

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 12 July 2011 at 14:30.

Agenda

- 1 Appointment of Chairman of the Standards Committee.
- 2 Appointment of Vice-Chairman of the Standards Committee.
- 3 Apologies.
- 4 Minutes of the meeting of the Standards Committee held on 25 January 2011 (attached).
- 5 Public Question Time.
- 6 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 7 The future of the Standards Regime - Update on the Localism Bill. Report of the Monitoring Officer.
Reporting Officer: Tonya Meers
- 8 Budget Review Project. Report of the Monitoring Officer.
Reporting Officer: Tonya Meers
- 9 Attendance at Taunton Deane Committee meetings. Report of the independent Members of the Committee.
- 10 Code of Conduct Training. An update from the Monitoring Officer and the Parish Liaison Officer as to the provision of training to the newly elected Borough and Parish Councillors.
- 11 Raising the profile of the Standards Committee. A general discussion for Members of the Committee.
- 12 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.

- 13 Update on complaints made against Councillors under the Local Assessment Framework. 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.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.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 e-mail us at: enquiries@tauntondeane.gov.uk



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



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

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

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 – 25 January 2011

Minutes of a meeting of the Standards Committee held in Committee Room No. 2, The Deane House, Belvedere Road, Taunton on Tuesday, 25 January 2011 at 2.30 p.m.

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

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

56. Welcome

The Chairman welcomed Mr Henry Davenport to the meeting. She explained that Mr Davenport was a Bishops Lydeard and Cothelstone Parish Councillor and had been appointed to take up the vacancy for a third Parish representative on the Committee.

57. Apology

Mr M Stanbury.

58. Minutes

The minutes of the previous meeting of the Committee held on 20 October 2010 were taken as read and were signed.

59. Declaration of Interests

The Chairman, Anne Elder, declared personal interests as a Public Governor of the Taunton and Somerset NHS Trust and 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.

60. The future of the Local Standards Framework

Considered report previously circulated, which updated the Committee on the elements of the Localism Bill that related to the abolition of the current Standards Regime.

The new Government had been clear about its intention to abolish the current Standards Board regime. The Department for Communities and Local

Government had produced a briefing note relating to the proposed changes, details of which were submitted.

Reported that the key elements contained in the Localism Bill relating to Standards were 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 maintained 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; and
- The setting out of transitional arrangements following the abolition of the Standards regime.

Local Authorities would still be able to adopt a non-statutory Code of Conduct and would have a duty to consider allegations of breach of such a Code but there would be no statutory sanctions against an offending Member. This meant that there would no longer be a power to suspend or disqualify Councillors who bullied, were rude, disclosed confidential information or brought their authorities in Local Government generally into disrepute.

Provided they did not commit a criminal offence, such Councillors would remain in office until the electorate had had the chance to remove them at the next election.

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

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

Further reported that as part of this change in approach, it was likely that the Council would have no statutory role in relation to the operation of a Standards regime covering Parish and Town Councils.

One specific point that was yet to be clarified was whether the Monitoring Officer would be made responsible for ensuring that Town and Parish Councils undertook the duty of drawing up and maintaining a Register of Interests for their local Councillors.

If the various elements of the Localism Bill were likely to be implemented without amendment, it was suggested that the Committee should seek a discussion with the Leader of the Council and the two other Group Leaders as to whether there would be value in exploring a voluntary Code of Conduct for Taunton Deane Members and maintaining a Standards Committee to include independent Members.

It was also considered to be sensible for there to be close working relationships with other Local Authorities and Monitoring Officers in Somerset and desirable to explore options for the Council to continue to support Town and Parish Councils in Taunton Deane on standards and probity issues, if this is what the parishes wanted.

Reported that it was anticipated that the abolition of the current regime was likely to have an implementation date around the end of 2011/early 2012. There would be a requirement for this Committee to continue its statutory role up to and including this date and any subsequent transitional arrangements that might be introduced.

Noted that there was therefore some time for further deliberation and discussions although the earlier there was a clear view on the way forward the better. In this respect, the Monitoring Officer of the Somerset County Council had already asked district colleagues in the County to give feedback on the following issues:-

- (1) Whether there was an appetite for introducing any local voluntary arrangements;
- (2) If the answer to (1) was 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.

