

Our Ref: RB/DS001T

Date : 23 June 2017

Rebecca Pow  
Member of Parliament for Taunton Deane  
House of Commons  
London  
SW1A 0AA

Dear Ms Pow,

### **The current Local Government Standards Regime**

Thank you for your letter of the 27 April 2017, enclosing the response you had received from the Local Government Minister, Mr Marcus Jones in connection with concerns expressed by the Council's Standards Advisory Committee about the current Local Government Standards Regime.

Both your letter and the one from the Minister were submitted for information to the meeting of our Advisory Committee on 23 May 2017.

Although Members were pleased to learn that a review of the current Standards Regime was going to take place later this year, it was noted from the Minister's response that there were a number of points which had originally been brought to your attention that had not been addressed by the Minister.

The Members of the Standards Advisory Committee therefore asked me to write to ask for confirmation that the full list of its concerns was provided to the Minister.

I look forward to receiving this confirmation from you in due course.

On the same topic of concerns with the current Standards Regime, I am attaching for your further information a copy of a letter submitted by Sedgemoor District Council – endorsed by eleven other local authorities in the South-West – to the Secretary of State for Communities and Local Government at the beginning of May.....with some further input from Taunton Deane!

Yours sincerely,



**Richard Bryant**  
Democratic Services Manager

Our Ref: RB/DS002T  
Your Ref: 3272387

Date : 22 June 2017

The Rt Hon Sajid Javid MP  
Secretary of State of Communities  
and Local Government  
2 Marsham Street  
London  
SW1P 4DF

Dear Secretary of State,

### **Local Authorities and the Standards Regime**

I am writing to you to relay further concerns raised by Taunton Deane Borough Council's Standards Advisory Committee at its most recent meeting on 23 May 2017 about the current Local Government Standards Regime.

This is subsequent to the letter that was sent to you by Sedgemoor District Council on 2 May 2017 which was endorsed by the Standards Committees of eleven local authorities in the South West, including Taunton Deane.

This Council's Standards Advisory Committee wish to re-affirm its support for the Sedgemoor letter and would welcome the opportunity to work with you in the future to create a system that is proportionate and better suited for the Local Government community as a whole.

At the request of the Advisory Committee, this letter is going to be sent to the other eleven authorities, offering them the opportunity to endorse its contents. Taunton Deane's additional views on the following points from the previous letter are set out below:-

- 1) **'The concern is in relation to the limits on sanctions that Councils can now apply against Councillors.'**
- 2) **'The Committee would welcome the availability of sanctions with some teeth.'**
- 3) **'The Committee would ask, therefore, that you increase the range of sanctions available to local Standards Committees.'**

The Advisory Committee has always sought to promote good Councillor behaviour to prevent breaches of the Code of Conduct which can lead to complaints being submitted. In the past this has been relatively successful judging from the limited number of complaints the Council has had to deal with over the years.

However where complaints are received, the Advisory Committee recognises that often the best way of treating such referrals and potential transgressions is to allow the Monitoring

Officer to consider them, if appropriate, in an informal, pro-active way where the parties concerned have an opportunity to 'have their say' without the Council following what could be a costly formalised complaints procedure to deal with what can be a relatively minor issue.

The advantages of this approach are obvious where the offer of an apology can often result in the matter being concluded. However, such an approach cannot be used where the complaint against a Councillor is of a far more serious nature.

In these circumstances the formal investigation route should be the route to be followed to ascertain whether the Code of Conduct has been breached by the Councillor concerned.

Unfortunately though, it is considered by many Local Authorities that the limited sanctions that can now be applied to an errant Councillor since the introduction of the Localism Act makes the time, effort and cost of formal action something to be avoided if at all possible.

It could certainly be argued that the lack of sanctions 'with teeth' could easily be perceived by certain Councillors that they are able to breach the Code of Conduct with little in the way of punishment. Whether there is any proof that Councillor behaviour has become worse since the 2011 Act is perhaps open to question.

Nevertheless, as far as this Council's Advisory Committee is concerned the diminution of the sanctions previously available has somewhat hamstrung the approach of encouraging and *enforcing* behavioural change where and when necessary.

It is recognised that currently the only meaningful way of disciplining Members who have breached the Code of Conduct would be through the Monitoring Officer working with the Political Group Leaders to agree a suitable sanction such as the removal of the Party Whip or expulsion from the Party. However, realistically this would rely on the goodwill of the Group Leader or the Group itself to bring such a sanction into operation.

The Advisory Committee agreed that there was a pressing need for more stringent rules and regulations to be in place to deal with serious Member misconduct. It was felt that the only way to have an effective sanctions policy is to either enforce a monetary punishment or a removal of privileges.

