

Taunton Deane Borough Council

Corporate Governance Committee – 26 September 2011

Annual Report of the Standards Committee - 2010/2011

Report of the Chairman of the Standards Committee

1. Introduction

- 1.1 The Council's Standards Committee has been in operation since 2000. Although our meetings are open to the public and the minutes are available on the website, we feel it is good practice to produce an annual report so that Councillors and the public are made fully aware of our activities.
- 1.2 In the past our reports have sought to cover only a complete year (say 2009) whereas from now on it is intended to report on periods covered by financial years – between 1 April and 31 March (or just beyond!).

2. Membership

- 2.1 Membership of the Committee still stands at 13 Members comprising seven independent Members, three Parish Council representatives and a Councillor from each of the two main political groups which form the Taunton Deane Borough Council, together with one further Councillor representing the Labour and Independent Groups.
- 2.2 We have always ensured that the Committee has a majority of independent Members. We have also always ensured that the Chairman is chosen from those independent Members. Although this is now a requirement of all Standards Committees, it is something we have been practising since the Committee's inception.
- 2.3 Anne Elder was re-appointed Chairman of the Standards Committee in June 2010 with Peter Malim OBE appointed as Vice-Chairman.
- 2.4 Within a month of his appointment, Peter had to sadly resign from the Committee. He had been co-opted onto his local Parish Council at Stogursey and, despite the fact that this was in the Sedgemoor District rather than Taunton Deane, it was decreed by Standards for England that his membership of a Parish Council meant he could not continue to serve on this Council's Standards Committee.
- 2.5 Alan Cottrell was subsequently appointed Vice-Chairman.
- 2.6 The vacancy, following Peter's departure, was advertised and Terry Bowditch was appointed to the Committee. Until his retirement in 2009, Mr Bowditch worked for the Audit Commission dealing with the Councils

in Somerset and was a familiar face at meetings of Taunton Deane's Corporate Governance Committee.

- 2.7 Unfortunately, our full complement of seven independent Members on the Committee did not last very long.
- 2.8 Maurice Stanbury who had been a Member of the Committee since its inception over 10 years ago and had served as Vice-Chairman for several years, confirmed his intention to stand down and did so in May 2011.
- 2.9 Our thanks go to Maurice for his extensive contribution to the work of the Committee over the years. His experience and wisdom will be greatly missed. A replacement for him on the Committee is currently being sought.
- 2.10 It is pleasing to report that after many months, the vacancy for an additional Parish representative on the Committee was filled by Henry Davenport who is a Member of the Bishops Lydeard and Cothelstone Parish Council.
- 2.11 The full membership of the Committee is as follows:-

Anne Elder (Chairman)
Alan Cottrell (Vice-Chairman)
Terry Bowditch
Dick Macey JP
W Lynn Rogers
Robert Symons
One vacancy

Parish representatives:-
Henry Davenport
Mike Marshall
David Wilson

Council representatives:-
Councillor Mrs Allgrove
Councillor Brooks
Councillor Gaines.

- 2.12 Officer support is provided by Tonya Meers (Monitoring Officer) and Richard Bryant (Democratic Services Manager) and David Greig (Parish Liaison Officer).

3. Terms of Reference

- 3.1 The Committee's terms of reference remain unchanged, as follows:-
- (a) To advise on the adoption and monitoring of the local Code of Conduct for all Members within the Authority (Borough, Town and Parish Councillors);

- (b) To be responsible for training of all Councillors within the Authority on ethical conduct; and
- (c) To promote and maintain high standards of conduct in the Authority and assist the Authority's Members to observe the Code of Conduct.

4. Functions of the Committee

4.1 In accordance with Section 54 of the Local Government Act 2000, the Committee is responsible for:-

- Promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- Assisting the Councillors and co-opted Members to follow the Code of Conduct;
- Advising the Council on the adoption or revision of the Code of Conduct;
- Monitoring the effectiveness of the Code of Conduct;
- Training or arranging to train Councillors and any co-opted Members on matters relating to the Code of Conduct;
- Assessing and reviewing complaints about Members;
- Conducting Determinations' Hearings;
- Granting dispensations to Councillors and any co-opted Members with prejudicial interests; and
- Granting exemptions for politically restricted posts.

Review of the Year

5. The future of the Standards Regime

5.1 The big news of the year arose following the General Election in June 2010.

5.2 Having taken office, the new Coalition Government decided to carry out its pre-election threat of reviewing the Quangos that operated throughout England and Wales.

5.3 One of the early casualties was Standards for England, the national body which had been responsible for implementing the Code of Conduct for Councillors and putting in place the Local Assessment Framework which gave Councils like Taunton Deane the ability to investigate complaints against both its Councillors and Parish Councillors within the district.

