



Standards Advisory Committee

You are requested to attend a meeting of the Standards Advisory Committee to be held in Committee Room 1, The Deane House, Belvedere Road, Taunton on 19 November 2013 at 14:30.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Committee held on 9 July 2013 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of disclosable pecuniary interests or personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Standards Committee are shown on the attachment.
- 5 Review of the Local Code of Conduct and arrangements. Report of the Legal and Democratic Services Manager (attached).
- 6 Complaints received under the new Standards regime. Verbal report of the Monitoring Officer.

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

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

Standards Advisory Committee Members:-

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 – 9 July 2013

Minutes of a meeting of the Standards Committee held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 9 July 2013 at 2.30 p.m.

Present: Councillors Mrs Allgrove, Gaines, A Wedderkopp and Wren
Michael Marshall and Bryn Wilson (Parish Council Representatives)
Terry Bowditch and Anne Elder (Co-opted members of the
Committee)

Officers: Tonya Meers (Monitoring Officer), Roy Pinney (Legal Services Manager)
and Richard Bryant (Democratic Services Manager and Corporate
Support Lead)

Also present: Lynn Rogers

18. Appointment of Chairman

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

19. Welcome

The Chairman welcomed the Council's new Legal Services Manager, Roy Pinney, to his first meeting of Taunton Deane's Standards Committee.

20. Apologies

Councillor Tooze, Louise Somerville-Williams (Independent Person) and Adrian Cox (Co-opted member of the Committee).

21. Minutes

The minutes of the previous meeting of the Committee held on 19 March 2013 were taken as read and were signed.

22. Public Question Time

Mr Lynn Rogers asked if he could be provided with details of the cost of the Standards Committee, including the support staff, for the past two financial years.

The Chairman replied that this information would be compiled and sent to Mr Rogers.

23. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish

Council. Councillor Mrs Allgrove declared a personal interest as Vice-Chairman of the Somerset Association of Local Councils. Councillor A Wedderkopp declared personal interests as a Member of Somerset County Council and 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.

24. Independent Persons' Protocol under the Standards Regime

Considered report previously circulated, concerning the proposed introduction of an Independent Persons' Protocol.

Under the Localism Act 2011 the Council was required to appoint an Independent Person to be consulted at various stages during Member conduct reviews. The arrangements for dealing with complaints under the revised Standards Regime had been approved by Full Council in July 2012.

Louise Somerville-Williams was currently the Council's Independent person.

A complainant might contact the Independent Person during the course of a matter to seek advice and support. The protocol, a copy of which was attached as an appendix to the report, sought:-

- (a) To prevent that contact from involving the Independent Person to the extent that it affected their independence and impartiality to the point where their role was not crucial;
- (b) To clarify the duties and responsibilities of the Independent Person, and
- (c) To clarify the procedural aspects of how liaison between the Independent Person and the Reviewing Officer should be conducted during:-
 - the First Stage which was the allegation of a breach of Member conduct by way of receipt of a complaint;
 - the Second Stage which began once the matter had proceeded to investigation; and
 - the Third Stage, where a local hearing had been arranged into the complaint.

Members noted that if the Independent Person was ever 'conflicted out' of an investigation into a complaint, the Council's Reserve Independent Member (Laura Williams) would be called upon to intervene.

Resolved that the Independent Persons' Protocol be approved.

25. Openness and Transparency on Personal Interests – Government Guidance

Considered report previously circulated, concerning Government Guidance that had recently been issued in respect of Personal Interests.

The Localism Act 2011 had made fundamental changes to the system of regulation of conduct for elected and co-opted Members.

In July 2012 the Council had resolved to approve measures to enable the Council to implement those provisions of the Act relating to the new Standards Regime. These included approval of a new Code of Conduct and arrangements for dealing with complaints against Members.

This new Code of Conduct included a redefinition of Councillors' interests and included the new Disclosable Pecuniary Interests (DPIs). Understandably, the Government had received questions from Councillors in the District, Parish and Town Councils relating to the practical implementation of these rules.

As a result, the Department for Communities and Local Government (DCLG) had published two sets of guidance both entitled 'Openness and transparency on personal interests : A guide for Councillors'.

These were intended to assist all Councillors by providing basic practical information about how to be open and transparent about their personal interests.

Whilst the guidance was a good aide memoir for all Councillors, it also reinforced the advice already provided by the Monitoring Officer.

