

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 23 May 2017 at 14:30.

Agenda

- 1 Appointment of Chairman.
- 2 Apologies.
- 3 Minutes of the meeting of the Standards Advisory Committee held on 28 March 2017 (attached).
- 4 Public Question Time.
- 5 Declaration of Interests
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors, Town or Parish Councillors will automatically be recorded in the minutes.
- 6 Raising Standards : Parish Council Health Checks. Presentation by Justin Robinson, County Executive Officer of the Somerset Association of Local Councils.
- 7 Discontent with the current Standards Regime. The Democratic Services Manager to report the receipt of a response from the Member of Parliament, Rebecca Pow (attached).

Reporting Officer: Richard Bryant
- 8 Monitoring Officer's Update.

Reporting Officer: Bruce Lang

The following items are likely to be considered after the exclusion of the press and public because of the likelihood that exempt information would otherwise be disclosed relating to the Clause set out below of Schedule 12A of the Local Government Act 1972.

- 9 Complaints against Councillors - Update by the Monitoring Officer. Paragraph 1 - Information which would reveal the identity of an individual.

Reporting Officer: Bruce Lang

Bruce Lang
Assistant Chief Executive

07 August 2018

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



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

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



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

For further information about the meeting, please contact Democratic Services on 01823 219736 or email r.bryant@tauntondeane.gov.uk

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

Standards Advisory Committee Members:-

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

Standards Advisory Committee – 28 March 2017

Present: Councillors Davies and Mrs Smith
Michael Marshall and Bryn Wilson (Parish Council representatives),
Anne Elder and Lynn Rogers (Co-opted independent members of the
Advisory Committee)

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

1. Appointment of Chairman

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

2. Apologies/Substitution

Apologies:- Councillors Gaines, James, Miss Smith and Wren and Mrs Louise
Somerville-Williams (Independent Person).

Substitution:- Councillor Mrs Smith for Councillor Miss Smith.

3. Changes to the Membership of the Standards Advisory Committee

The Democratic Services Manager, Richard Bryant, reported that since the
last meeting both Mr Terry Bowditch (Co-opted independent member) and Mr
Bill Sparrow (Parish Council representative) had resigned from the Advisory
Committee.

4. Minutes

The minutes of the meeting of the Standards Advisory Committee held on 15
March 2016 were taken as read and were signed.

5. Declaration of Interests

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

6. Raising Standards : Parish Council Health Checks

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

The item would be added to the agenda of the next meeting towards the end
of May 2017.

7. Discontent with the current Standards Regime

Richard Bryant reminded the Advisory Committee of the meeting held with Rebecca Pow MP on 29 April 2016 where the concerns of the Committee as to the weakening of the Standards Regime in Local Government following the introduction of the Localism Act 2011 had been discussed.

A summary of the points made was subsequently sent to Rebecca Pow who had undertaken to bring this to the attention of the appropriate Minister.

Unfortunately, a response from the Minister was still awaited.

Mr Bryant went on to report that Taunton Deane was not alone in thinking that the effectiveness of the Standards Regime had been diminished. Indeed, a letter was currently being prepared by Sedgemoor District Council's Monitoring Officer which would be sent to the Secretary of State for Communities and Local Government.

It was hoped this letter would be signed by the Chairmen of all Standard Committees throughout Devon and Somerset.

During the discussion of this item, Members reported that many of the Parishes were unaware of the very limited sanctions that could be imposed on a Councillor who had breached the Code of Conduct. However, the view was also expressed that publicity of a breach through the local media was something most Councillors – whether Borough or Parish – would seek to avoid and would therefore moderate their behaviour accordingly.

The Advisory Committee did agree that it would be timely for a reminder to be sent to all Councillors about the necessity to comply with the terms of the Code of Conduct and to offer further copies, if Members wished to receive it.

Resolved that the report be noted.

8. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following items because of the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

9. Update on complaints made against Councillors

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

A total of nine complaints relating to Councillors in four of Taunton Deane's Parishes had been received and one further complaint was anticipated.

