



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 19 March 2013 at 14:30.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Committee held on 7 February 2013 (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 Dispensation Process. Report of the Monitoring Officer (attached).
- 6 Annual Governance Statement. Report of the Monitoring Officer (attached).
- 7 Arrangements for dealing with complaints under the Standards regime. Report of the Monitoring Officer (attached).
- 8 Complaints received under the new Standards regime. Report of the Monitoring Officer (attached).

Bruce Lang
Assistant Chief Executive

16 May 2017

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



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 the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Standards Advisory Committee Members:-

Ms L Somerville Williams (Independent Person)
Councillor J Allgrove
(Historic)Mr T Bowditch
(Historic)Mr A Cox
Mrs A Elder
Councillor E Gaines
Mr M Marshall
Mr L Rogers
Councillor P Tooze
Councillor A Wedderkopp
Mr B Wilson
Councillor G Wren

Standards Committee – 7 February 2013 (re-arranged from 22 January 2013)

Minutes of a meeting of the Standards Committee held in Committee Room No. 1, The Deane House, Belvedere Road, Taunton on Thursday, 7 February 2013 at 2.30 p.m.

Present: Councillors Tooze, A Wedderkopp and Wren
Mr M Marshall and Mr B Wilson (Parish Council Representatives)
Mr T Bowditch and Mrs A Elder (Co-opted members of the Committee)

Officers: Mrs T Meers (Monitoring Officer) and Mr R Bryant (Democratic Services Manager)

Also present: Councillor Horsley

1. Appointment of Chairman

Resolved that Councillor Wren be appointed Chairman of the Standards Committee for the remainder of the Municipal Year.

2. Apologies

Councillors Mrs Allgrove and Gaines. Ms L Somerville-Williams (Independent Person), Ms L Williams (Reserve Independent Person) and Mr A Cox (Co-opted member of the Committee).

3. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor A Wedderkopp and declared a personal interest as a member of Wessex Water's Environmental Panel. 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.

4. The Role and Terms of Reference of the Standards Committee

The Monitoring Officer, Tonya Meers, reported that Full Council had agreed at its meeting on 17 July 2012 to change the Council's Constitution as to the role and functions of the Standards Committee. These roles and functions in relation to the Borough Council and Parish Councils in Taunton Deane were as follows:-

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) Assisting 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 and wider propriety issues including issuing guidance where appropriate;
- (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) Dealing with the assessment and determination of complaints under the Members' Code of Conduct relating to Members, Co-opted and Parish Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising three voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.
- (h) Taking decisions in respect of a Member and co-opted member who is found on hearing to have failed to comply with the Code of Conduct, including –
 - Reporting its findings to Council [or to the Parish Council] for information;
 - Recommending to the Member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities should the complaint refer to a Portfolio Holder;
 - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the Member;
 - Removing [or recommend to the Parish Council that the Member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
 - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer,

website and/or email and Internet access;

- Restricting contact to named officers or requiring contact be through named officers; or

- Excluding [or recommend that the Parish Council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

- (i) Advising on the management of statutory and other registers of interest and gifts / hospitality received; and
- (j) Advising the Council on possible changes to the Constitution (except the Council and Executive Schemes of Delegation) in relation to the key documents and protocols dealing with Members' conduct and ethical standards.

Resolved that the role and functions of the Standards Committee be noted.

5. The role of the Council's Independent Person

Mrs Meers again referred to the decision made last July by Full Council and reported that the role of Taunton Deane's Independent Person would be as follows:-

- They must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- They may be consulted by the authority in respect of a standards complaint at any other stage; and
- They may be consulted by a Member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

She added that the new 'complaints' regime was significantly different to the previous arrangements and these would evolve over time. One major difference was that Monitoring Officers could become involved at a 'lower level' than previously in an attempt to resolve complaints without resorting to the arrangements under the new legislation.

At the moment there were very few complaints being submitted and there had not been the need so far to involve the Independent Person. Details of complaints made would be reported to the Committee at future meetings.

Resolved that the report be noted.

6. Dispensations

Mrs Meers reported on the situation with regard to Dispensations following the introduction of Disclosable Pecuniary Interests (DPIs) in the Localism Act.

Although it was still early days, it was clear that the new legislation relating to interests was not as helpful to Councillors as previously.

She referred to the debate at Full Council back in October last year on the proposed Badger Cull, during which it became clear that a Member had a DPI and had to leave the Council Chamber without having the opportunity to address the other Councillors present. The DPI only became apparent during the discussion so there was no means of a dispensation being sought from the Member concerned or one being granted by her, as the Monitoring Officer.

In her view Mrs Meers felt that at some point the new legislation might have to be clarified. She reported that she had written to the Local Government Minister, Brandon Lewis, suggesting that Monitoring Officers should be asked to consider the effectiveness of DPI's. Mrs Meers felt that the same 'rules' relating to prejudicial interests should be applied to DPI's whereby Councillors could have the means to make a statement before leaving a meeting, so not being able to influence other Members.

Mrs Meers had also suggested that Monitoring Officers should have the means to make conditional dispensations in all circumstances rather than the current situation where most dispensations would have to be granted following a special meeting of the Committee.

During the discussion of this item, Anne Elder queried the role of the co-optees on the Standards Committee. Councillor Horsley felt this was a pertinent question and stated that he had been happy to see the demise of the previous Standards regime. He actually saw no role for the Committee other than for it to meet on an annual basis to review what had happened over the past 12 months. He added that the Chairman, the Monitoring Officer and the Independent Person were the 'key players' and that everyone else on the Committee was there to form a 'court' to consider complaints, if this became necessary.