By way of an example of the type of query that could often arise in connection with interests the Monitoring Officer, Tonya Meers, reported the receipt of the following enquiry from Mr David Orr:-

"If Taunton Deane awarded a contract and subsequently the prime contractor let work to a sub-contractor, where a Councillor had an interest, did the Councillor have to declare that as an interest or DPI or similar?

If so, which regulation, rule, law or code of conduct applied? Did the Councillor report it when it occurred? If not, when did they report it? To whom did they report it? Was that published or reported publicly? Which Taunton Deane Committee had oversight?"

In response, the Committee was of the view that the Council's current processes were sufficient to deal with the issue of Members who might have sub-contracts on Council contracts. In arriving at this 'decision' the following reasons were given:-

- It was noted that all Members received training regarding their responsibilities in declaring interests;
- It was the responsibility of individual Councillors to ensure that they declared their interests and they had to live with the consequences if they did not;

- The Council's Code of Conduct went over and above the Government's guidance as they also had to declare personal and prejudicial interests to ensure all interests were declared;
- The proposal was not always workable due to the sometimes short nature of sub-contracts;
- Members fed back to their Groups on standards issues therefore standards and ethical governance was high on Members' agenda; and
- The Standards Committee oversaw the issue relating to interests.

Resolved that:-

- (1) The report be noted; and
- (2) The views of the Committee in response to the queries raised by Mr David Orr, be submitted in writing to him.

26. Dispensation Process

Reference Minute No. 6/2013, Mrs Meers submitted for consideration a revised version of the form to be used by Members to apply for a dispensation.

Whilst it was acknowledged that this latest version was better than the original, various further changes were sought including:-

- The name of the Council to head page 1 of the request form;
- The layout of page 1 to be altered so that the space allowed for Councillors to respond to the various points was increased;
- The form to include a space for the signature of the Councillor applying for a dispensation and the date of the request;
- To ensure there was no ambiguity, to include 'tick boxes' to allow the Councillor making a request to indicate whether they required the dispensation to allow them just to speak or to speak and vote;
- Point 4 of the accompanying guidance to be amended to read 'the Executive/decision making group';
- The word 'otherwise' to be removed from Point 5 of the accompanying guidance; and
- Where a Member wished to be granted a dispensation which enabled him/her to vote, such a request should be made to a Sub-Committee of the Standards Committee – which could be called together relatively quickly – rather than to the Committee itself.

The Committee agreed that the Dispensation Request Form should be amended to reflect the above suggestions.

The Chairman requested that the decision whether to grant the dispensation or not should be recorded on the request form for the sake of openness.

27. 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.

In comparison, Mendip District Council had received 27 complaints (10 from one Parish Council), South Somerset 10 complaints and West Somerset six complaints. All had been dealt with by the respective Monitoring Officers without the need to refer any of the complaints for investigation.

Sedgemoor District Council had, so far, not received any complaints.

Resolved that the report be noted.

28. Date of next meeting

The next meeting would be held on Tuesday, 10 September 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.43 p.m.)

Usual Declarations of Interest by Councillors

Standards Committee

- **Clerk to Milverton Parish Council – Councillor Wren**
- **Member of Somerset County Council – Councillor A Wedderkopp**
- **Member of Wessex Water’s Environmental Panel – Councillor A Wedderkopp**
- **Vice-Chairman of the Somerset Association of Local Councils – Councillor Mrs Allgrove**
- **Public Governor of the Taunton and Somerset NHS Trust – Anne Elder**
- **Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution – Anne Elder**

Taunton Deane Borough Council

Standards Committee – 19 November 2013

Review of the Local Code of Conduct and arrangements

Report of the Legal and Democratic Services Manager

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

1. Executive summary

An update for members on reviews of the local code of conduct carried out by other authorities and to decide whether a review should be carried out for Taunton Deane.
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2. Background