- 5.4 Alongside the abolition of Standards for England, the Coalition Government published its Localism Bill which amongst a whole host of proposals sought to sweep away both the Code of Conduct and Standards Committees.
- 5.5 The Bill sought to replace the sanctions which can currently be imposed against a Councillor who has been found to have breached the Code of Conduct with a means of issuing prosecution proceedings in respect of activities such as not declaring prejudicial interests.
- 5.6 In view of the outraged public reaction to the “expenses scandal” of certain Members of Parliament, it was more than a little surprising that the Coalition Government was so keen to dismantle something that, over the years, had kept the behaviour of Councillors “in check”.
- 5.7 The unfortunate affect of the Government’s actions was to create a situation where Standards Committees felt that they were unable to operate fully – like being “in limbo” – waiting for the proposals in the Localism Bill to either be brought into effect or not.
- 5.8 For several months, this was the case at Taunton Deane and, as a result two scheduled meetings of the Standards Committee were cancelled. However, once it was realised that the progress of the Localism Bill through Parliament was likely to take many months the Committee took the decision that it was still very much in existence and it was agreed to continue “business as usual” for the foreseeable future.
- 5.9 Early indications from across the country are that many Councils value the Code of Conduct and wish to retain their Standards Committees with suitable sanctions to deal with breaches of the Code. Whether Parliament will pay heed to this groundswell of opinion, time will tell.

6. The Standards Committee

- 6.1 The full Committee has met on only five occasions during the year, for the reasons outlined in section 5 above.
- 6.2 The operation of the Local Assessment Framework (considered in detail in the next section) has meant meetings of the Assessment and Consideration and Hearing Sub-Committees having to be held to deal with complaints against Councillors. In 2010/2011 a total of five sub-committee meetings have had to be arranged.
- 6.3 There have been a wide variety of topics considered by Members over the past 12 months at each main meeting. These have included:-
- (1) The Member Officer Protocol;
 - (2) Guidance on Personal and Prejudicial Interests;
 - (3) Dispensation to Members of West Monkton Parish Council;
 - (4) Performance Indicators for the Committee;
 - (5) Audit Reports into the Register of Interests for Members and the Register of Interests for Staff;
 - (6) The future of the Local Standards Framework;

- (7) A Protocol for Local Authority Partnership Working; and
- (8) Regular update reports on the progress being made with complaints received against Councillors.

6.4 With regard to item (4), the development of Performance Indicators was something in last year's report which was a priority issue. The good news is that the Performance Indicators (a copy of which is appended to this report) were finally agreed by the Committee in June 2010. The bad news is that with the demise of Standards for England and the uncertainty surrounding the future of the Code of Conduct, quite a few of the Indicators will need re-drafting once we know what the future holds!

7. Local Assessment Framework

7.1 The introduction of the Local Assessment Framework in May 2008 significantly changed the way in which the Committee now operates.

7.2 The Standards Committee (England) Regulations 2008 require Committees to deal with complaints made against both Borough Councillors and Parish Councillors.

7.3 Such complaints have to be assessed, investigated (where appropriate), with the findings then considered to establish if the Code of Conduct has been breached and whether a formal hearing into the complaint should be held.

7.4 The Standards Committee was also given a range of sanctions which it could impose on a Councillor who was found to have breached the Code.

7.5 As reported previously, a framework for dealing with complaints has been put in place and to ensure complaints are dealt with in a timely fashion, an accompanying flowchart with agreed deadlines has been developed by the Committee.

7.6 The bulk of the work involved in investigating complaints normally falls on the independent Members of the Committee who have to make up two thirds of the sub-committees which have been formed to deal with the various complaint stages.

7.7 During 2010/2011, the Committee received a total of **three** complaints compared with the five which were received between January 2009 and March 2010. All of these complaints were made in respect of Borough Councillors.

7.8 All three were initially considered by an Assessment Sub-Committee comprising independent Members and an elected Councillor. Two of the complaints were referred for investigation by an external investigator.

7.9 Currently, one of the complaints is still being investigated and another is awaiting a response from the subject Councillor as to a possible course of action to resolve the complaint.

7.10 After a very detailed investigation, the third complaint was brought before a Consideration Sub-Committee meeting towards the end of January 2011. The Sub-Committee again comprised two independent Members and a Councillor.

