

Standards Committee – 11 August 2009

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 11 August 2009 at 2.30 p.m.

Present: Mrs A Elder (Chairman)
Mr M Stanbury (Vice-Chairman)
Councillors Mrs Allgrove, Brooks and House
Mr P Malim OBE, Mr L Rogers and Mr B Wilson

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

27. Apologies

Mr A Cottrell, Mr D Macey, Mr M Marshall and Mr R Symons

28. Minutes

The minutes of the previous meeting of the Committee held on 16 July 2009 were taken as read and were signed.

29. Declaration of Interests

Councillor Mrs Allgrove declared a personal interest as Chairman of the Somerset Association of Local Councils. Councillor Brooks declared a personal interest as a Member of Somerset County Council.

30. Gifts and Hospitality – Register of Interests

The Monitoring Officer, Tonya Meers, submitted for comment and approval details of a number of amendments made to the Staff Handbook in respect of gifts and hospitality.

The South West Audit Partnership (SWAP) had produced a report following an audit of gifts and hospitality to ensure that there was robust and up to date policies and procedures in place to guide staff and Members on the need to record any offer of gifts and hospitality. In addition, SWAP was also keen for the policy and procedure to be communicated to, and understood by, both staff and Members.

Although SWAP had been generally happy with the way in which the gifts and hospitality process was operated, they had made a number of recommendations which would tighten up the Council's procedures.

Whilst most of these recommendations had already been actioned, one of the recommendations (1.1) had called for a review of the Council's current policy and processes.

Reported that this had been carried out resulting in a number of suggested amendments being proposed to the Staff Handbook and the process to be followed by staff. Details of these amendments were reported.

The Corporate Management Team, Human Resources and Unison had all been consulted on these proposed changes. No objections were anticipated .

Resolved that the changes to the Staff Handbook and process in respect of gifts and hospitality be approved.

31. Granting of Dispensations to Councillors

Reference Minute No. 19/2009, Mrs Meers reported that she had investigated whether the granting of dispensations could be delegated to her as the Monitoring Officer, in consultation with the Chairman of the Standards Committee, to enable decisions to be taken at short notice.

Mrs Meers reported however that this would not be possible. The Committee could however delegate such decisions to a smaller Sub-Committee. However, she added that any Sub-Committee would still be bound by the rules relating to the calling of meetings.

The general feeling was that a Sub-Committee, comprising the Chairman, Vice-Chairman, one further Independent Member, one Councillor and one Parish Council representative, would be preferable than having to either wait for a meeting of the main Committee to come around or calling a special meeting of that Committee.

Mrs Meers reported that she would prepare a suitable change to the wording of the Council's Constitution and would e-mail it to Members of the Standards Committee for comment prior to its consideration by the Constitutional Sub-Committee.

32. Probity in Planning

Reference Minute No. 20/2009, Peter Malim reported on the early progress that had been made in comparing the recently issued guidance issued by the Local Government Association concerning Probity in Planning with existing guidance.

He felt it would be appropriate to attend a forthcoming meeting of the Planning Committee to introduce himself to Members and explain the task he and Robert Symons were undertaking.

The Committee agreed to this suggestion.

33. Members Register of Interests on the Website

Mrs Meers reported that the Audit Commission had recently sought her views as to whether the information contained in the Members Register of Interests should be published on the website. She explained that the Audit Commission was looking at this from the Ethical Governance Framework viewpoint.

Before submitting a response she felt it appropriate to ask the Standards Committee for its views.

Members were opposed to the publication of this information for the following reasons:-

- It could result in some declarations not being made;
- As Councillors were required to fully complete the annual forms, the non-declaration of items could lead to trouble in the future; and
- It would be a huge task if the interests of all 347 Parish Councillors also had to be published.

The Committee was of the opinion that the status quo should be maintained, although there would be no objection to the website making it clear to members of the public that the Register was a document which was available for viewing.

34. Further Training for Parish Councils

The Vice-Chairman, Maurice Stanbury, reported that he was aware that a proportion of Parish Councillors in Taunton Deane had not received any Code of Conduct training. In many cases the Councillors concerned had simply missed the training originally provided by the Parish Liaison Officer, David Greig.

Mrs Meers reported that with the Code likely to be updated shortly, this would give David Greig the opportunity to revisit all of the Parishes to deliver further training.

35. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 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.

36. Update on complaints made against Councillors

Mrs Meers circulated an updated spreadsheet which outlined the current position relating to complaints that had been received to date against

Councillors under the Local Standards Framework. A total of six complaints had been received, all which related to Borough Councillors.

As previously reported, two of the complaints had been through hearings resulting in sanctions being imposed. In the case relating to Councillor Stone (Minute No. 23/2009 refers), it was now understood that the apology he was required to make to Councillors would be made at the next meeting of Full Council on 6 October 2009.

Two complaints had not been proceeded with due to lack of information in the first case and because the complaint had been withdrawn in the second.

One complaint had been considered by the Consideration and Hearings Sub-Committee and the decision had been taken to refer the complaint to the Adjudication Panel. Another complaint was due to be considered by the Consideration and Hearings Sub-Committee shortly.

Having recently been re-elected to the Somerset County Council, Councillor Brooks drew to the attention of the Committee the matter of malicious comments/statements being made in the run up to an election. These comments/statements were aimed at candidates usually by other candidates who were often sitting Councillors.

He understood that Standards for England had been approached about this but they had stated that such actions were effectively part of the election campaign process and was therefore outside the scope of the Local Standards Framework.

37. Matters for further discussion from the Committee's "Away Morning"

Most of the Committee had attended an "Away Morning" at The Albemarle Centre, Taunton earlier in the day. Several matters had been raised during the discussion which it was felt should be reported formally to the Standards Committee. These matters were:-

- (1) The ability to appoint a substitute Councillor to participate in the consideration of complaints** – The three Councillors currently serving on the Standards Committee were all Members of the Council's Planning Committee. It was possible that a complaint concerning a planning matter could arise in the future which would prevent any of the three Councillors becoming involved. It was therefore necessary to make a contingency to allow the Committee to appoint a "substitute" Member when necessary.

Mrs Meers reported that it would be sensible to do this and she would therefore arrange for an appropriate change to the Council's Constitution to be made.

- (2) Performance Indicators for the Committee** – It had been the intention for some time to introduce a series of indicators against which the Committee could measure its performance.

The Democratic Services Manager, Richard Bryant, stated that the draft indicators which had been brought to a meeting of the Committee earlier in the year appeared, on reflection, to be a little too detailed and some even appeared to be unnecessary.

The Committee took the view that a range of meaningful indicators should be developed and that a small “working group” should meet to consider this further.

- (3) **Meeting for the Independent Members of the Committee** – Mr Bryant reported that a meeting of the South West Independent Members of Standard Committees’ Forum would be held at the offices of Bristol City Council on Friday, 4 September 2009. Details of the speakers and the range of topics to be covered were provided.

38. Date of the next meeting

The next meeting would be on Tuesday, 20 October 2009 at 2.30 p.m. in The John Meikle Room at The Deane House.

(The meeting ended at 3.40 p.m.)