

Standards Advisory Committee

You are requested to attend a meeting of the Standards Advisory Committee to be held in The Brittons Ash Community Centre, Bridgwater Road, Bathpool, Taunton (Committee Room) on 14 November 2017 at 14:30.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Standards Advisory Committee held on 17 July 2017 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 Complaints against Councillors - Update by the Monitoring Officer as to the outcome of recent initial assessments.
- 6 Discontent with the current Standards Regime. A copy of a further response from the Minister for Local Government, Marcus Jones MP is attached for information/comment.

Reporting Officer: Bruce Lang

Reporting Officer: Richard Bryant

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 – 17 July 2017

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

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

21. Apologies/Substitution

Apologies : Councillor Mrs Smith-Roberts and Louise Somerville-Williams
(Independent Person).

Substitution : Councillor Booth for Councillor Mrs Smith-Roberts

22. Minutes

The minutes of the meeting of the Standards Advisory Committee held on 23
May 2017 were taken as read and were signed.

23. Declaration of Interest

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

24. Raising Standards : Parish Council Health Checks

Due to the further indisposition of Mr Justin Robinson, the County Executive
Officer of the Somerset Association of Local Councils (SALC) the Monitoring
Officer, Bruce Lang, gave the Advisory Committee the presentation prepared
by Mr Robinson titled 'Raising Standards : Parish Council Health Checks'.

SALC was now in its 75th year and it currently represented 266 Town and
Parish Councils and four Parish Meetings in Somerset.

The key services it provided were support and advice, troubleshooting,
training and networking. Current areas for development included sharing
good practice, specialist training and the promotion of high standards of
governance.

The common problem areas encountered by SALC were:-

- Poor Council/community relations;
- Poor Member relations;
- Poor officer/Member relations;
- Lack of a plan;
- Lack of understanding of legal/ financial responsibilities and the Code
Of Conduct; and

- Lack of ambition.

SALC was currently planning to offer 'Council Health Checks' in an attempt to overcome the above problems areas.

The Health Checks were in the early stages of development but would draw on elements of existing work that had already proven to be valuable.

SALC would act as a critical friend, highlighting both good practice and areas for improvement.

There would be five different options which could be chosen by a Town/Parish Council depending on the nature of the problem. These options were:-

- (1) **Council Policy/Compliance Check** – A desktop exercise or Combined with 1-2-1 new Clerk training; Would ensure that policies were in place and up to date; Checks of agendas and minutes to ensure compliance with relevant legislation; Assessing the structure of the Council and compliance with the Transparency Code which might lead to referral to the Local Council Advisory Service.
- (2) **Staff Review/Salary Benchmarking Exercise** - Conducted by telephone or 1-2-1 interview; Reviewed hours/salaries/contracts against the work currently undertaken by the Council and its future aspirations; Would look at current member HR management, appraisals and assess training needs; This had proven helpful in diffusing officer/Member tensions in the past.
- (3) **Meeting Observation** - Particular focus on agenda management, public participation, Member engagement, Chairmanship, procedural and Code of Conduct compliance; This was a useful method to help build Council confidence and address compliance issues in a practical way.
- (4) **Personalised Training** - Training for the whole Council and staff or referral to SALC's existing training options; Single Council sessions which provided greater focus on what the Council did and an opportunity to address local concerns/problems or a training Question and Answer session where Members set the agenda. This had proven very effective at addressing poor internal relations; and a Mentoring Scheme was being developed.
- (5) **Council Business Planning** - An informal, facilitated session to take stock of where the Council was and where it wanted to be in 3-5 years' time; This might lead to a Council Work Plan or something larger involving the whole community; This had been tried and tested elsewhere and had been shown to raise aspirations and as a way of re- engaging with the local community.

Mr Lang concluded the presentation by stating that although the development of the Health Checks were in their early days there had already been some

positive outcomes and interest in the scheme from the National Association of Local Council's Improvement and Development Board.

There was a need to further trial aspects of the scheme and then assess how the Councils concerned were operating six months later on. SALC was hopeful that the approach outlined above would be one Standards Committees would recommend to Town and Parish Councils.