In response, the Chairman stated that the Committee was responsible for promoting high ethical standards amongst Taunton Deane Members as well as Parish and Town Councillors. He disagreed with Councillor Horsley in that he saw the co-optees having an important future role. Standards in public life had not changed that much. The Committee still needed to convince Councillors that they needed to comply with the adopted Code of Conduct.

Members felt that all the previous work done by the Committee, especially with the Parishes, should not be lost. Unless the Standards 'message' continued to be conveyed strongly, it was likely far more complaints than before would be submitted about Councillor behaviour. This was a situation that should be avoided if at all possible.

There was a need for a detailed explanation about the changes to interests to be prepared so all Councillors knew exactly what the current position was.

Generally, Members felt that the Committee needed to maintain a high profile and seek to be proactive rather than reactive.

7. Other work the Standards Committee could become involved with

Mrs Meers felt that with the new Committee, there was scope to consider widening the sphere of the Committee's work.

As well as upholding the standards of ethical governance within the Council, for example the Staff Code of Conduct and considering statistics from the Local Government Ombudsman, the further following work areas were suggested:-

- Ways in which to maintain our current relationships with Parish Councils;
- Local Codes of Conduct;
- Keeping protocols in the Council's Constitution under review; and
- Annual Governance Statement.

Where necessary, working in conjunction with both the Corporate Governance Committee and the Scrutiny Committees would be sought.

8. Date of next meeting

The next meeting would be held on Tuesday, 19 March 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.48 p.m.)

Taunton Deane Borough Council

Standards Committee – 19 March 2013

Dispensation Process

Report of the Monitoring Officer

(This matter is the responsibility of Executive Councillor John Williams, Leader of the Council)

1. Executive Summary

This report is to discuss the dispensation process and to assess a further delegation to the Monitoring Officer.

2. The Dispensation Process

2.1 The Localism Act 2011 made significant changes to the provisions of granting dispensations.

2.2 A dispensation can be granted in the following circumstances:-

- i. That so many members of the decision-making body have DPIs in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result;
- ii. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter. This assumes that members are predetermined to vote on party lines on the matter, in which case, it would be inappropriate to grant a dispensation to enable them to participate;
- iii. That the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- iv. That, without a dispensation, no member of the Executive would be able to participate on this matter (so, the assumption is that, where the Executive would be inquorate as a result, the matter can then be dealt with by an individual Executive Member. It will be necessary to

make provision in the scheme of delegations from the Leader to cover this, admittedly unlikely, eventuality); or

- v. That the authority considers that it is otherwise appropriate to grant a dispensation.

2.3 Any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

2.4 The Local Government Act 2000 required that dispensations could only be granted by Standards Committee but the Localism Act now gives discretion for this power to be delegated to Standards Committee or a Sub-Committee, or to the Monitoring Officer.

2.5 In July 2012 Full Council approved delegation of Grounds (i) and (iv) above to the Monitoring Officer as it was thought that they were fairly objective with an appeal to the Standards Committee. This enables dispensations to be granted “at the door of the meeting”.

2.6. However Grounds (ii), (iii), and (v), were deemed to be more objective and remained with Standards Committee, after consultation with the Independent Person.

3. Proposed change to the delegation.

3.1 Last year a motion was put to Full Council and a number of members were unable to speak due to having Disclosable Pecuniary Interests. Members were frustrated as they believed that the information they could have obtained from those members would have assisted the debate but due to the restraints of the new legislation and the current dispensation process they were unable to obtain the information they required.

3.2 It was noted that a dispensation could possibly have been given under (iii) above, ie that the authority considered that the dispensation would have been in the interests of persons living in the area.

3.3 It was also noted that under the previous Standards regime, those members with interests would have had the ability to have addressed the meeting, make statements, answer questions or give evidence.

3.4 However, due to the timing of the Council meeting there would have been insufficient time to have requested a dispensation from the Standards Committee due to the statutory timescales required to give notice of meetings.

3.5 If however the Monitoring Officer had delegated authority to grant a dispensation where it was believed that it was in the interests of the persons living in the authority's area but that dispensation was limited to only being able to allow the member to make statements or representations, answer questions, or give evidence and such dispensation to only be granted following a consultation with the Independent Person then members would have had the benefit of

knowledge from those members who had a Disclosable Pecuniary Interest and could not take any part in the meeting.

3.6 It is not envisaged that the Monitoring Officer should be able to grant a dispensation allowing a member to vote in those circumstances and should the member wish to vote then the application for a full dispensation should still be made to the Standards Committee.

3.7 This proposal would therefore allow members to serve their communities and impart information to a debate but ensure that integrity of the member with an interest is maintained.

3.8 Therefore it is proposed that the Standards Committee reviews the Dispensation Process and decides whether to grant the delegation as set above to the Monitoring Officer to enable circumstances where a member with a Disclosable Pecuniary Interest can take part in the meeting without being in breach of the Localism Act 2011 and thus commit a criminal offence.

3.9 Also set out in this report is the revised application and guidance on granting dispensations. This guidance is set out at Appendix 1.

4. Finance Comments

There are no finance implications in this report.

5. Legal Comments

5.1 The Council has a statutory duty to promote and maintain high standards of conduct and therefore a transparent process for granting dispensations is essential.

