

## Standards Advisory Committee

You are requested to attend a meeting of the Standards Advisory Committee to be held in The Brittons Ash Community Centre, Bridgwater Road, Bathpool, Taunton (Committee Room) on 13 March 2018 at 14:30.

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### Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Advisory Committee held on 14 November 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 or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 Local Government Ethical Standards : Stakeholder Consultation. A copy of the a consultation paper prepared by the Committee on Standards in Public Life is attached for consideration together with the initial responses to the questions raised by the Monitoring Officer.

Reporting Officer: Bruce Lang

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.

- 6 Complaints against Councillors - Verbal update by the Monitoring Officer.  
Paragraph 1 - Information which would reveal the identity of an individual.

Reporting Officer: Bruce Lang

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](http://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](mailto: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](mailto: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 – 14 November 2017**

Present: Anne Elder (Chairman)  
Councillors Davies, Gaines, Hall and James  
Michael Marshall and Bryn Wilson (Parish Council representatives)  
Lynn Rogers (Co-opted independent member of the Advisory Committee)

Officers: Bruce Lang (Monitoring Officer) and Richard Bryant (Democratic Services Manager)

The meeting commenced at 2.30 p.m.

### **29. Minutes**

The minutes of the meeting of the Standards Advisory Committee held on 17 July 2017 were taken as read and were signed.

### **30. Declaration of Interest**

Mrs Anne Elder declared a personal interest as a Public Governor of the Taunton and Somerset NHS Trust. She added that she would cease to be a Governor on 30 November 2017.

Councillors Gaines and James declared personal interests as Members of Wiveliscombe Town Council and Wellington Town Council respectively.

### **31. Complaints against Councillors**

The Monitoring Officer, Bruce Lang, provided a verbal update on three complaints that had been received by him since the last meeting of the Advisory Committee, the action that had been taken to deal with the matters raised and the outcomes.

Two of the complaints related to Parish Councillors.

The first related to two Councillors allegedly showing a lack of respect towards each other following a difference of opinion at an informal meeting of the Parish Council.

Both Councillors had admitted that there had been a clash of views and one had since resigned from the Parish Council as a result.

In the view of Mr Lang, there was no need to formally investigate the matter as neither side was likely to change their views. The complainants had simply taken things too personally.

The second complaint concerned a matter raised at a Parish Council meeting by a Councillor in relation to his neighbour without declaring an interest.

The neighbour had initially complained to the Parish Council and, as a result,

had offered to resign. Mr Lang had felt that it was not necessary for the Councillor to follow this course of action particularly as an interest had been declared at recent meetings and the subject Member had taken no part in subsequent discussions.

As no one had disputed the facts, there was no need to undertake a formal investigation.

Members of the Advisory Committee wondered why the Chairman and/or the Clerk to the Parish Council had not initially advised the subject Member as to his apparent interest. They also questioned why an apparently private issue had come before the Parish Council?

In response to the latter query, Mr Lang reported that the matter had been discussed as it appeared to be a safety issue.

The third complaint related to a Borough Councillor in connection with the consideration of a high profile planning issue by the Council.

The complainant had subsequently made a Subject Access Request to the Council. This had revealed that the Councillor the subject of the complaint had made some disparaging – but not offensive – comments about the complainant.

Mr Lang had spoken to the Councillor who had agreed to make an apology to the complainant which had been accepted.

The Chairman stated that these days great care needed to be exercised in what was said in all forms of communication used by Councillors. She requested that greater emphasis was given to this matter when new Councillors received their induction training.

**Resolved** that the report be noted.

### **32. Discontent with the current Standards Regime**

Reference Minute No. 25/2017 the Democratic Services Manager, Richard Bryant, reported the receipt of a further letter from the Minister for Local Government, Marcus Jones MP.

The letter re-iterated that the Government was committed to reviewing the current arrangements even though Mr Jones was of the view that they were, in his view, adequate.

**Resolved** that the contents of the letter be noted.

### **33. Visits to Parish Councils**

Referring to the earlier item relating to complaints about Parish Councillors, Mr Rodgers felt that the time had perhaps arrived to re-activate the visits Members of the former Standards Committee used to make to Town and Parish Councils in the area.

Such visits not only gave the opportunity for the 'Standards Flag' to be waved but allowed Members to observe the operation of meetings and provide advice about things such as interests, if asked.

**Resolved** that this suggestion be noted.

**34. Date of next meeting**

The next meeting of the Advisory Committee would be held on Tuesday, 23 January 2018 at 2.30 p.m. in the Committee Room at the Brittons Ash Community Centre, Bridgwater Road, Bathpool, Taunton.

(The meeting ended at 3.31 p.m.)

## **Review of Local Government Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

### **Terms of reference**

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.



The Committee will publish anonymised submissions (where the name of the respondent and any references to named individuals or local authorities are removed) where a respondent makes a reasonable request to do so.

## **Consultation questions**

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

### *Codes of conduct*

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

### *Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
  - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

- ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
- iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

### *Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?
  - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
  - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

### *Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
  - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
  - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

### *Whistleblowing*

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

### *Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?

- j. What steps could *central government* take to improve local government ethical standards?

#### *Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?
- i. What measures could be put in place to prevent and address this intimidation?

### **Who can respond?**

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

### **How to make a submission**

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)
2. Via post to:
  - Review of Local Government Ethical Standards
  - Committee on Standards in Public Life
  - GC:07
  - 1 Horse Guards Road
  - London
  - SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email ([public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).