During the discussion of this item, Members felt that the Group Leaders here at Taunton Deane should be approached in connection with the development of a voluntary Code of Conduct should the provisions in the Localism Bill be implemented.

The Committee considered that it would be also be appropriate for a formal response to the Department of Communities and Local Government to be sent in connection with the proposals for the Standards regime outlined in the Localism Bill. The Monitoring Officer, Tonya Meers, undertook to draft an appropriate letter which she would circulate to the Committee and the Group Leaders for comments before it was sent to the Government.

Resolved that:-

- (1) The position set out in the Localism Bill relating to the abolition of the current Standards regime be noted;
- (2) It be agreed that a formal response to the proposals set out in the Localism Bill be prepared by the Monitoring Officer and sent to the Department of Communities and Local Government;
- (3) The proposal that discussions with the Leader of the Council and the other Group Leaders as to whether the Council should sign up to a voluntary Code of Conduct and retain a local Standards Committee be agreed; and
- (4) Following the implementation of the Localism Bill, it be agreed that the Committee should formulate any recommendations for consideration by the Council on the appropriate way forward once the discussions referred to in (3) above had taken place.

61. Protocol for Local Authority Partnership Working

Considered report previously circulated, concerning whether the proposed Partnership Behaviour Protocol was something that Taunton Deane Borough Council should adopt when working with its various partners.

Standards for England had 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 were high ethical standards being adhered to by all. A copy of the protocol was submitted for the information of Members. Its aims were 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.

The reason for this protocol was that partners who were involved in local authority decision making were often not subject to the same rules governing their behaviour as elected or co-opted Members on the same bodies.

The suggested approach involved partners developing a shared set of values and behaviours that they felt should underpin partnership work.

Due to the variety of different ways in which local authorities work in partnership with others there could be considerable variations in governance

arrangements, therefore the protocol had been designed to attempt to address inconsistencies and to improve the governance of partnerships.

The Partnership Behaviour Protocol did not have a statutory basis or have sanctions attached to it, therefore Standards for England had suggested that there could be a role for Standards Committees in maintaining and overseeing adherence to the protocol including:-

- acting as chief promoters and champions of the Partnership Behaviour Protocol;
- being well suited to oversee both the implementation of and adherence to the Partnership Behaviour Protocol;
- playing an active role where issues did arise in a partnership, for example one partner challenging another partner about their behaviour in relation to the protocol; and
- mediating between partners where agreement could not be reached or issues could not be resolved.

Resolved that the Partnership Behaviour Protocol be supported as something Taunton Deane Borough Council could adopt when working with its various partners.

62. Performance Indicators for the Standards Committee

The Democratic Services Manager, Richard Bryant, submitted a copy of the agreed Performance Indicators for the Committee, together with an assessment as to how the indicators were being complied with in their first six months of operation.

The Committee noted that most of the indicators were being adhered to although the likely demise of Standards for England and the affects of the Localism Bill proposals would mean that a further refinement of the Performance Indicators was likely to be needed in the future.

63. The Standards Committee on the Council's Website

Reference Minute No. 49/2010, Richard Bryant reported that the work to the Council's website had been completed and the Standards Committee pages had been fully updated, even to the extent of photographs of Members of the Committee now being displayed.

Resolved that the report be noted.

64. Allowances for independent Members of the Standards Committee

Richard Bryant reported that the Independent Members' Allowances Panel had again recommended that the allowance paid to the independent Members of the Standards Committee should be increased to £600 per annum, with the Chairman's allowance being increased to £1,000 per annum. In addition, the

Panel had recommended that the Parish Council representatives should also be in receipt of this allowance.

Unfortunately, when the Panel's recommendations came before the Full Council for consideration on 14 December 2010, the decision was once again taken that there should be no changes made to the current Members' Allowances Scheme. The current rate of allowance paid to the independent Members of the Committee would therefore remain the same during the 2011/2012 financial year.