6. Links to Corporate Aims (Please refer to the current edition of the Corporate Strategy)

There are no links to the Corporate Aims

7. Environmental Implications

There are no environmental implications in this report.

8. Community Safety Implications (if appropriate, such as measures to combat anti-social behaviour)

There are no community safety implications

9. Equalities Impact

There are no equalities impact assessment required with this proposal.

10. Risk Management (if appropriate, such as reputational and health and safety risks. If the item the subject of the report has been included in a Service Plan, the result of the risk assessment undertaken when the plan was prepared should be entered here.

The Council needs to demonstrate that it can comply with its duty to promote and maintain high standards of conduct and the recommendation in this report will assist the Council in doing that.

11. Partnership Implications (if any)

There are no partnership implications contained in this report.

12. Recommendations

- 12.1 The Standards Committee is recommended to discuss the proposed change to the delegation to the Monitoring officer as set out in this report and decide whether they wish to grant such delegation.
- 12.2 To approve the dispensation guidance as set out in Appendix 1

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

APPENDIX 1

STANDARDS COMMITTEE 19.03.13

DISPENSATION REQUEST

Name of Councillor	
Nature and description of interest for which dispensation sought:	
Period for which dispensation is sought. NOTE: This may be for a maximum period of 4 years. Where a dispensation is sought for a particular meeting, please specify date of meeting Grounds on which the dispensation is sought.	
Please refer to grounds referred to in guidance. Please also provide supporting reasons as to why you consider the dispensation request should be granted. Please state whether you are seeking a dispensation to speak and to vote or to speak only on the particular matter	

Guidance on Dispensation Requests

A dispensation can be granted on the following grounds to enable a member to speak and/or vote where they would otherwise have a disclosable pecuniary interest: -

1. That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate)
2. That without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter.
3. That the Council considers that the dispensation is in the interests of persons living in the Council's area.
4. That without a dispensation no member of the Executive would be able to participate on the matter
5. That the Council considers that it is otherwise appropriate to grant a dispensation.

A dispensation request must be made to the Monitoring Officer in writing or by email addressed to Tonya Meers, Monitoring Officer, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 1HA or email to t.meers@tauntondeane.gov.uk

It is advisable to submit a dispensation request well in advance of the date of the meeting for which the dispensation is sought and in any event, other than in exceptional circumstances the dispensation request should be submitted not less than 10 clear days prior to the date of the meeting to which the dispensation request relates.

The *Council's Standards Committee* has agreed the following criteria in determining whether to grant dispensation requests:-

1. Whether the nature of the member's interest is such that to allow them to participate would not damage public confidence in the conduct of the authorities business
2. Whether the interest is common to the member and a significant proportion of the general public; if this is the case a dispensation is more likely to be granted.
3. Is the participation of the member in the business that the interest relates to justified by a member's particular role or expertise?

4. Whether the interest is trivial or remote; if this is the case a dispensation is more likely to be granted.

Bias and Predetermination

You should note that there may be circumstances where you do not have a disclosable pecuniary interest but it would be inappropriate for you to speak and vote on any matter by reason that you may be biased if you were to do so – for example speaking and voting on a planning application relating to a close member of your family other than your spouse or partner. A dispensation cannot be granted in such circumstances to enable you to speak and vote.

Moreover it is extremely unlikely that a dispensation will be granted in respect of a disclosable pecuniary interest where circumstances of bias or predetermination may arise. For further information and clarification please contact the Monitoring Officer.

Taunton Deane Borough Council

Standards Committee – 19 March 2013

Annual Governance Statement

Report of the Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council)

1. Executive summary

<p>As part of the Council's accounts it must submit an Annual Governance Statement. This report asks the Standards Committee whether they have any comments that they wish to make to be considered as part of this year's statement.</p>

2. Background

- 2.1 Members will see from the attached report (Appendix 1) that went to last year's Corporate Governance Committee that it was asked to consider the draft report before being signed off by the Leader and Chief Executive.
- 2.2 Due to the changes to the Standards regime the Monitoring Officer considers that it would be appropriate for the new Standards Committee to be made aware of the Annual Governance Statement and also to provide any comments to the Monitoring Officer that they feel are appropriate to be considered in drafting this year's statement.

3. Finance comments

- 3.1 There are no financial implications in this report.

4. Legal comments

- 4.1 There are no legal implications in this report.

5. Links to Corporate Aims

- 5.1 There are no specific links to the corporate aims.

6. Environmental and community safety implications

- 6.1 There are no implications for the environment or community safety.

7. Equalities impact

- 7.1 An impact assessment is not required in respect of this report.

8. Risk management

8.1 There issues to be considered in this report

9. Recommendations

9.1 Members are recommended to consider the statement set out in Appendix 1 and notify the Monitoring Officer of any comments that they wish to be considered in the drafting of this year's statement.

Contact

Contact officer: Tonya Meers
Telephone: 01823 358691
E-mail: t.meers@tauntondeane.gov.uk

APPENDIX 1

Standards Committee – 19 March 2013

Taunton Deane Borough Council

Corporate Governance Committee - 25 June 2012

Annual Governance Statement

Report of the Strategic Finance Officer – Maggie Hammond

(This matter is the responsibility of Executive Councillor Williams – Leader of the Council)

1. Executive Summary

This report invites Members of the Corporate Governance Committee to consider the attached draft Annual Governance Statement (AGS) for Taunton Deane Borough Council before it is signed by the Leader of the Council and the Chief Executive.