- 2.1 In July 2012 the Council adopted the code of conduct set out in Appendix A together with arrangements for dealing with complaints. In addition a Standards Committee was set up and Independent Persons were appointed as per the Localism Act 2011.
- 2.2 The new code and arrangements have now been in place for over a year and some neighbouring authorities have carried out a review to look at what has worked with the new system and whether anything needed to be changed.
- 2.3 West Somerset Council carried out a review in September and have recommended that some of the definitions of the seven general principals of public life should be amended which has been set out in Appendix B. Overall they wanted to continue with existing arrangements for dealing with complaints and retain their Independent Persons.
- 2.4 In addition, Somerset County Council have also conducted a review and concluded that all authorities in Somerset having the same code was helpful. They also thought it would be useful to have a reminder system to remind members to declare interests and to have the register of interests at every meeting in order for members to update it at that time if it is appropriate. They also recommended that members should ensure that they attend code of conduct training as it was noted that not all members had attended these sessions.
- 2.5 To date I have not been made aware of any major issues with the code or the arrangements for this Council. The Standards Committee decided to update its dispensation policy in order to provide some flexibility for members should they find themselves with Disclosable Pecuniary Interests in order to allow them to have some input in debates should it be appropriate.
- 2.6 With regard to the numbers of complaints, the Council has only received 2 complaints since July 2012 one was not investigated and the other is at an early stage and a decision will be made shortly.

2.7 Therefore the committee are recommended to review the code and make any comments they deem appropriate.

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 The impact of the new ethical standards regime, should be kept under review to ensure it remains fit for purpose.

9. Recommendations

9.1 Members are recommended to decide whether they wish to undertake a review of the code and make any recommendations they deem appropriate.

Contact

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

Appendix A

TAUNTON DEANE BOROUGH COUNCIL MEMBER CODE OF CONDUCT

NB THE WORDS IN SQUARE BRACKETS [] APPLY TO PARISHES ONLY

INTRODUCTION AND INTERPRETATION

As a member and representative of this Council it is your responsibility to comply with this Code when you undertake or claim to be undertaking Council business or give the impression that you are undertaking Council business.

As a representative of this Council your actions impact on how the Council as a whole is viewed by the public. It is important, therefore, that you do not do anything when undertaking Council business which you could not justify to the public. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.

This Code is based upon the seven principles of public life which are set out at Appendix 1. You shall have regard to those principles when fulfilling your role.

An explanation of the terms used in this Code can be found in Appendix 2.

1. GENERAL OBLIGATIONS

When undertaking Council business you must:

- 1.1 treat others with respect;
- 1.2 not use or attempt to use your position as a member improperly to give yourself or any other person, an advantage or disadvantage;
- 1.3 when reaching decisions on any matter, consider any relevant advice provided to you by—
 - a) the Council's Chief Finance Officer (S151) [responsible officer (RFO)]; or

- b) the Council's Monitoring Officer [proper officer],
in accordance with his or her statutory duties;
- 1.4 give reasons for decisions in accordance with any statutory requirements and the Constitution of the Council [Not applicable];
- 1.5 act in accordance with the [the Council's policies –Towns/Parishes only] Council's Constitution and the policies contained within it and any other relevant Council policies ;
- 1.6 not use Council's resources improperly (including for political purposes);
- 1.7 avoid doing anything which may cause the Council to breach a statutory duty or any of the equality enactments (as defined in section 149 of the Equality Act 2010);
- 1.8 not bully any person;
- 1.9 not intimidate or attempt to intimidate any person who is or is likely to be—
 - a) a complainant,
 - b) a witness,
 - c) involved in the administration of any investigation or proceedings, or
 - d) any other person carrying out the functions of the Council,in relation to an allegation that a member (including yourself) has failed to comply with the Council's code of conduct;
- 1.10 avoid doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- 1.11 not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- a) you have the consent of a person authorised to give it;
- b) you are required by law to do so;
- c) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- d) the disclosure is—
 - i. reasonable and in the public interest; and
 - ii. made in good faith and in compliance with the reasonable requirements of the Council; and
- e) you have consulted the Monitoring Officer prior to its release;

1.12 not prevent another person from gaining access to information to which that person is entitled by law; and

1.13 not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.

2. INTERESTS

Disclosable Pecuniary Interests

2.1 You must register and declare any Disclosable Pecuniary Interests that relate to your public duties as required by this Code, and set out in Appendix 3.