- 7.11 The Sub-Committee, having considered the external investigator's report, decided that no breach of the Code of Conduct had occurred and the complaint was not therefore upheld.
- 7.12 In the last Annual Report it was considered that the low number of complaints received by the Council was due in the main to Councillors knowing and respecting their obligations under the Code of Conduct. This appears still to be the case reflected by the receipt of only three complaints throughout the past 12 month period.
- 7.13 An update on the progress of all complaints is reported to every meeting of the full Standards Committee. As well as monitoring performance, the details provided also enable Members to identify any particular trends emerging.
- 7.14 There is no escaping the fact that potentially the Local Assessment Framework could take considerable time and effort to ensure it is operated properly and the procedures are followed exactly.
- 7.15 Thankfully, the level of complaint in Taunton Deane has continued to be low. However, other authorities have not been so fortunate and dealing with a far higher level of complaints has inevitably led to far more time and costs having to be devoted to the matter.

8. Working with the Town and Parish Councils

- 8.1 The Committee has continued to develop and strengthen our links with the Town and Parish Councils during the year. This is something we have always aspired to and we consider we have made further progress in this area.
- 8.2 Following the introduction of the new Code of Conduct in 2007, the Committee set out to inform all Parish Councils that standards and the ethics and probity regime were there for the protection of both the Clerk and the Councillors themselves. We also wanted to make all Parish Councils aware of the advice and support we were able to give them.
- 8.3 This has been largely achieved through training sessions which have been delivered to every Parish Council by David Greig, our Parish Liaison Officer.
- 8.4 Follow-up training has been on offer to "mop up" those Parish Councillors who were unable to attend the initial training session and plans were put in place by David to ensure new Parish Councillors elected at the Local Elections in May 2011 were made aware of the importance of the Code of Conduct.
- 8.5 The delivery of the training has proved to be highly successful with no complaints again being received against Parish Councillors in Taunton Deane during 2010/2011.

- 8.6 Our future relationship with the Town and Parish Councils will depend entirely on the outcome of the Localism Bill. As mentioned earlier, the original proposals outlined by the Government call for the abolition of the Code of Conduct which currently applies to all Councillors in England, including Parish Councillors.
- 8.7 It remains to be seen if a national Code of Conduct will be retained. If not, it is possible that local Codes might be introduced or ones that could be adopted by District Councils. However, there might not be any requirement for the Parishes to remain bound by a Code of Conduct unless it was thought appropriate to do so.

9. Raising the profile of the Standards Committee

- 9.1 The Committee has continued its efforts to raise its profile within Taunton Deane.
- 9.2 Invitations were sent to the Group Leaders at the start of the year to attend meetings of the Standards Committee to address Members and answer any questions on matters within the Committee's remit.
- 9.3 It is pleasing to report that the Leader of the Council, Councillor John Williams, has attended the Committee on two occasions and sought to re-assure Members that most of the Councillors welcomed the role carried out by the Standards Committee and the pragmatic way in which it operated.
- 9.4 Councillor Williams also felt that it was important that a Code of Conduct for Councillors should exist and reassured Members of the Committee that there would be one whilst he remained as Leader of the Council.
- 9.5 The independent Members have continued to make further appearances at many of the formal meetings of the Council aimed at raising the profile of the Committee in the minds of Councillors.
- 9.6 Attendance has given those observing a further opportunity to gain an appreciation of the workings of the Council and its Committees and to see at first hand how Councillors deal with matters on which they have to declare an interest.
- 9.7 At some stage in the future, it is possible that the Committee will wish to re-instate the "goodwill" visits to Parish Councils which were received so well a couple of years ago. However, this is unlikely to occur until we know what the Localism Bill is finally going to contain.
- 9.8 Last year, the Committee felt there was scope to develop our presence on the Taunton Deane website. This has now been addressed with far more informative pages, access to the Annual Report and pictures of the Members of the Committee!!

10. Training

- 10.1 The Committee continues to be conscious of the need for its own Members to be as well trained and as up to date with developments as possible.
- 10.2 Unfortunately, the hiatus caused by the dismantling of Standards for England and the introduction of the Localism Bill has seriously affected the opportunities for Members of the Committee to attend relevant training courses on matters relating to Standards.
- 10.3 This situation is likely to prevail for some time yet until certainty as to the future of the current Standards Regime returns.
- 10.4 Training has been equally important in relation to our Borough Councillors since the introduction of the Code of Conduct. Ethics and probity training sessions have continued to be offered at least on an annual basis and a special session will be made available to our newly elected Councillors as part of their induction process. Independent Members have been involved with the Monitoring Officer in the delivery of these sessions.
- 10.5 The success of this training has been illustrated by the number of enquiries that have been forthcoming from Members and the eagerness to declare interests at meetings.