2. Background

2.1 From 2007/08 the Accounts and Audit Regulations (2006) required this Council to prepare, as proper practice, an Annual Governance Statement to sit alongside the Councils accounts. The purpose of this statement is to provide assurance that the Council has a sound governance framework in place to manage risks that might prevent achievement of its statutory obligations and organisational objectives

2.2 The Deputy s151 Officer has led the 2011/12 review of the governance framework, supported by the Monitoring Officer (who led the review of the Local Code of Governance) and the Group Auditor and Performance Officer. The purpose of the review is to highlight any serious governance issues and actions needed to deal with them.

3. Annual Governance Statement (AGS)

3.1 The conclusions from the review are that the Councils governance framework is satisfactory during 2011/12.

3.2 Further financial controls were introduced in early 2011 around the effective working of SAP. Controls are working well. The challenge

now is for the Council to ensure the agreed procedures are in place and being followed across the entire organisation.

- 3.3 During 2011/12 Southwest One Finance Advisory was issued a warning notice and a remediation plan was agreed. The plan was progressed during the year and has now been closed. The s151 Officer still has concerns on the delivery of this service and will work closely with SWOne to ensure they are addressed.
- 3.4 In agenda item 10 of the Executive meeting on 16th November 2011 it was recommended that Project Taunton were moved “in house” To prepare the team for this move we have worked with Project Taunton, SWAP and the performance lead to ensure the full integration of Project Taunton into the Council’s governance arrangements.
- 3.5 Like all councils we are facing increased treasury management risks, mainly due to the Eurozone. Finding a safe place to invest any surplus cash is becoming harder. The investment strategy is to spread this risk wide with the preservation of cash at the heart of any investment decision.
- 3.6 During 2011/12 the council faced significant risk around the HRA reform. To respond to this risk and to shape the service for future years a new 30 year business plan was developed and agreed. Comprehensive consultation on the business plan took place to ensure that views and priorities of stakeholders were considered in developing the plan. The Business Plan contains a comprehensive Action plan and a dashboard is being developed that will be reported to our Tenant Services Management Board and to elected members.
- 3.7 On the agenda is the s151 Officer report on the Internal Audit Service-Review of Effectiveness. This is a review of the governance that underpins the partnership.
- 3.8 The Welfare Reform Act 2012 will bring in significant changes for the Council. We have formed a welfare reform project team that will review this change as well as the change to NNDR and Council Tax Benefit.
- 3.9 A Corporate Projects log is maintained and regularly reviewed by the Corporate Management Team. This document enables effective prioritisation of key corporate projects and other significant tasks, as well as resources planning; issues and risk management.
- 3.10 The Annual Governance Statement is included as an Appendix to this report.
- 3.11 The content of the AGS will need to be reviewed immediately before the publication of the Councils accounts to ensure that the governance framework and risk have not significantly changed since the review was carried out.

4. Finance Comments

4.1 There are no specific finance issues relating to this report.

5. Legal Comments

5.1 There are no specific legal issues relating to this report.

6. Links to Corporate Aims

6.1 The AGS reports on the governance framework – which is essential to support the delivery of all Corporate Aims.

7. Environmental Implications

7.1 There are no direct implications from this report.

8. Community Safety Implications

8.1 There are no direct implications from this report.

9. Equalities Impact

9.1 There are no direct implications from this report.

10. Risk Management

10.1 The issues flagged as actions in the AGS will be monitored throughout the year.

11. Partnership Implications (if any)

11.1 Key services supporting our arrangements for governance are delivered by our Partners – Southwest One and South West Audit Partnership.

12. Recommendations

12.1 Members of the Corporate Governance Committee are requested to approve the Annual Governance Statement.

Contact Officers:

Shirlene Adam Strategic Director 01823 356310 s.adam@tauntondeane.gov.uk	Tonya Meers Legal & Democratic Services Manager 01823 356391 t.meers@tauntondeane.gov.uk
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<p>Maggie Hammond Strategic Finance Officer 01823 358698 m.hammond@tauntondeane.gov.uk</p>	<p>Chris Gunn Group Audit Manager South West Audit Partnership 01823 356417 Chris.gunn@southwestaudit.gov.uk</p>
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TAUNTON DEANE BOROUGH COUNCIL

ANNUAL GOVERNANCE STATEMENT 2011/12

Scope of responsibility

Taunton Deane Borough Council is responsible for making sure that:-

- its business is conducted in accordance with the law and proper standards
- public money is protected and properly accounted for
- public money used economically, efficiently and effectively.
- there is a sound system of governance incorporating the system of internal control.

The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and the management of risk.

Taunton Deane Borough Council has approved and adopted a Code of Corporate Governance, which is consistent with the principles of the CIPFA/SOLACE Framework "*Delivering Good Governance in Local Government*". A copy of the code can be obtained on request.

This statement explains how Taunton Deane Borough Council has complied with the code and also meets the requirements of regulation 4 of the Accounts and Audit (England) Regulations 2011 in relation to the publication of statement on annual governance.

Purpose of the Governance Framework

The governance framework comprises the systems, processes, culture and values, by which the Council is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost-effective services.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's

policies, aims and objectives, to evaluate the likelihood and impact should those risks be realised. It ensures they are managed efficiently, effectively and economically.

The governance framework has been in place at Taunton Deane Borough Council for the whole year ended 31 March 2012 and up to the date of approval of the statement of accounts.

