

Standards Committee – 19 January 2010

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 19 January 2010 at 2.30 p.m.

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

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

1. Minutes

The minutes of the previous meeting of the Committee held on 9 December 2009 were taken as read and were signed.

2. Declaration of Interests

The Chairman, Anne Elder, declared a personal interest as a Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution. 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.

3. Member Officer Protocol

Considered report previously circulated, concerning proposals to update the Member Officer Protocol.

The Council's Constitution, which had been introduced in 2001, was currently undergoing a complete review. One part of the Constitution was the Member Officer Protocol which had been revised by the Monitoring Officer, Tonya Meers.

Prior to the meeting, a number of comments on the revised protocol had been received from Peter Malim and these had been included in a further version of the document which had been made available to Members for consideration and comment.

The Vice-Chairman, Maurice Stanbury, reported that he too had a number of suggested alterations which he would take up with the Monitoring Officer after the meeting. Whilst most were straightforward typographical matters, he did feel that some further explanation of the sentence on the first page "In law all Members are equal and have the responsibility of trustees" was required.

Mrs Meers explained that if the Standards Committee approved the protocol it would be circulated to the Corporate Management Team and all Councillors for further comment. Any views received would be reported back to the next meeting of the Committee.

Resolved that subject to the inclusion of the further amendments/comments of the Vice-Chairman, the draft revised Member Officer Protocol be agreed.

4. Ethical Governance Toolkit

Reference Minute No. 58/2009, submitted for information a draft of a letter prepared by Mrs Meers, which would accompany the questionnaire aimed at establishing how far the ethical governance framework had been embedded into the Council. The Leader of the Council, Councillor Henley, had indicated that he was prepared to sign the letter.

Members felt that to ensure that the proposed “health check” had cross party support, it should be signed by all three Group Leaders.

Peter Malim asked whether any progress had been made to simplify the questionnaire. Mrs Meers confirmed that she would look to see whether this could be done. She added that it was hoped to circulate the questionnaires initially to all Councillors within the next few weeks.

Resolved that the wording of the covering letter be agreed and that it should be signed by the Group Leaders.

5. Guidance on Personal and Prejudicial Interests

Mrs Meers reported that she had received some feedback from a recent meeting of the Council’s Community Scrutiny Committee over an issue relating to the declaration of interests. Bob Symons had been present at this meeting.

As a direct result of this feedback, Mrs Meers had drafted a short paper titled “Guidance for Members on Interests under the Code of Conduct” which was submitted to Members of the Standards Committee for comment.

The paper was generally welcomed although Mrs Meers acknowledged that to ensure consistency of approach, the Chairmen of the Council’s Committees all needed to be sure how to deal with a Councillor who declared a prejudicial interest in relation to a particular matter.

During the discussion of the proposed Guidance a number of questions, detailed below, were raised. The responses given to these questions is also shown.

- Who was responsible for advising Members at a Committee meeting regarding a potential interest?

Response – The Committee Administrator or the Monitoring Officer or her Deputy. Councillors who had a potential interest were encouraged to clarify the extent of any interest prior to the meeting taking place.

- Could an independent Member of the Standards Committee remain at a meeting when a confidential matter was being discussed?

Response – Yes. Essentially the independent Members were part of a formally constituted Committee of the Council and were therefore eligible to remain in attendance.

- Should an independent Member of the Standards Committee seek to advise on an issue relating to interests at a Committee?

Response – Under normal circumstances “No”. However, if the independent Member was asked to provide a view by the Chairman of the Committee, it would be acceptable to do so.

Resolved that the “Guidance for Members on Interests under the Code of Conduct” be approved.

6. The Annual Report

Mrs Meers reported that the Annual Report of the Standards Committee needed to be drafted. As usual it was due to be submitted for consideration to the next meeting of the Council’s Corporate Governance Committee on 15 March 2010.

A draft would be prepared and circulated to all Members of the Committee for comment as soon as possible.

7. Attendance at Taunton Deane Committee meetings by the independent Members

Mr Stanbury reported that independent Members of the Committee had attended meetings of most of the principal Committees of the Council in the two months before Christmas.

In his view, this practice should be continued until the new Code of Conduct was issued. Mr Stanbury added that a log ought to be kept of the meetings where an independent Member had been present and this was agreed.

Lynn Rogers felt that visits to Parish Councils by the independent Members should also be continued. The Parish Liaison Officer, David Greig, requested that he was notified of an intended visit so that he might contact the Clerk to the Parish Council to make the necessary arrangements.

8. Letter to the Adjudication Panel

Reference Minute No. 63/2009, Mrs Meers reported that a letter had been sent to the Adjudication Panel setting out the Committee's concerns as to how the Hearing into the complaint against a former Councillor had been conducted. A response to the letter was awaited.

Bob Symons reported that he understood that the Adjudication Panel was, in the future, going to work as a Tribunal.

Resolved that the report be noted.

9. Future Work Plan of the Committee

The Future Work Plan of the Committee was submitted for information.

10. Date of next meeting

The next meeting would be held on Wednesday, 14 April 2010 at 2.30 p.m. in The John Meikle Room at The Deane House.

As this was the day after Full Council, Richard Bryant enquired whether another meeting of the Committee would be required in the meantime to discuss the content of the presentation the Committee wished to make to the Council in respect of the Ethical Governance Toolkit questionnaire (Minute No. 58/2009 refers).

It was agreed that it would be more appropriate for the presentation to be made to the July Full Council when the agenda for this meeting was likely to be lighter.

Members also requested that a meeting of the Committee should be programmed for early December in the future. The current gap between meetings in October and the following January was considered to be too long.

11. 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.

12. 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 Assessment Framework. A total of nine complaints had been received, all which related to Borough Councillors.

One complaint had subsequently been withdrawn, one had resulted in no further action due to lack of evidence being submitted by the complainant,

three had been the subject of a local Hearing and one had been referred to the Adjudication Panel. Two further complaints had been referred for "Other Action" by the Assessment Sub-Committee whilst complaint No. 2009/03 was still under investigation.

Resolved that the report be noted.

13. Report on Other Action

Submitted report previously circulated concerning the latest complaint received against a Taunton Deane Councillor.

The Committee's Assessment Sub-Committee had decided that in this particular case, 'Other Action' (instead of the complaint being referred for formal investigation) was appropriate.

Mrs Meers reported on the action she had taken with the Councillor concerned.

Resolved that the report be noted.

14. Other Matter

Peter Malim referred to the discussion that had taken place with the Chief Executive at the last meeting of the Committee (Minute No 57/2009 refers). He enquired whether the discussion had yet taken place as to how recommendations from the Standards Committee or its sub-committees could be formally made to the Council.

Mrs Meers informed the Committee that this discussion was due to take place shortly.

(The meeting ended at 3.54 p.m.)