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

Richard Bryant, reported that since the last meeting of the Committee the number of attendances by independent Members of the Committee had "dropped off" with only meetings of Full Council and the Planning Committee receiving visits.

The Chairman stated that she would seek to address this matter. She added that the Chairman of the Planning Committee had recently started introducing the officers at the beginning of the meetings for the benefit of both the Councillors and members of the public present. She felt this was something that ought to be done at all Committee meetings.

66. Date of next meeting

The next meeting would be held on Tuesday, 22 March 2011 at 2.30 p.m. in The John Meikle Room at The Deane House.

67. 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.

68. Update on complaints made against Councillors

Reference Minute No. 54/2010, Mrs Meers reported that the one complaint that was currently outstanding had been investigated and a draft report had been prepared.

A Consideration Sub-Committee meeting had been held on 24 January 2011 and, after lengthy discussions, it had been concluded that no breach of the Code of Conduct had occurred.

Resolved that the report be noted.

(The meeting ended at 4.05 p.m.)

Standards Committee – 12 July 2011

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 25 July 2011 at 2.30 p.m.

Present: Councillors Mrs Allgrove and Gaines
Mr T Bowditch, Mrs A Elder, Mr L Rogers, Mr R Symons and Mr B Wilson

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

69. Appointment of Chairman

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

70. Appointment of Vice-Chairman

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

71. Apologies

Councillor Brooks, Mr A Cottrell, Mr H Davenport, Mr D Macey and Mr M Marshall.

72. Mr Maurice Stanbury

The Chairman announced that Mr Maurice Stanbury had resigned from the Standards Committee. He had been a Member of the Committee since its inception over 10 years ago and had served as Vice-Chairman for several years

The Committee agreed that a letter be sent to Mr Stanbury thanking him for his valuable service.

73. Welcome

The Chairman welcomed Councillor Eddie Gaines to his first meeting of the Committee.

74. Minutes

The minutes of the previous meeting of the Committee held on 25 January 2011 were taken as read and were signed.

75. Declaration of Interests

The Chairman, Anne Elder, declared personal interests as a Public Governor

of the Taunton and Somerset NHS Trust and as a Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution. Councillor Mrs Allgrove declared a personal interest as a Member of the Somerset Association of Local Councils.

76. The future of the Standards Regime

The Monitoring Officer, Tonya Meers, reported on the progress of the Government's Localism Bill the contents of which, if brought into law, could have a considerable impact on the Standards regime currently operated by Councils in England.

The Bill was currently being debated by the House of Lords against a clear background that many Councils wished to retain a Code of Conduct for both Members and officers.

If the current Code of Conduct was to be abolished, it was likely that the Local Government Association or the Association of Council Secretaries and Solicitors (ACSES) would draft a replacement which individual Councils could adopt.

As far as the six Councils in Somerset were concerned, all wished to retain a Code of Conduct and their Standards Committees. Councillor Williams, as Leader of Taunton Deane, had also indicated that he was very supportive of the work undertaken by the Committee in the past and hoped this would be able to continue in the future.

Mrs Meers also reported that apart from the original sanction of Councillors being prosecuted for misbehaviour in the Localism Bill, there had been no indication that a range of lesser sanctions would be available to Councils who opted to continue with a Code of Conduct.

It was likely that the Localism Bill would pass through the House of Lords during mid-September 2011 to coincide with the next scheduled meeting of the Committee. Mrs Meers hoped to bring a further, more detailed, update to this meeting.

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

- What was likely to happen to the Parish Councils who were currently subject to the Code of Conduct?
- It would be odd if Taunton Deane retained a Standards Committee which had no jurisdiction over the Parishes;
- Any Code in the future which applied to Parish Councils needed to include measures to protect the independence of Clerks; and
- Would it be helpful if the Chairmen and Clerks of Parish Councils met up on an annual basis to discuss matters relating to the Code of Conduct?

The Parish Liaison Officer, David Greig confirmed that such meetings had been held in the past but, due to low attendances, the decision was taken to stop convening them. It had been also agreed at that time that the provision of training on the Code of Conduct or discussions relating to it would be more effective if they were provided “at source” – at Parish Council meetings.