In addition, two complaints had been raised against Borough Councillors one of which had been resolved without having to use the formal investigation route, whilst the other was still in the early consideration stage.

Resolved that the report be noted.

10. Date of next meeting

The next meeting of the Advisory Committee would be held on Tuesday, 23 May 2017 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.58 p.m.)

Rebecca Pow MP
Member of Parliament for Taunton Deane



HOUSE OF COMMONS
LONDON SW1A 0AA

Leader Taunton Deane Borough Council
The Deane House
Belvedere Road
Taunton
TA1 1HE

27 April 2017

Dear Mr Bryant

Thank you for meeting me and discussing your concerns about the local government standards regime. I apologize for the length of time it has taken to follow up.

Following our conversations, I discussed this issue with the Minister for Local Government, Marcus Jones, as well as making formal written representations. I have now received a response and I enclose a copy for your information and reference.

As you can see from the reply, the changes made in the Localism Act 2011 were needed to help prevent politically motivated attacks and it is now down to each local authority to decide what is in the code of conduct.

I hope that the information enclosed helps to clarify some of the thinking behind the changes and as you will note, the Localism Act is due to be reviewed this year. Should I be returned at the next election I will be sure to feed in your views during this process.

Thank you again for taking the time to make me aware of your concerns.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rebecca Pow'.

Rebecca Pow
Member of Parliament for Taunton Deane



Department for
Communities and
Local Government

Rebecca Pow MP
House of Commons
London
SW1A 0AA

Marcus Jones MP
Minister for Local Government

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Our Ref: 3272387

19 APR 2017

Dear Rebecca,

Thank you for your letter of 22 March in which you relay the concerns Taunton Deane Borough Council has about the standards regime introduced by the Localism Act 2011.

The previous standards regime consisted of a model code governing local authority members' conduct and was enforced through local authority standards committees, regulated in turn by the Standards Board for England. Unfortunately, it became a vehicle for petty, malicious and politically-motivated complaints.

Under the current arrangements, every local authority is required to adopt a code of conduct for local authority members. It is for each local authority to determine the contents of their code, although it must conform to the seven 'Nolan' principles of standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. We have not sought to define these principles - such definitions already exist and are freely available, for instance on the web site of the Committee for Standards in Public Life.

The current set-up also requires local authorities to put in place arrangements to investigate and decide on allegations of breaching the code. We do not, however, dictate to local authorities what those arrangements might be. This is for local authorities to determine for themselves.

The new regime does allow a council to take action against any councillors it considers have breached its code of conduct. These include removing a councillor from a committee or formally censuring them. Of course the ultimate judgement of a councillor's conduct comes at the ballot box. I consider these arrangements to be appropriate.

I note that Taunton and Deane Borough Council also raises concerns about the introduction of strict rules on the registration and disclosure of certain pecuniary interests. I feel it is absolutely vital that the electorate can assure themselves that local authority members are not putting their own interests ahead of those of the public and that is why the current sanctions include a criminal offence.

You might be interested to know that the Government gave a commitment to review the Localism Act within five years of the coming into force of the changes it introduced, and so we intend to conduct that review later this year.

Your
Marcus

MARCUS JONES MP

Standards Advisory Committee – 23 May 2017

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

Also Present: Cllr Aldridge

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

11. Appointment of Chairman

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

12. Apology

Councillor Mrs Smith-Roberts.

13. Minutes

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

14. Declaration of Interest

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

15. Raising Standards : Parish Council Health Checks

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

16. Discontent with the current Standards Regime

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

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

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

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

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

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

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

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

17. Monitoring Officer's Update

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

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

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

18. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following items because of the likelihood that exempt information would otherwise be disclosed relating to Clause 2 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

19. Update on complaints made against Councillors

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

Resolved that the report be noted.

20. Date of next meeting

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

(The meeting ended at 3.40 p.m.)