The Governance Framework

In March 2008, Taunton Deane Borough Council adopted a formal code of corporate governance in line with guidance provided by CIPFA and SOLACE. This describes how Taunton Deane discharges its responsibilities for putting in place proper arrangements for the governance of its affairs, incorporating the six core principles identified by CIPFA / SOLACE. The framework we have in place to ensure we adhere to the Code is described in more detail below.

Core Principle 1 : Focusing on the purpose of the Council and on outcomes for the community creating and implementing a vision for the local area.

- The Council has a 3 year Corporate Strategy, which sets out the corporate aims and a series of organisational objectives embodying how the council will deliver services and meet statutory requirements. The Corporate Strategy is the Council's core planning document, from which the Financial Strategy, Medium Term Financial Plan, Annual Budget, Asset Management Plan, Capital and Housing Strategies are formed to underpin the corporate aims. Service Plans are produced from the Corporate Strategy to show how each service will contribute to the delivery of the Corporate Aims and its service objectives.
- The Performance Outturn Report and Annual Accounts review our performance over the last year, highlighting some practical examples of our achievements.
- Scrutiny Committees and the Executive regularly review our performance and delivery of the plans and priorities.
- The Taunton Deane Partnership has refocused its activities following consultation with partners and the local community. Its main area of work is tackling deprivation through the Priority Areas Strategy (PAS) which focuses activity on both acute urban and rural deprivation. The PAS contains four themes: building strong communities, improved access to services, improving the lives of the most vulnerable families and improving the look and feel of priority areas. The PAS has been adopted and will be delivered through partners from June 2012.

Core Principle 2: Members and officers working together to achieve a common purpose with clearly defined functions and roles.

- The Council's constitution documents the roles and responsibilities of the Council, Executive, Scrutiny, Policy Development, Regulatory and Officer

functions. The constitution is kept under review by the Constitutional Sub-Committee. All proposed changes are considered by the Corporate Governance Committee and Full Council. This has been reviewed and updated during 2010/11.

- The Statutory Officers meet as a Corporate Governance Group. The Monitoring Officer and S151 Officer are members of the Corporate Management Team.
- The Group Leaders, Chief Executive and other relevant key officers meet monthly to share information and discuss any issues for the authority.
- The strategic direction of the organisation and sponsorship of key objectives and priorities is undertaken by the Corporate Management Team, which consists of the Directors, Theme Managers and a representative of Southwest One – who meet on a fortnightly basis with the Chief Executive. In addition to this the Chief Executive and Directors meet on alternative fortnights.
- The Leader and Chief Executive meet on a regular weekly basis in order to maintain a shared understanding of roles and objectives.
- The statutory roles of Monitoring Officer and Chief Finance Officer are well established with their own control regimes to enhance the control environment.
- There is a member/officer protocol that sets out the standards of behaviour expected to ensure a good working relationship between members and officers.
- Portfolio holders and the shadow portfolio holders meet key officers on a regular basis to discuss relevant issues within their portfolio.
- We review our financial management arrangements on a regular basis to ensure they conform to the requirements of CIPFA Statement on the Role of the Chief Finance Officer in Local Government (2010) as set out in the Application Note to Delivering Good Governance in Local Government: Framework. The review confirmed that during the financial year 2011/12 the Council complied with these requirements.

Core Principle 3: Promoting the values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour

- The Council's Standards Committee is chaired by and has a majority of independent members. The Committee promotes and maintains high standards of conduct by Councillors, advising and training on the member's code of conduct, dealing with complaints against members, and any issues raised by the Monitoring Officer. The Committee submits an annual report to the Council's Corporate Governance Committee.

- Managers are responsible for making sure members of staff keep to policies, procedures, laws and regulations and for making sure that we include risk management in our work.
- A complaints procedure is in place for the Council to receive and investigate any complaint made against Borough or Parish members.
- The Council has revised its Whistle-blowing Policy and this is published in the Council's staff handbook and intranet. The handbook contains all key personnel policies, standards, procedures and codes of conduct.
- During the year there was unfortunately a breach of confidentiality. As part of the budget setting process members were all given a pack of papers relating to various options to help balance the budget. The packs were distributed to members and all members had to sign an undertaking to keep the information confidential. Unfortunately one of these packs was leaked to the local press. Following the leak an investigation was undertaken. In addition restrictions were put in place limiting the circulation of confidential information until the investigation had been completed. The results of the investigation revealed that although there was circumstantial evidence pointing to a particular member it was not conclusive and therefore no formal action could be taken. During the investigation SWAP also reviewed the processes that the Council had undertaken when distributing the confidential pack of papers and stated that nothing further could have been done to have prevented the leak.
- The Council has updated its Corporate Debt Management Policy and this is has been shared with staff.
- Internal and External audit work together to review and provide annual opinions on the control framework, governance and validity of the annual accounts.

Core Principle 4: Taking informed and transparent decisions which are subject to effective scrutiny and risk management arrangements

- Taunton Deane Borough Council has a published Constitution that sets out the decision-making arrangements and the responsibilities for different functions. There are clear rules of procedure for the running of business meetings and details of delegated authorities to individuals.
- Corporate Scrutiny and Community Scrutiny were set up in April 2009. Performance issues identified in the monitoring reports can be referred to other committees for further scrutiny.
- The main decision making body of the Council is the Executive, which consists of the Leader together with 7 Councillors and carries out all of the Council's functions, which are not the responsibility of any other part of the Council.
- Council meetings are open to the public (with the exception of items that are exempt under the Access to Information Act). The Council makes every effort to advertise meetings, communicate decisions and minutes to ensure they are publicly available.