# Taunton Deane Borough Council

## Standards Advisory Committee – 13 March 2018

### Review of Local Government Ethical Standards

#### Initial thoughts on Consultation Questions

- a. *Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.*  
Not in all cases, especially the potentially serious cases or instances whereby a particular councillor keeps breaching the code as the sanctions have no teeth to act as a deterrent.
- b. *What, if any, are the most significant gaps in the current ethical standards regime for local government?*  
Sanctions that would act as a deterrent. Very limited powers in respect of town and parish councils where the majority of issues arise. At present, there is no independent body that people can go to if they are unhappy with the treatment/service provided by a town/parish council (like the local government ombudsman for example) and this means a range of issues come to the Monitoring Officer which are either outside their remit completely and if they do relate to code of conduct issues, as mentioned above, there are no effective sanctions to adequately address the more serious issues.
- c. *Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?*  
Broadly yes at principal council level but not consistently across town and parish councils – it is very difficult to reach all such councillors – we have offered free training and have still only reached about a third of parish/town councillors in our area.
- d. *A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.*  
The main issue is that since 2011 the wording does not have to be consistent in relation to declarations of interests and it would be much clearer if all codes of conduct had precisely the same wording. Using the three classifications of disclosable pecuniary, prejudicial and personal interests works well at our principal council level but this is not mirrored by all town and parish councils which has caused confusion and inconsistency.

e. *Are allegations of councillor misconduct investigated and decided fairly and with due process?*

(i) *What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?*

We do have good processes in place, but rarely use them due to the expense and time taken knowing that there is no significant sanction available at the end of the process to address serious issues; councils cannot afford to enter into potentially long and costly processes unless it is clearly in the public interest.

(ii) *Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?*

The views of the Independent Person do provide a useful check and balance and a support to the Monitoring Officer. Members of the public do not always understand where/why they fit in (in relation to the council, Monitoring Officers, Standards Committees etc.).

(iii) *Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?*

I would always use someone else to undertake any formal investigation but this will take extra resource internally (which we often do not have) so it can cost additional funding that is difficult to budget for – a further deterrent to going down the formal investigation route – so we always look to deal with matters by the way of an informal resolution.

f. *Are existing sanctions for councillor misconduct sufficient?*

(i) *What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?*

For less serious matters where some training or an apology is a proportionate mitigation, then the current sanctions are adequate – but for cases that require a formal investigation, then, in my opinion, they do not offer a sufficient deterrent.

(ii) *Should local authorities be given the ability to use additional sanctions? If so, what should these be?*

For more serious cases, sanctions of up to and including suspension for six months would have the potential to have a real impact and make people think more about their behaviours. Even the making of certain breaches a criminal offence does not seem to have worked as such matters have to be referred to the Police who, from my experience, are not geared up to the local

government world and do not (understandably) see such matters as a high priority to them and matters can take a long time and often end being handed back to the council to deal with in any case.

- g. *Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not, please say why.*

*(i) A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, not take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?*

Broadly the arrangements work quite well. It is quite difficult from a Monitoring Officer perspective to get all register of interest forms completed by all parish and town councillors across our areas (can be hundreds of councillors) let alone keep them up to date.

*(ii) What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If no, please say why.*

A declarations of interest item is on the agenda near the beginning of all formal decision making meetings; induction training is given on the code of conduct and as long as the member concerned brings to the Monitoring Officer's attention any potential conflict of interest in good time, then discussions can usually be held to ensure that potential conflicts of interest are satisfactorily managed.

- h. *What arrangements are in place for whistleblowing by the public, councillors, and officials? Are these satisfactory?*

We have a Whistleblowing Policy which has proved to be satisfactory to date.

- i. *What steps could local authorities take to improve local government ethical standards?*

Provide more training especially to parish and town councillors.

- j. *What steps could central government take to improve local government ethical standards?*

Either give councils greater sanctions or remove the requirement to formally deal with complaints to give more freedom to focus or not locally. At present there is a statutory requirement to have to deal with complaints with nothing significant to back it up.

- k. *What is the nature, scale and extent of intimidation towards local councillors?*

There are some rare examples of tit for tat and/or persistent complaints about a particular parish/town council who rather than try to sort out their own issues, try to use the local Standard process to 'take sides' and sort things out for them. On occasion a particular councillor will be the subject of several complaints with other councillors ganging up on them.

I also have seen a lot of pressure put on councillors who sit on the planning committee. It does not feel appropriate that they have to sit and determine, say, a contentious large housing development, sat in front of sometimes hundreds of angry objectors who make it clear that they will not vote for them again etc. unless they object, even if there are no valid planning reasons for doing so.

*(i) What measures could be put in place to prevent and address this intimidation?*

Adequate sanctions especially for more serious examples of bullying (councillor to councillor may help).

Controversially, perhaps do away with a formal and ineffective complaints system and then at least it cannot be abused by people trying to bully or put pressure on councillors.

Also, perhaps controversially, whilst part of the planning committee is held in public when information from officers and representations are being made, to allow the committee to debate and determine the application in private to avoid the in the moment intimidation and almost 'circus of booing and clapping' that can happen – a public record of the decisions made can still be recorded and made available subsequently.

Allow independent persons to sit as full voting members of a Standards Committee to demonstrate that this process is not political as it used to be able to be. Since 2011, the role and status of Standards Committees has, from my experience, declined and I do not believe that is a good thing for local government ethics.