2.2 You must, within 28 days of this Code being adopted by the Council or your taking office as a member or co-opted member, register any Disclosable Pecuniary Interests with the Council's Monitoring Officer, where the Disclosable Pecuniary Interest is yours, your spouse's or civil partner's, or is the Disclosable Pecuniary Interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners. Disclosable Pecuniary Interests will be recorded in the [District] Council's Register of Members' Interests and made available for public inspection including on the [District] Council's website at: www.tauntondeane.gov.uk. [In addition it will be made available on the Council's website at www.tauntondeane.gov.uk only applicable for those parishes with a website]

- 2.3 Within 28 days of becoming aware of any new Disclosable Pecuniary Interest or change to any such interest already registered, you must register details of that new interest or change in writing to the Council's monitoring officer.
- 2.4 Where any business of the Council, relates to or affects a Disclosable Pecuniary Interest whether registered under 2.2 or 2.3 above or not, and you attend any meeting of the Council, its Executive or any Committee, Sub-Committee, Joint Committee at which that business is to be considered, you must:
- not seek to influence a decision about that business
 - disclose to that meeting the existence and nature of that interest no later than the start of the consideration of the business in which you have that interest, or (if later) the time at which the interest becomes apparent to you. The exception to the requirement to disclose an interest is if the matter is a sensitive interest under paragraph 2.11
 - withdraw from the meeting room or chamber as soon as it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee [Council or clerk] .
- 2.5 Following any disclosure at a meeting or as part of a decision record, of a Disclosable Pecuniary Interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of the disclosure at the meeting or in the decision record in order for the interest to be included in the register.
- 2.6 Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a Disclosable Pecuniary Interest. Additionally you must observe the restrictions the Council places on your involvement in matters where you have a Disclosable Pecuniary Interest as defined by the Council and set out in this Code.

Other Interests

NOTE: It is conceivable that an interest could be categorised as both a Disclosable Pecuniary Interest and a personal or a personal and prejudicial interest. If so you must treat it as a Disclosable Pecuniary Interest and comply with the requirements set out in paragraphs 2.1 – 2.6 inclusive

2.7 (1) In addition to the Disclosable Pecuniary Interests notifiable under the Localism Act 2011, you must, within 28 days of—

a) this Code being adopted by or applied to the Council; or

b) your election or appointment to office (where that is later),

give written notification to the Monitoring Officer of the details of your other personal interests, as defined in 2.8(1) (i) and (ii) below, for inclusion in the register of interests. The exception to this requirement is if the detail of the personal interest is classified as sensitive – see paragraph 2.11.

(2) You must, within 28 days of becoming aware of any new personal interest or change to any such registered interest, notify the Monitoring Officer of the details of that new interest or change.

Personal Interests

2.8 (1) You have a personal interest in any business of the Council where:

a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;

(ii) any body—

(a) exercising functions of a public nature;

(b) established for charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

b) a decision in relation to any business of the Council might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a significant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division, as the case may be, affected by the decision;

- (2) Subject to sub-paragraphs (3) to (5) below, where you are aware of a personal interest described in paragraph (1) above in any business of the Council, and you attend a meeting of the Council at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the start of the consideration of that business, or when the interest becomes apparent to you.
- (3) Where you have a personal interest in any business of the Council which relates to or is likely to affect a significant person (see paragraph 1 (b) above and Appendix 2 for the interpretation of the term 'significant person'), you need only disclose to the meeting the existence and nature of that interest if and when you address the meeting on that business.
- (4) Where you have a personal interest but the interest is not detailed in the Council's register of members' interests because of the sensitive nature of the interest, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (5) Where you have a personal interest in any business of the Council and you have made an individual decision (as a Executive member) in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest subject to (4) above.
- (6) Any personal interests notified to the Monitoring Officer will be included in the register of interests.
- (7) A copy of the register will be available for public inspection and will be published on the [District] Council's website [and the Council's website (where applicable)].

Prejudicial Interests

- 2.9 (1) Where you have a personal interest in any business of your Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business—
- (a) affects your financial position or the financial position of a significant person (other than another town parish district or county council of which you are also a member); or

- (b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person (other than another town parish district or county council of which you are also a member).
- (2) Subject to paragraph (3) and (4), where you have a prejudicial interest in any business of your Council—
- (a) You may not participate in any discussion of the matter at a meeting.
 - (b) You may not participate in any vote taken on the matter at a meeting.
 - (c) You must disclose the existence and nature of the interest to the meeting and leave the room where the meeting is held while any discussion or voting takes place on the matter. The exception to the requirement to disclose the detail of the interest is if the matter is a sensitive interest under paragraph 2.11. In these circumstances you need only state that you have a prejudicial interest and that the details are withheld because of the sensitive information involved.
- (3) Where you have a prejudicial interest in any business of your Council, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business and you leave the meeting room immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your Council in respect of—
- (i) housing, where you are a tenant of your Council provided that those functions do not relate particularly to your tenancy or lease [not applicable];
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends [not applicable];
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- (5) Where, as an Executive member, you may take an individual decision, and you become aware of a prejudicial interest in the matter which is the subject of the

proposed decision you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter, or seek to influence a decision about the matter.