- The Executive has a published Forward Plan of Decisions to be taken and meets in public on a monthly basis. Executive Councillors have delegated authority to make certain decisions, which are published in the Council's Weekly Bulletin. This, together with an appropriate level of delegation to senior managers, enables speedy and effective decision-making. In addition, all draft Executive minutes are circulated with a call-in pro-forma to all councillors, ensuring a prompt response to any request.
- The Council has in place a Risk Management Strategy which ensures that Risk Management within the Council is aligned with our partner organisations. The strategy sets out clear limits of responsibility for risk management across the Council. Major projects and partnerships also have risk registers in place and CMT has refreshed the Corporate Risk Register during the course of the year.
- The Council held several information meetings surrounding the HRA reforms to explain the changes and what it would mean for the Council. This allowed members to ask questions throughout the formation of the business plan and finance model. This enabled members to make an informed decision on a very important area for the Council.
- TDBC operates a Corporate Governance Committee which is independent of the Executive and Scrutiny functions of the Council. They cover a wide remit and deal with such things as health and safety, risk management, recommend changes to the Constitution in addition to receiving any audit reports given to the Authority.

Core Principle 5: Developing the capacity and capability of members and officers to be effective in their roles

- The Council aims to ensure that officers and members have the knowledge, capacity and skills they need to undertake their duties, and this is reviewed through the appraisal system. An induction programme is in place for all new staff and new Members.
- Following the local elections a comprehensive induction programme was undertaken with members to ensure that they were given the relevant information in order to enable them to carry out their roles as quickly as possible. Comments received back following this training were very positive and supportive.
- All staff have a performance review and employee development (PRED) meeting with their manager. Performance is reviewed and an action plan for the next period is set. This assists the member of staff in the performance of their work, help develop their skills and identify any training needs. Members have member development plans to help them carry out their roles effectively.
- The Council's Performance Management Framework ensures that the links between the Council's Corporate Objectives, Operational Plans and those of individual officers are clear.

- Members of the Council's Corporate Governance Committee have undergone training in Risk Management during the year and received update reports outlining the current Risk Management arrangements and any future actions. Council committee reports include a standard section for the consideration of risks, which informs decision-making.
- The Council has undertaken a significant programme of management development over the last few years to ensure its leadership team is equipped to support the challenging change programme that lies ahead.
- The Council has a training plan for members together with regular member briefings which cover a range of issues and to ensure that the members are fully equipped with the skills they need in order to be effective leaders in their community.

Core Principle 6: Engaging with local people and other stakeholders to ensure robust public accountability

- The Council consults using a variety of methods, which include public meetings, forums, surveys, feedback forms and focus groups. Listening to and understanding the views of residents, services users, business people, visitors and staff is important to Taunton Deane Borough Council.
- Comprehensive consultation on the HRA 30 year business plan took place to ensure that views and priorities of stakeholders were considered in developing the plan.
- Council's vision and priorities are regularly communicated to the Community through the Somerset County Gazette
- The Council produces the Annual Statement of Accounts. The Council tax booklet shares with payers, details on the Council's financial strategy, priorities, performance and other useful information.
- Committee and Council meetings are open to the public, with papers available on the internet.
- There is regular community engagement and participation through specific community groups involving Housing, Environmental Health, Planning and Democratic Services.

Review of effectiveness

Taunton Deane Borough Council has responsibility for conducting, at least annually, a review of its governance framework including the effectiveness of the system of internal control. The review of the effectiveness is informed by senior managers within the Council who have responsibility for the development and maintenance of the governance environment, and also by the work of the internal auditors, external auditors.

The review for the 2011/12 statement was led by the Deputy s151 Officer, supported by the Monitoring Officer, the Council's Group Audit Manager and Performance Manager. The review was informed by:

- Internal Audits annual opinion report for 2011/12
- The effectiveness of internal audit review
- External auditors comments
- The Councils Governance Action Plan
- Input From The Work Of the Standards Committee

The conclusion of the review is that, overall, the governance arrangements are reasonable. Some issues need attention and they are set out below.

Significant governance issues

During the year the Group Auditor (South West Audit Partnership) brought a number of control issues to the attention of the Council's Corporate Governance Committee. The opinion of the Internal Auditors was that the control environment was reasonable in 2011/12.

Key governance issues for the Council to progress in order to strengthen the control framework include:-

Governance Issue	Owner
Ensuring we have up to date business continuity plans for all services	John Lewis
Ensuring we have up to date disaster recovery plans for major risk areas of the Council	Southwest One
Ensuring our Partnerships realise the benefits they are intended to achieve	CMT
To update the Councils policy on Fraud and Corruption	Tonya Meers
To develop the Council's Strategic IT and Property arrangements	Southwest One
To continue to review the operation of and usage of SAP to ensure that the internal control framework remains robust	Maggie Hammond
To update the Councils Financial Procedure Rules, train staff and monitor compliance	Maggie Hammond
To update the Contract Procedure Rules	Tonya Meers
Maintenance of the Contract Register	Southwest One
Adopt new Code of Conduct and changes to the Standards regime and ensure all Members are trained	Tonya Meers
Ensure we review the publication scheme for FOI	Chris Gunn/Tonya Meers
Ensure that robust Equality Impact Assessments are included in Scrutiny and Executive reports	Simon Lewis
Ensure the Council has appropriate policies and arrangements in place to comply with safeguarding legislation	Simon Lewis
Update the Workforce Strategy (ensuring that there are clear links to financial planning) and complete & agree a new workforce plan	Martin Griffin
Use comparative information such as benchmarking to inform strategic decisions on the allocation of resources	Dan Webb

