

Standards Committee – 8 July 2014

Minutes of a meeting of the Standards Committee held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 8 July 2014 at 2.30 p.m.

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

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

Also Present : Mr L Rogers

36. Appointment of Chairman

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

37. Apologies

Councillors Tooze and A Wedderkopp.

38. Minutes

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

39. Declaration of Interests

Councillor Mrs Allgrove declared a personal interest as Vice-Chairman of the Somerset Association of Local Councils. Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. 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.

40. Resignation – Mr Adrian Cox

The Democratic Services Manager, Richard Bryant, reported that Adrian Cox who was one of co-opted members had resigned from the Committee earlier in the year. A letter had been sent to Mr Cox on behalf of the Chairman thanking him for his contributions to the work of the Committee.

In terms of replacing Mr Cox, Mr Bryant reported on the measures which were normally followed to recruit a new co-optee to the Committee. However, it was suggested that the Committee might like to consider approaching Mr Lynn Rogers – who was in attendance at the meeting – to see whether he might be interested in filling the current vacancy, particularly in view of his former service as an independent member of the Standards Committee before the new regime was introduced in 2012.

Mr Rogers confirmed that he would like to be considered for the vacant position.

Resolved that Full Council be recommended to approve the appointment of Mr Lynn Rogers as a co-opted member of the Council's Standards Committee.

41. Overview of Standards Regime

Considered report previously circulated, which provided an overview of how the standards regime currently operated at Taunton Deane (TDBC) in comparison with the processes currently in place at West Somerset Council (WSC).

Both TDBC and WSC had retained Committees to oversee the standards regime following the introduction of the Localism Act 2011.

These Committees had broadly the same purpose in promoting and maintaining high standards of conduct by district/borough, town and parish elected Members and co-opted members of Councils in their respective areas.

There were nevertheless distinct differences in the composition of the two committees.

At TDBC there were five voting Councillors (politically proportional) together with three co-opted independent members and two co-opted parish councillors as observers.

In contrast, WSC had retained a Committee with a composition similar to before the Localism Act, consisting of three independent members (one of whom is Chairman), three WSC Councillors (politically balanced) and three parish councillors. All nine members could vote but, to ensure that this complied with current legislation, the Committee could only make recommendations to West Somerset' Full Council.

The approach adopted by TDBC was similar to what the majority of Councils had also done which provided a more streamlined process whereby the Committee could make its own decisions notwithstanding that by its very nature, the Committee could be considered to be "political".

The WSC version did maintain, or at least the perception, of a greater “independence” by having a majority of non-Councillors sitting on it who all had an equal voice. This did however result in some of the processes being more elongated by virtue of the Committee only being “advisory”.

There are also cost differences between the two models as in the case of Taunton Deane the only additional cost is the payment of an annual allowance of £500 plus expenses for the Independent Person whereas at WSC additional payments are made to the six co-opted members (with a further allowance for the Chairman) which resulted in the total cost of just over £5300 per annum.

Under current legislation all Councils had to have arrangements in place for dealing with complaints/allegations that a Member of a district/borough, town or parish council had breached their code of conduct.

Reported that there were many similarities between the two processes, as well as some differences too. The initial assessment at TDBC was delegated to the Monitoring Officer to be carried out in consultation with the Independent Person. However, at WSC this part of the process was also delegated to the Monitoring Officer but in consultation with the whole Advisory Committee.

If a complaint reached the hearing stage in TDBC the hearing panel consisted of three Councillors drawn from the five voting members with the Independent Person invited to attend, whilst in WSC if a complaint reaches the hearing stage, the hearing panel would comprise the whole Advisory Committee.

Although it was not intended to draw any conclusions as to which of the options were the “best”; given the closer working between the two Councils there could be some value in exploring whether there were any areas of mutual benefit to be gained from working in a similar way.

Further reported that the respective Chairmen of TDBC and WSC Standards Committees had had an informal discussion and had indicated a shared enthusiasm for exploring the possibility of at least working closely on the provision of training on the Code of Conduct following the local elections in May 2015.

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

- The previous ‘make-up’ of the Standards Committee was preferred. It was not ideal for non-Councillors to be involved in Committee discussions but not then being entitled to vote.
- The way in which the Hearings Panel dealt with the recent complaint appeared to be ‘politically influenced’.
- The costs of the WSC Committee was a small price to pay for a more acceptable way of operating. A similar system should be introduced at TDBC.

- The co-optees and the parish representatives on the TDBC Committee were struggling to understand their respective roles under the new arrangements.
- What credibility was there with a system that excluded parish involvement in the Hearings process?
- The effectiveness of the former Parish Liaison Officer had kept down the number of complaints made against Councillors. The Committee needed to become more effective to fill the current void. This should be added to the Forward Plan as a future agenda item.
- The best practice as to how the District Councils maintained their relationships with their parish councils should be gathered from the Monitoring Officers.
- It was clear that there was a need for the Committee to become more equitable. What would the process be to change TDBC's Committee to become more like WSC's Advisory Committee?
- This would involve the Constitutional Sub-Committee, the Corporate Governance Committee and Full Council.

Resolved that the Constitutional Sub-Committee be requested to review the current arrangements that had been put in place for Taunton Deane's Standards Committee with a view to making recommendations that would enable the parish and the co-opted members to more fully participate in the process than they were able to do at present.

The Standards Committee considered that by enabling these representatives to act on an equal basis would encourage greater engagement, demonstrate enhanced objectivity and dispel any perception of political influence in Standards issues.

41. Draft Regulations 2014 – Openness of Local Government Body Meetings

The Monitoring Officer, Bruce Lang, reported that Regulations were to be introduced shortly by the Government to formalise current arrangements allowing the press and public to film and digitally report from all public meetings of local government bodies.

Mr Lang added that Chairmen would still have some powers to ensure the running of meetings was not disrupted.

Resolved that the report be noted.

42. Members Code of Conduct

The Monitoring Officer provided the reasons as to South Somerset District Council's recent decision to amend its Code of Conduct to remove the exemption from having to declare a prejudicial interest when that interest was by virtue of a Member also being a Member of a town, parish or County Council.

Resolved that the report be noted.

43. Date of next meeting

The next meeting would be held on Tuesday, 2 September 2014 at 2.30 p.m. in Committee Room No. 2 at The Deane House. This date replaces the previously published date of 9 September 2014.

(The meeting ended at 3.53 p.m.)