Receipts of gifts and hospitality

- 2.10 (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the Council.
- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.

Sensitive Interests

- 2.11 (1) If you have a Disclosable Pecuniary Interest or a Personal or Personal and Prejudicial Interest but you consider that disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation **and** the Monitoring Officer agrees with that assessment then instead of disclosing the interest you need only disclose that you have a Disclosable Pecuniary Interest or Personal or Personal and Prejudicial Interest (as the case may be). In such instances any published version of the register of interests will exclude details of the interest but may state that you have an interest, the details of which are withheld.

Overview and Scrutiny

- (1) [Not applicable to Town/Parishes] In relation to any business before an Overview and Scrutiny Committee of the Council (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your Council's Executive or another of your Council's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the Executive, committee, sub-committee, joint committee or joint sub-

committee mentioned in paragraph a) and you were present when that decision was made or action was taken; or

- (c) that business relates to a decision made (whether implemented or not) or action taken by you (whether by virtue of the Council's constitution or under delegated authority from the Leader);

you may attend a meeting of the overview and scrutiny committee or sub-committee of the Council but only for the purpose of making representations, answering questions or giving evidence relating to the business.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP

Holders of public office should promote and support these principles by leadership and example.

COUNCIL'S CODE OF CONDUCT - INTERPRETATION

In the Council's Code of Conduct the following words shall have the following meanings ascribed to them—

- “the Act” means the Localism Act 2011;
- “Disclosable Pecuniary Interest” is as defined in Appendix 3
- “meeting” means any meeting of—
 - (a) the Council;
 - (b) the Executive of the Council;
 - (c) any of the Council's or its Executive's committees, sub-committees, joint committees, joint sub-committees, or area committees; whether or not the press and public are excluded from the meeting in question by a resolution of members
- “member” includes a co-opted member and an appointed member.
- “sensitive information” means information relating to a member's interests that the monitoring officer has determined need not be included in the member's registration of an interest or any change to that interest, by virtue of the fact that its availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation
- “bullying” means offensive, intimidating, malicious, insulting or humiliating behaviour based on abuse or misuse of power or authority which attempts to undermine
- “disrepute” means a lack of good reputation or respectability which can be reasonably regarded as reducing the public's confidence in that member being able to fulfil their role or adversely affecting the reputation of members generally in being able to fulfil their role

- “significant person” in relation to personal and personal and prejudicial Interests means a member of your family or any person with whom you have a close association; or any body-
 - (1) of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - (2) exercising functions of a public nature;
 - (3) established for charitable purposes; or
 - (4) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management
- “wellbeing” means a condition of contentedness, healthiness and happiness. Anything that could be said to affect a person’s quality of life, either positively or negatively, is likely to affect their wellbeing. It is not restricted to matters affecting a person’s financial position
- “close association” means someone that you are in regular contact with over a period of time who is more than an acquaintance or colleague. It may be a friend, a business associate or someone you know through general social contacts. It is someone who a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them.
- “member of your family” means partner i.e. someone you are married to, your civil partner, or someone you live with in a similar capacity, a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people

DISCLOSABLE PECUNIARY INTERESTS

This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.

These provisions are enforced by criminal sanction.

They come into force on 1 July.

1 Notification of disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'Disclosable Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

<i>Interest</i>	<i>Description</i>
Employment, office, trade, profession or vacation	An employment, office trade profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contract	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land	Any beneficial interest in land which is within the area of the Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the Council; and (b) the tenant is body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M/s knowledge) has a place of business or land in the area of the Council; and (b) either – (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

These descriptions on interests are subject to the following definitions;

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the Council of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” in relation to disclosable pecuniary interests means M or M’s spouse or civil partner or a person with whom M is living as husband and wife or a person with whom M is living as if they were civil partners;

securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000() and other securities of any description, other than money deposited with a building society.

2 Dispensations

The Standards Committee or Monitoring Officer [Council or Clerk] may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

3 Offences

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed to a meeting
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest
- As an Executive member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.

Guidance on Bias and Predetermination –This is not part of the code of conduct

- Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you may participate in a decision on the issue in your political role as a member. However, you must not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- When making a decision, consider the matter with an open mind and on the facts made available to the meeting at which the decision is to be taken.