Introduce a rolling information governance training and awareness program	Tonya Meers
Ensure all risks around the Welfare Reform Act are identified and mitigated wherever possible	Paul Harding

The Council proposes over the coming year to take steps to address the above matters to further enhance our governance arrangements and regularly report back to the Corporate Governance Committee on progress being made. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed:

Cllr John Williams

Signed:

Penny James

Taunton Deane Borough Council

Standards Committee – 19 March 2013

Arrangements for dealing with complaints under the Standards regime

Report of the Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council)

1. Executive summary

Members wanted to review the arrangements guidance to ensure it was clear enough for members of the public.

2. Background

- 2.1 The arrangements for dealing with complaints under the revised Standards regime was approved by Full Council in July 2012. A copy of those arrangements are set out in Appendix 1.
- 2.2 At the last Standards Committee, members requested the Monitoring Officer to look at whether a FAQ document could be produced to assist members of the public.
- 2.3 The Monitoring Officer has reviewed the attached document and believes that the process is clearly set out but would welcome any additional comments from the Committee before it is published on the Council's website.

3. Finance comments

- 3.1 There are no financial implications in this report.

4. Legal comments

- 4.1 There are no legal implications in this report.

5. Links to corporate aims

- 5.1 There are no specific links to the corporate aims.

6. Environmental and community safety implications

- 6.1 There are no implications for the environment or community safety.

7. Equalities impact

- 7.1 An impact assessment is not required in respect of this report.

8. Risk management

8.1 There issues to be considered in this report

9. Recommendations

9.1 Members are recommended to consider the arrangements set out in Appendix 1 and notify the Monitoring Officer of any comments that they wish to make.

Contact

Contact officer: Tonya Meers
Telephone: 01823 358691
E-mail: t.meers@tauntondeane.gov.uk

APPENDIX 1

Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception at the Council Offices.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3 Making a complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
The Council Offices
Belvedere Road
Taunton
TA1 1HE

Or email

t.meers@tauntondeane.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from Reception at the Council Offices.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint. In addition the Monitoring Officer will also notify the subject member of the complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, you will be informed of that decision and the reasons for it.

Where additional information is required in order to come to a decision, the Monitoring Officer may come back to you and may also request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council or your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, an Investigating Officer may be appointed. That Investigating Officer may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint, this will allow you to further explain your understanding of events and suggest what documents the Investigating Officer may need to see or who the Investigating Officer may need to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint. They will ask the member to provide his/her explanation of events, and to identify what documents they need to see and/or who he needs to be interviewed. In exceptional cases, the Monitoring Officer may delete your name and address from the papers or delay notifying the member until the investigation has progressed sufficiently where it might prejudice the investigation.

At the end of their, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that no further action is required. A copy of the Investigating Officer's final report will be given to both of you. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, the Investigating Officer may be asked to reconsider their report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Independent Person will be consulted with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee *[and the Parish Council]* for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing. The Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why they consider that they did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, conclude that the member did not fail to comply with the Code of Conduct they will dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter..

8 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council [*or to the Parish Council*] for information;
- 8.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Executive, particular Portfolio responsibilities, as chairman of a committee or from a committee itself;
- 8.5 Instruct the Monitoring Officer to [*or recommend that the Parish Council*] arrange training for the member;
- 8.6 Remove [*or recommend to the Parish Council that the member be removed*] from all outside appointments to which he/she has been appointed or nominated by the authority [*or by the Parish Council*];
- 8.7 Withdraw [*or recommend to the Parish Council that it withdraws*] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude [*or recommend that the Parish Council exclude*] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the Complainant, to the member [*and to the Parish Council*], make

the decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Hearings Panel?

The Hearings Panel is a Sub-Committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Hearings Panel and their views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she –

- 11.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 11.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*
- 11.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
 - 11.3.1 Spouse or civil partner;
 - 11.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 11.3.3 Grandparent of the other person;
 - 11.3.4 A lineal descendent of a grandparent of the other person;
 - 11.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 11.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or

11.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

12 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where they considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix One

The authority's Code of Conduct

Standards Committee – 19 March 2013

Minutes of a meeting of the Standards Committee held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 19 March 2013 at 2.30 p.m.

Present: Councillor Wren (Chairman)
Councillors Gaines, Tooze and A Wedderkopp
Louise Somerville-Williams (Independent Person)
Michael Marshall and Bryn Wilson (Parish Council Representatives)
Terry Bowditch, Adrian Cox and Anne Elder (Co-opted members of the Committee)

Officers: Tonya Meers (Monitoring Officer), David Greig (Parish Liaison Officer) and Richard Bryant (Democratic Services Manager and Corporate Support Lead)

Also present: Lynn Rogers

9. Welcome

The Chairman welcomed the Council's Independent Person, Louise Somerville-Wright to her first meeting of Taunton Deane's Standards Committee.

10. Apologies

Councillor Mrs Allgrove and Linda Williams (Reserve Independent Person).

11. Minutes

The minutes of the previous meeting of the Committee held on 7 February 2013 were taken as read and were signed.

12. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor A Wedderkopp declared a personal interest as a member of Wessex Water's Environmental Panel. 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. Terry Bowditch declared a personal interest as he was currently working for the South West Audit Partnership.