During the discussion of this item the following points were raised, with responses shown in italics:-

- How much would SALC charge to provide a 'health check' on a particular issue? *In the absence of Mr Robinson this was unknown. However, SALC had provided Taunton Deane with advice in respect of a recent parish issue having attended several meetings at a cost of only £100;*
- How many of Taunton Deane's Parish Council were members of SALC and how many had adopted the SALC Code of Conduct? *The majority of Parishes were members, but it was unknown how many had decided to adopt SALC's Code of Conduct. It was pointed out that all versions of the Code were required to cover the same basic principles set out by legislation.*
- It was very difficult to convince Parish Councils to seek outside help. Should SALC set out to attend Parish meetings where there were known issues without prior notice? *The SALC approach of raising awareness as to what it could offer Parish Councils was considered to be the right way forward.*
- There were currently a number of Parish Councils who were considering cancelling their subscription with SALC on the basis that they received very little in return. It was possible that these Parishes might join the Society of Local Council Clerks instead or rely on the wealth of information that was readily available from the internet. *Parish Councils needed to carefully consider withdrawing its membership of SALC as, in the future, the current support it offered might not be available.*

Resolved that Mr Lang be thanked for making the presentation on behalf of SALC, the contents of which would be noted.

25. Discontent with the current Standards Regime

Reference Minute No. 16/2017 the Democratic Services Manager, Richard Bryant, reported that a letter had been sent to the Secretary of State at the Department of Communities and Local Government as a 'follow up' to the letter that had originally been sent by Sedgemoor District Council on behalf of a dozen other Councils in the South-West.

A further letter had also been sent to the local Member of Parliament, Rebecca Pow, seeking confirmation that all of the original concerns of the Advisory Committee had been passed on to the Secretary of State.

Copies of both letters had been circulated to the Members of the Committee for information. Once responses were received, these would be copied to Members.

Resolved that the report be noted.

26. 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.

27. 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.

28. Date of next meeting

The next meeting of the Advisory Committee would be held on Tuesday, 5 September 2017 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.29 p.m.)



**Department for
Communities and
Local Government**

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Our Ref:3428989

07 AUG 2017

Dear Councillor Woodman,

Thank you for your letter of 2 May, to the Rt Hon Sajid Javid MP on behalf of a number of council standards committees across the South West of England, raising concerns about the local authority standards regime. I am replying as this matter falls within my ministerial responsibilities.

I note your concerns. As you will know, in 2012 the Conservative-led coalition government abolished the Standards Board regime, which had become a vehicle for petty, malicious and politically motivated complaints and put in place new, localist standards arrangements. Local authorities are required to put in place a code of conduct and also put in place arrangements to investigate and decide on allegations of failure to comply with that code. The public rightly expect high standards of conduct from those they elect.

Elected members who fail to comply with their authority's code of conduct can face censure. There is no power of sanction or suspension, as this was abolished with the Standards Board regime. Whilst the government believes the current arrangements are appropriate, we have publicly committed to reviewing the local authority standards arrangements, which should take place within the next year or so. I would like to take this opportunity to assure you that the points you have made will be taken into account as part of that review.

You stated that criminal acts in a Member's personal life cannot be taken into account. In fact, section 80 of the Local Government Act 1972 sets out a range of criteria under which a person is disqualified from standing as a candidate or being a member of a local authority. This includes a provision that if a person, within 5 years before being elected, or at any time since being elected, has been convicted in the UK, Channel Islands or Isle of Man of any offence and has received a sentence of imprisonment (suspended or not) for a period of not less than three months without the option of a fine.

The government has publicly committed to reviewing the disqualification criteria for councillors to bring the criteria into line with modern sentencing guidelines. I am giving that matter serious consideration and your points will be taken into account as part of that review. I have asked my officials to keep you informed of any public policy developments in that space.

Finally, in response to your point on co-opted members, these individuals are specifically chosen by the appropriate body to represent a specific area of interest or issue of consideration. They are appointed because of their level of knowledge and experience, e.g. headteachers. Whilst I recognise they make a useful contribution to discussions, government has no plans to change the current arrangements. I am not sure that making the Independent Person a member of the Standards Committee would be compatible with their independence, which is vital to ensure and maintain public confidence on how allegations of councillor misconduct are investigated.

Your Sincerely,

Marcus Jones

MARCUS JONES MP

Standards Advisory Committee – 14 November 2017

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

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

The meeting commenced at 2.30 p.m.

29. Minutes

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

30. Declaration of Interest

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

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

31. Complaints against Councillors

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

Two of the complaints related to Parish Councillors.

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

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

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

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

The neighbour had initially complained to the Parish Council and, as a result, had offered to resign. Mr Lang had felt that it was not necessary for the

Councillor to follow this course of action particularly as an interest had been declared at recent meetings and the subject Member had taken no part in subsequent discussions.

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

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

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

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

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

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

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

Resolved that the report be noted.

32. Discontent with the current Standards Regime

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

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

Resolved that the contents of the letter be noted.

33. Visits to Parish Councils

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

Such visits not only gave the opportunity for the 'Standards Flag' to be waved but allowed Members to observe the operation of meetings and provide

advice about things such as interests, if asked.

Resolved that this suggestion be noted.

34. Date of next meeting

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

(The meeting ended at 3.31 p.m.)