THE SEVEN PRINCIPLES OF PUBLIC LIFE

SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY

Holders of public office should be truthful.

LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Standards Committee – 19 November 2013

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

Present: Councillor Wren (Chairman)
Councillors Gaines, Tooze and A Wedderkopp
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), Roy Pinney (Legal Services Manager), Bruce Lang (Monitoring Officer, West Somerset Council), David Greig (Parish Liaison Officer) and Richard Bryant (Democratic Services Manager and Corporate Support Lead)

29. Apology

Councillor Mrs Allgrove.

30. Minutes

The minutes of the meeting of the Committee held on 9 July 2013 were taken as read and were signed.

31. Public Question Time

Mr David Orr made reference to the points he had previously made about Councillors being involved in sub-contracting. He still had concerns about this and felt the matter should be reviewed.

In response, the Monitoring Officer (Tonya Meers) stated that Members had to register contracts they were involved with as well as declaring any particular interests. These stipulations were covered by the Council's Code of Conduct but not as Disclosable Pecuniary Interests. She was confident that the processes and procedures were in place to cover Mr Orr's concerns. The Code of Conduct was 'over and above' what the Government required of Councils.

32. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor Tooze declared personal interests as Vice-Chairman of the North Taunton Partnership and as an employee of the UK Hydrographic Department. Councillor A Wedderkopp declared personal interests as a Member of Somerset County Council and 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.

33. Review of the Local Code of Conduct and Arrangements

Considered report previously circulated, as to whether a review of the Council's Code of Conduct should be undertaken.

In July 2012 Full Council had adopted its new Code of Conduct together with arrangements for dealing with complaints. In addition, a Standards Committee had been set up and an Independent Person appointed in accordance with the Localism Act 2011.

The new Code and arrangements had now been in place for over a year and some neighbouring authorities had carried out a review to look at what had worked with the new system and whether anything needed to be changed.

Reported that West Somerset Council had carried out a review in September 2013 and had recommended that some of the definitions of the seven general principals of public life should be amended, details of which were reported. Overall West Somerset wanted to continue with existing arrangements for dealing with complaints and retain their Independent Persons.

In addition, Somerset County Council had also conducted a review and concluded that all authorities in Somerset having the same Code of Conduct was helpful. It had also been felt that it would be useful to have a reminder system for Members to declare interests and to have the register of interests at every meeting in order for Members to update it at that time if it was appropriate. SCC had also recommended that Members should ensure that they attended Code of Conduct training as it had been noted that not all Members had attended these sessions.

As far as Taunton Deane was concerned, Mrs Meers stated that she had not been made aware of any major issues with the Code or the arrangements for this Council. The Standards Committee had decided to update its Dispensation Policy in order to provide some flexibility for Members should they find themselves with Disclosable Pecuniary Interests. This would allow them to have some input in debates should it be appropriate.

With regard to the numbers of complaints, the Council had only received two complaints since July 2012 - one was not investigated and the other was at an early stage and a decision would be made shortly.

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

- The Code of Conduct was used by both the County Council, the five District Councils and some of the Parish Councils;
- Although the overall Standards regime was 'overseen' by the Committee on Standards in Public Life, there was no real direction from

above. Councils were self-regulating as far as the Code was concerned;

- The Code of Conduct applied to Councillors “whilst engaged in Council business”. However, care would still be needed if providing information via social media even if such messages were marked as ‘personal views only’;
- Members felt there was a need for interests to be clarified. It was suggested that a flow-chart should be prepared dealing with the various types of interest, when they should be declared and why; and
- As with SCC, it was felt that all Councillors should undergo Code of Conduct training.

At the conclusion of the debate the Committee agreed that no review of the Code of Conduct nor the current arrangements was needed.

Resolved that:-

- (1) A flow-chart outlining the various interests and when they should be declared be prepared by the Monitoring Officers of both Taunton Deane and West Somerset Councils; and
- (2) The amended version of the seven principles of public life prepared by West Somerset Council – attached as an Appendix to these Minutes – be added to Taunton Deane’s Code of Conduct as a replacement for the original version.

34. Complaints received under the new Standards Regime

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

One had not been investigated, however the other would require to be considered by a Hearings Panel of the Committee made up from the elected Members.

Resolved that the report be noted.

35. Date of next meeting

The next meeting would be held on Tuesday, 21 January 2014 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.27 p.m.)

Appendix

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