Mr Greig added that if there was an overwhelming demand for Chairman and Clerk meetings to be revived, this could be arranged in the future.

Resolved that the update provided on the Localism Bill be noted.

77. Budget Review Project

Mrs Meers reported that the Council was facing an unprecedented 40% cut in its funding over the next four years.

Although it was hoped that the reduction in funding would be partly mitigated by the introduction of further efficiency measures and by increasing income generation, it was inevitable that the services now provided by the Council would be severely affected.

Stage 1 of the Budget Review process had recently been completed. This sought to look at all the options open to the Council to address the predicament Councils across the country were facing. Many of the options that had been proposed had come from staff consultation meetings where various proposals to achieve savings had been floated.

All of these options had been included in a Budget Review Pack which would be issued to all Councillors for consideration. The options would be fully considered through the political groups, Scrutiny and the Executive to establish which of the options should be recommended for implementation. Ultimately, it would be for Full Council to decide if these options should be pursued.

The Committee noted that a review of Taunton Deane’s Senior Management Structure was also taking place alongside the Budget Review. In addition, even though it was unlikely the Council would seek to renegotiate its contract with Southwest One, it would be looking for further savings to be made from it.

Members appreciated that a 40% cut in funding would have a serious affect on non-statutory services and staff numbers where a reduction in some services would be required to maintain a certain standard in others.

It was also recognised that the Standards Committee would have a role to play over the forthcoming months to ensure that both Councillors and officers adhered to the Code of Conduct.

Resolved that the report be noted.

78. Attendance at Taunton Deane Committee Meetings

The Chairman reported that since the last meeting in January 2011, she had attended all meetings of the Planning Committee and Full Council as the independent representative from the Standards Committee. She had also attended several meetings of the Executive too.

She reported that she had observed one or two minor issues which could have resulted in complaints being lodged but had sought to resolve matters by having a “quiet word” with the individuals concerned.

Although Terry Bowditch reported that he had attended a meeting of the Corporate Scrutiny Committee in February, it was clear that other Council meetings had not been visited by the other independent Members.

The Democratic Service Manager, Richard Bryant, reported that he would ask the Vice-Chairman to re-circulate the list he had prepared of the Committees and those who had volunteered to attend future meetings.

With regard to Planning Committee meetings, it was felt that members of the public sometimes did not behave too well, sometimes making accusations against officers who then found it very difficult to respond.

Resolved that the report be noted.

79. Code of Conduct Training

Mrs Meers reported that all new Taunton Deane Councillors, who had been elected at the beginning of May 2011, had received training in respect of the Code of Conduct as part of the induction process.

Mr Greig reported that all new Parish Councillors had been sent a copy of the Code of Conduct (the “Brown Book”) and he had conducted one formal training session at Bishops Lydeard and Cothelstone Parish Council. This training session had been offered to all the other Parishes too.

The situation was slightly awkward as most Parish Councils were aware that the current Standards regime might change as a result of the Localism Bill and were therefore awaiting developments before committing to further training.

However, Mr Greig added that this did not mean that the new Parish Councillors would remain untrained. Many would have signed up for the general training offered by the Somerset Association of Local Councils which would include references to the Code of Conduct.

In his contact with the Parish Councils, Mr Greig had also requested that new Councillors should complete their individual entries on the Register of Interests.

Resolved that the report be noted.

80. Raising the profile of the Standards Committee

Councillor Gaines wondered whether the role of the Standards Committee could be promoted via Community Radio. Interviews could be taped and perhaps used as a future training aid.

Members felt that this was an idea worth pursuing once the future of the current Standards regime was decided.

81. Date of next meeting

The next meeting would be held on Tuesday, 13 September 2011 at 2.30 p.m. in The John Meikle Room at The Deane House.

82. 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.

83. Update on complaints made against Councillors

Mrs Meers reported that a new complaint had recently been received against a Taunton Deane Councillor. This complaint would be investigated in due course.

She also reported that Taunton Deane received only one complaint during the whole of 2010/2011. This compared very favourably with the numbers of complaints received by the other five Somerset authorities during the same period.

Resolved that the report be noted.

(The meeting ended at 3.21 p.m.)