13. Dispensation Process

Considered report previously circulated, concerning The Localism Act 2011 which had made significant changes to the provisions of granting

dispensations.

A dispensation could be granted in the following circumstances:-

- (i) That so many members of the decision-making body had Disclosable Pecuniary Interests (DPIs) in a matter that it would “impede the transaction of the business”. In practice this meant that the decision-making body would be inquorate as a result;
- (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (iii) That the authority considered that the dispensation was in the interests of persons living in the authority’s area;
- (iv) That, without a dispensation, no member of the Executive would be able to participate on this matter; or
- (v) That the authority considered that it was otherwise appropriate to grant a dispensation.

Any grant of a dispensation had to specify how long it lasted for, up to a maximum of 4 years.

The Local Government Act 2000 had required dispensations to be granted only by the Standards Committee but the Localism Act now gave discretion for this power to be delegated to either the Standards Committee or a Sub Committee, or to the Monitoring Officer.

In July 2012 Full Council had approved delegation of Grounds (i) and (iv) above to the Monitoring Officer as it was thought that they were fairly objective with an appeal to the Standards Committee. This enabled dispensations to be granted “at the door of the meeting”.

However Grounds (ii), (iii), and (v), were deemed to be more objective and therefore remained with the Standards Committee, after consultation with the Independent Person.

Further reported that a motion was put to Full Council in October last year where a number of Members were unable to speak due to having DPIs.

It was noted that a dispensation could possibly have been given under (iii) above, however, due to the timing of the Council meeting insufficient time existed to request a dispensation from the Standards Committee due to the statutory timescales required to give notice of meetings.

Noted that if the Monitoring Officer had had delegated authority to grant a dispensation to allow those Members with a DPI to make statements or representations, answer questions, or give evidence where it was believed

that it was in the interests of the persons living in the authority's area then the Full Council meeting would have had the benefit of knowledge from those affected Members. Such a dispensation would only be granted following consultation with the Independent Person.

Noted that it was not envisaged that the Monitoring Officer should be able to grant a dispensation allowing a Member to vote in those circumstances and should the Member wished to vote then the application for a full dispensation should still be made to the Standards Committee.

In the circumstances, the Committee was asked to decide whether to grant the above delegation to the Monitoring Officer to enable a Member with a DPI to take part in a meeting without being in breach of the Localism Act 2011 and thus commit a criminal offence.

The report also included as an Appendix the revised application and guidance on granting dispensations for the information of Members.

During the discussion of this item, it was generally agreed that the granting of dispensation (iii), on the limited basis described, should also be delegated to the Monitoring Officer. It was also agreed that requests for dispensations to the Standards Committee should be submitted

Resolved that:-

- (i) The proposed change to the delegation to the Monitoring Officer in respect of dispensation (iii) be agreed; and
- (ii) As a consequence, the 'Guidance on Dispensation Requests' set out in the Appendix to the report be re-drafted by the Monitoring Officer, in consultation with the Chairman:-
 - to require dispensation requests for the Standards Committee (Nos (ii) and (iv) and (iii) where a Member wished to vote), to be submitted not less than **10 clear days** prior to the date of the meeting to which the dispensation request related;
 - to require dispensation requests for the Monitoring Officer (Nos (i) and (v) and (iii) where a Member did not wish to vote), to be submitted not less than **5 clear days** prior to the date of the meeting to which the dispensation request related; and
 - to provide a clear distinction on the request form as to whether the dispensation sought the right to speak only or to speak and vote.

14. Annual Governance Statement

The Monitoring Officer, Tonya Meers, reported that as part of the Council's accounts an Annual Governance Statement had to be submitted.

In previous years the Corporate Governance Committee had been asked to consider the Governance Statement before it was signed off by the Leader of the Council and the Chief Executive.

However, due to the changes to the Standards regime the Monitoring Officer considered that it would be appropriate for the new Standards Committee to be made aware of the Annual Governance Statement and also to provide any comments to the Monitoring Officer that they felt were appropriate to be considered in drafting this year's statement.

During the discussion of this item, Members agreed that a process for reporting back whether the points listed in the action plan had been met should be introduced. It was also felt that there was a need for more positive PR to be undertaken in respect of things within the action plan that had been accomplished.

15. Arrangements for dealing with complaints under the Standards Regime

Mrs Meers reported that the arrangements for dealing with complaints under the revised Standards regime were approved by Full Council in July 2012. A copy of those detailed arrangements were appended to the report.

Reported that at the last meeting of the Standards Committee, Members had requested the Monitoring Officer to look at whether a 'Frequently Asked Questions' document could be produced to assist members of the public.

Mrs Meers had reviewed the content of the Appendix containing the arrangements for dealing with complaints and believed that the process was clearly set out. However, any additional comments from the Committee would be taken into account before the arrangements were published on the Council's website.

Members asked if a further Complaints leaflet was going to be drafted. The Democratic Services Manager, Richard Bryant, confirmed that it was intended to produce a revised version of the Complaints leaflet which would be available at the main Reception Desk and would be circulated to Parish Councils too.

16. Complaints received under the new Standards Regime

Mrs Meers reported that only one complaint had been received by the Council since the introduction of the new Standards regime.

The matter raised had been resolved to the complainant's satisfaction without the need for any formal investigation.

Resolved that the report be noted.

17. Date of next meeting

The next meeting would be held on Tuesday, 21 May 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.37 p.m.)