager