

Standards Committee – 9 July 2013

Minutes of a meeting of the Standards Committee held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 9 July 2013 at 2.30 p.m.

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

Officers: Tonya Meers (Monitoring Officer), Roy Pinney (Legal Services Manager)
and Richard Bryant (Democratic Services Manager and Corporate
Support Lead)

Also present: Lynn Rogers

18. Appointment of Chairman

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

19. Welcome

The Chairman welcomed the Council's new Legal Services Manager, Roy Pinney, to his first meeting of Taunton Deane's Standards Committee.

20. Apologies

Councillor Tooze, Louise Somerville-Williams (Independent Person) and Adrian Cox (Co-opted member of the Committee).

21. Minutes

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

22. Public Question Time

Mr Lynn Rogers asked if he could be provided with details of the cost of the Standards Committee, including the support staff, for the past two financial years.

The Chairman replied that this information would be compiled and sent to Mr Rogers.

23. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish

Council. Councillor Mrs Allgrove declared a personal interest as Vice-Chairman of the Somerset Association of Local Councils. Councillor A Wedderkopp declared personal interests as a Member of Somerset County Council and as a member of Wessex Water's Environmental Panel. 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.

24. Independent Persons' Protocol under the Standards Regime

Considered report previously circulated, concerning the proposed introduction of an Independent Persons' Protocol.

Under the Localism Act 2011 the Council was required to appoint an Independent Person to be consulted at various stages during Member conduct reviews. The arrangements for dealing with complaints under the revised Standards Regime had been approved by Full Council in July 2012.

Louise Somerville-Williams was currently the Council's Independent person.

A complainant might contact the Independent Person during the course of a matter to seek advice and support. The protocol, a copy of which was attached as an appendix to the report, sought:-

- (a) To prevent that contact from involving the Independent Person to the extent that it affected their independence and impartiality to the point where their role was not crucial;
- (b) To clarify the duties and responsibilities of the Independent Person, and
- (c) To clarify the procedural aspects of how liaison between the Independent Person and the Reviewing Officer should be conducted during:-
 - the First Stage which was the allegation of a breach of Member conduct by way of receipt of a complaint;
 - the Second Stage which began once the matter had proceeded to investigation; and
 - the Third Stage, where a local hearing had been arranged into the complaint.

Members noted that if the Independent Person was ever 'conflicted out' of an investigation into a complaint, the Council's Reserve Independent Member (Laura Williams) would be called upon to intervene.

Resolved that the Independent Persons' Protocol be approved.

25. Openness and Transparency on Personal Interests – Government Guidance

Considered report previously circulated, concerning Government Guidance that had recently been issued in respect of Personal Interests.

The Localism Act 2011 had made fundamental changes to the system of regulation of conduct for elected and co-opted Members.

In July 2012 the Council had resolved to approve measures to enable the Council to implement those provisions of the Act relating to the new Standards Regime. These included approval of a new Code of Conduct and arrangements for dealing with complaints against Members.

This new Code of Conduct included a redefinition of Councillors' interests and included the new Disclosable Pecuniary Interests (DPIs). Understandably, the Government had received questions from Councillors in the District, Parish and Town Councils relating to the practical implementation of these rules.

As a result, the Department for Communities and Local Government (DCLG) had published two sets of guidance both entitled 'Openness and transparency on personal interests : A guide for Councillors'.

These were intended to assist all Councillors by providing basic practical information about how to be open and transparent about their personal interests.

Whilst the guidance was a good aide memoir for all Councillors, it also reinforced the advice already provided by the Monitoring Officer.

By way of an example of the type of query that could often arise in connection with interests the Monitoring Officer, Tonya Meers, reported the receipt of the following enquiry from Mr David Orr:-

"If Taunton Deane awarded a contract and subsequently the prime contractor let work to a sub-contractor, where a Councillor had an interest, did the Councillor have to declare that as an interest or DPI or similar?

If so, which regulation, rule, law or code of conduct applied? Did the Councillor report it when it occurred? If not, when did they report it? To whom did they report it? Was that published or reported publicly? Which Taunton Deane Committee had oversight?"

In response, the Committee was of the view that the Council's current processes were sufficient to deal with the issue of Members who might have sub-contracts on Council contracts. In arriving at this 'decision' the following reasons were given:-

- It was noted that all Members received training regarding their responsibilities in declaring interests;
- It was the responsibility of individual Councillors to ensure that they declared their interests and they had to live with the consequences if they did not;

- The Council's Code of Conduct went over and above the Government's guidance as they also had to declare personal and prejudicial interests to ensure all interests were declared;
- The proposal was not always workable due to the sometimes short nature of sub-contracts;
- Members fed back to their Groups on standards issues therefore standards and ethical governance was high on Members' agenda; and
- The Standards Committee oversaw the issue relating to interests.

Resolved that:-

- (1) The report be noted; and
- (2) The views of the Committee in response to the queries raised by Mr David Orr, be submitted in writing to him.

26. Dispensation Process

Reference Minute No. 6/2013, Mrs Meers submitted for consideration a revised version of the form to be used by Members to apply for a dispensation.

Whilst it was acknowledged that this latest version was better than the original, various further changes were sought including:-

- The name of the Council to head page 1 of the request form;
- The layout of page 1 to be altered so that the space allowed for Councillors to respond to the various points was increased;
- The form to include a space for the signature of the Councillor applying for a dispensation and the date of the request;
- To ensure there was no ambiguity, to include 'tick boxes' to allow the Councillor making a request to indicate whether they required the dispensation to allow them just to speak or to speak and vote;
- Point 4 of the accompanying guidance to be amended to read 'the Executive/decision making group';
- The word 'otherwise' to be removed from Point 5 of the accompanying guidance; and
- Where a Member wished to be granted a dispensation which enabled him/her to vote, such a request should be made to a Sub-Committee of the Standards Committee – which could be called together relatively quickly – rather than to the Committee itself.

The Committee agreed that the Dispensation Request Form should be amended to reflect the above suggestions.

The Chairman requested that the decision whether to grant the dispensation or not should be recorded on the request form for the sake of openness.

27. Complaints received under the new Standards Regime

Mrs Meers reported that only one complaint had been received by the Council since the introduction of the new Standards regime.

In comparison, Mendip District Council had received 27 complaints (10 from one Parish Council), South Somerset 10 complaints and West Somerset six complaints. All had been dealt with by the respective Monitoring Officers without the need to refer any of the complaints for investigation.

Sedgemoor District Council had, so far, not received any complaints.

Resolved that the report be noted.

28. Date of next meeting

The next meeting would be held on Tuesday, 10 September 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.43 p.m.)