Detailed below are some specific sanctions which the Advisory Committee would suggest should be made mandatory rather than only recommended courses of action:-

- Suspension of e-mail accounts;
- Removal of laptops/hand-held devices;
- Mandatory training;
- Public censure;
- Withdrawal of the Basic Allowance paid to Councillors for a stipulated period; and
- Suspension from Committee membership.

These could be applied incrementally whereby - for example - a Councillor who failed to make an apology or attend mandatory training within a specified time would have further sanctions applied.

The Advisory Committee believes that in being given the responsibility to impose the range of sanctions set out above would be very effective in preventing Councillor misbehaviour. These

suggestions are felt to be positive and constructive and any feedback and support would be welcomed.

**4) 'It is recognised that the public can vote with their feet through the ballot box.'**

The Advisory Committee whilst recognising this broad point feel that it should be emphasised that it is difficult and unrealistic for the Ballot Box to be relied upon as a deterrent measure and to sort disciplinary issues out in all but a tiny minority of the cases that come forward.

Even though a Council has the power to 'publicise' a finding against a Councillor who has breached the Code of Conduct, it is - in most cases - difficult for the public to be made aware of the specific details of a case, and for that to have a concurrent impact.

**5) 'The Committee would ask, therefore, that Standards Committees be given the power to co-opt Independent Persons and Parish Representatives on to the Committee as full voting members of the Committee.'**

The Advisory Committee felt it would be beneficial to explain how the Council has dealt with the introduction of the Localism Act 2011 and implemented a way of working which has endeavoured to retain the ethos of independence in the handling of standards issues in Local Government.

Up until July 2012, the Council had a Standards Committee comprising five independent members (effectively members of the public), three Parish Council representatives and three Borough Councillors. It was recognised for its truly independent and non-political nature and operated in a very effective way, taking its own decisions on matters that came before it.

The provisions of the Localism Act swept this Committee away and the Council introduced a politically balanced Committee as required by the legislation. However, within the first twelve months this Committee was changed to a Standards *Advisory* Committee. This allowed co-opted Members from the Parishes and independent members to return to the Committee and still have the ability to vote on matters discussed at its meetings.

Although this change did in a sense 'downgrade' the Committee by removing its ability to make decisions itself, any recommendations the Committee make to Full Council would normally be affirmed without amendment as an acknowledgement of the Advisory Committee's expertise.

The Advisory Committee does feel that the Parish Council representatives and the independent members are still "side-lined" under the current regime and a more central role should, in its view, be given statutory recognition.

A statutory requirement for all Councillors to receive standards training would be helpful in promoting and ensuring good conduct in the future. By properly recognising the important role that the representatives from Parish Councils and the independent members provide to the standards process, this would reinforce the important role that the Independent Person plays which is recognised as one of the positive initiatives arising from the Localism Act.

At present, the only way to prevent a Standards Committee from not being politically proportional (and therefore be perceived to be part of the 'political' process) is to establish an Advisory Committee as described above. This has resulted in the unintended consequence of Standards Committees in some Councils becoming far more political than previously, which is what the reforms were designed to prevent! It is not recognised by Taunton Deane's

Committee that partisan issues affected the credibility of the old regime to the extent that is popularly believed.

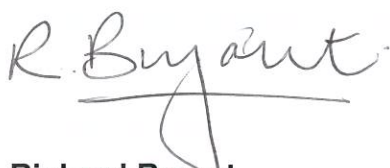
One other thing to bring to your attention is that the Advisory Committee has a Chairman, who is one of the independent members. The Committee finds this way of working effective, especially as the Chairman seeks to attend (on a voluntary basis) meetings of our Planning and Scrutiny Committees and Full Council Meetings which is felt to have a restraining effect on the behaviour of those Members present.

Finally, whilst it is acknowledged that the new system does have some advantages, such as less regulation/bureaucratic work for officers and the ability to have a local, lighter touch policy prescription, the Advisory Committee feels that allowing Parish Councils to have different wording in their Codes of Conduct (over and above those items that are stipulated) has diluted the effectiveness of the District Committee's Code of Contact as there is no set standard to measure up against, as well as causing confusion amongst some Councillors.

I hope these points add to your understanding of the situation as it relates to the current Standards Regime, and that you are able to take on board these comments when the reforms that were implemented in 2011 come under a review at some point in the near future.

I look forward to hearing from you.

Yours faithfully

A handwritten signature in black ink that reads "R. Bryant". The signature is written in a cursive style with a horizontal line underneath the name.

**Richard Bryant**  
Democratic Services Manager