11. Looking Ahead

- 11.1 The constant thread through this Annual Report is the uncertainty that surrounds the current Standards Regime which, in the main, has been accepted as something worthwhile by the majority of Taunton Deane's Borough and Parish Councillors.
- 11.2 Looking ahead too far is therefore a particularly hard thing to do bearing in mind the position of flux we are currently in.
- 11.3 One thing is certain however, that in the foreseeable future, Taunton Deane's Standards Committee will continue to operate as before to the best of our abilities. Any complaints against Councillors will also continue to be dealt with in accordance with the agreed procedures.

12. Resources

- 12.1 Although the Committee's duties have been undertaken to an acceptable level, there is only so much that can be achieved within the limited resources available to the Committee.
- 12.2 In an attempt to spread the workload, Members themselves have again taken on various tasks during 2010/2011 to support the officers serving the Committee which has been gratefully accepted.

13. Conclusion

- 13.1 Taunton Deane has a Standards Committee that is committed to promoting high standards amongst Councillors both at Borough and Parish levels. For the time being, we will continue to look at ways in which we, as a Committee, can improve and serve both the Council and the community by delivering an effective service.

Anne Elder
Chairman,
Taunton Deane Borough Council Standards Committee

September 2011

Performance Indicators Appendix – Annual Report of the Standards Committee 2010/2011

Objective	Indicator	Target	How/why measured?	Achieved? Yes/No?
Good Governance practices				
	Adherence to the Standards for England Guidelines for the operation of the Committee.	To make sure the Committee is operating in accordance with the latest guidelines.	Annual assessment against the guidelines.	
	Training of Members of the Committee to maintain full awareness of latest Code of Conduct requirements and Standards for England guidance.	<ul style="list-style-type: none"> (1) Keeping Members informed of the latest information, for example the Standards for England newsletters; (2) Provision of Member training into the new Code of Conduct or other relevant guidance/information; (3) Feedback from external training events to be submitted to the next scheduled meeting of the Standards Committee to ensure other Members are able to share newly acquired information/ideas. 	To ensure the knowledge of Members on matters relating to Standards is kept up to date.	

Performance Indicators Appendix – Annual Report of the Standards Committee 2010/2011

Objective	Indicator	Target	How/why measured?	Achieved? Yes/No?
Training and the promotion of high ethical standards				
	Training for all new Borough Councillors and Clerks to Parish Councils.	90% to receive suitable training on the Code of Conduct within three months of election and 100% within six months.	By keeping an accurate training record.	
	Training for all new Parish Councillors.	100% to receive suitable training on the Code of Conduct within twelve months of election.	By keeping an accurate training record.	
	Provision of refresher Code of Conduct training, as appropriate, for existing Members of Councils in Taunton Deane.	Refresher training to be arranged on an annual basis to ensure Members are fully aware of the Code of Conduct.	By keeping an accurate training record.	

Performance Indicators Appendix – Annual Report of the Standards Committee 2010/2011

Objective	Indicator	Target	How/why measured?	Achieved? Yes/No?
Awareness Raising				
	Taunton Deane Committee meetings to be attended by independent Standards Committee Members.	To raise awareness of the work of the Standards Committee with Members of the Council.	Attendance log to be kept.	
	Meetings with Group Leaders and Chief Executive.	To provide Members of the Committee with the opportunity to meet and discuss issues with the political Group Leaders and the Chief Executive on at least an annual basis.		
	Parish Council meetings attended by Independent Standards Committee Members	To raise awareness of the work of the Standards Committee with Members of the Parish Councils in Taunton Deane.	Attendance log to be kept.	
	Evidence of Member awareness of Code of Conduct	To ensure Members of the Council are fully aware of the Code of Conduct and its implications.	By way of the Ethical Governance Questionnaire.	
	Number of complaints made against Members of the Borough and Parish Councils resulting in adverse publicity.	No more than two incidents in total against Borough or Parish Council Members.	Reference to the complaints spreadsheet presented to each meeting of the Standards Committee.	

Performance Indicators Appendix – Annual Report of the Standards Committee 2010/2011

Objective	Indicator	Target	How/why measured?	Achieved? Yes/No?
Efficiency				
	Compliance with the timescales set out in the protocol established to deal with complaints received against Councillors.	All complaints to be dealt with within protocol timescales.	Reference to the complaints spreadsheet presented to each meeting of the Standards Committee.	
	Ensure recommendations made by the Standards Committee are included in the Corporate Improvement Plan with the aim of their adoption by the Council.	Adoption of recommendations within a reasonable timescale. (It is recognised that the timescale will vary depending on the nature of specific recommendations.) It also needs to be noted that the adoption of recommendations is outside the direct control of the Standards Committee.	To ensure properly made recommendations have been considered and, where appropriate, adopted by the Council.	