

TAUNTON DEANE BOROUGH COUNCIL

STANDARDS COMMITTEE – ANNUAL REPORT – 2005/06

Introduction

The Council's Standards Committee has been operating since 2000. Although our meetings are open to the public, the minutes are available for inspection and regular updates of our work published in the Weekly Bulletin, we feel it is good practice to produce an annual report so that Members of the Council and the public are aware of our activities.

Membership

The Council has complied with the appropriate legislation and in addition, has ensured that the Committee had a majority of independent members who were not connected with the Council. In accordance with the legislation, our Chairman is chosen from the independent members.

There are also two Parish Council representatives and one Councillor from each of the political groups represented on the Committee

Over the last year we have had two vacancies for independent members. Following public advertisement and circulation of the vacancies amongst suitable voluntary and charitable bodies these vacancies have recently been filled and we are pleased to welcome David Gollin and Harold Inder to the Committee.

The Committee's membership is as follows:

Independent Members:

David Baker OBE (Chairman)
Anne Elder
John Dewdney
David Gollin
Harold Inder
Maurice Stanbury
W Lynn Rogers

Parish representatives:

Councillor Philippa Hawks
Councillor Ernie Warren

Council representatives:

Councillor Mrs Allgrove
Councillor Croad
Councillor Slattery
Councillor Mrs Whitmarsh

We are supported at our meetings by the following Council officers:-
Jeremy Thornberry, Monitoring Officer, David Greig, Parish Liaison Officer,
Greg Dyke, Member Services Manager and Donna Durham, Review Support
Officer.

Terms of Reference

The Local Government Act 2000 introduced certain principles governing the conduct of members and relevant authorities.

The Terms of Reference which have been adopted by Taunton Deane's Standards Committee are:-

- (a) To advise on the adoption and monitoring of the new local Code of Conduct for Members.
- (b) To be responsible for training of Councillors on ethical conduct.
- (c) To promote and maintain high standards of conduct in the Authority and assist the Authority's Members to observe its Code of Conduct.

Functions of the Standards Committee

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

- (a) promoting and maintaining high standards of conduct by the Members and co-opted members of the Authority; and
- (b) assisting members to observe the Code of Conduct;
- (c) advising on the adoption of a Code of Conduct;
- (d) monitoring its operation; and
- (e) advising, training or arranging to train members on matters relating to the Code.

Future direction of Committee

The Committee felt that it needed additional administrative support to enable it to better function. It was also felt that more should be done to engage public interest in the work of the Committee.

As well as needing additional resources and raising its profile it was considered that the Committee needed to be more proactive in its monitoring and advice role. Public awareness of the Committee and its work needed to be increased so that Councillors, Parish Councils and the public were aware of the work being undertaken to develop, promote and maintain high standards of conduct across local government.

There were a number of operational areas within the Council that the Committee felt it needed to be more aware of. These included the Register of Interests, Hospitality Register, The Constitution, codes of practice and protocol and monitoring procedures.

Training

The Committee used the Member Briefing session on 27 June to provide Councillors with an update on ethical standards issues, remind them of the current position and draw attention to planned changes to the Code of Conduct.

Generally, the Committee have been very pleased with the way in which training has been delivered and accepted by councilors. Not only is specific training provided but ethics and probity now forms a core element of induction training for all new councilors. The only note of disappointment is that out of the 54 members the following councilors are the only ones who have not been able, for a variety of reasons, to attend any of the training sessions: Councillors C Cluff, J Cluff, Meikle and Murphy.

With Borough Council elections coming up in May next year there will be further opportunities for more training in ethics and probity.

Review of the Year

The Committee held its first local hearing when it considered an allegation that a former Parish Councillor failed to declare an interest and withdraw from a meeting. The Committee came to the conclusion that there had been a breach of the Parish Council's Code of Conduct and that the Parish Councillor had failed to declare a personal and prejudicial interest and withdraw from the meeting. It was further agreed that as a result of this breach, the Parish Councillor be censured and further training be offered to the Parish Council and its clerk. This further training has now been carried out.

As this was our first local hearing it was a valuable learning exercise for us all. We are now much more aware of the time that this type of investigation takes, the high level of officer resource that is necessary to comply with the requirements of the legislation in relation to local hearings and role that we, as members of a Standards Committee have to play.

Although we concluded this particular issue successfully we were struck by the inflexibility of the current system and have lobbied for a fairer more equitable way of dealing with different levels of breaches of the Code.

A meeting between the Chairman of the Committee and the political group leaders of the Council took place on 11 April 2006. Many issues were discussed, particularly the forthcoming changes in legislation and the proposal that local Standards Committees would have greater responsibility for appeal hearings.

It was essential that the delays experienced in the determination of cases by the Standards Board for

England were not duplicated when hearings were heard locally. The Group Leaders were informed of the view that sufficient funding would need to be made available to ensure that these delays did not occur.

In general the Group Leaders were supportive of the training programmes which had been developed by the Standards Committee and would encourage all of its Members to attend ethics and probity training/briefing.

We have asked the Monitoring Officer to conduct a review of the Employees' Register of Interests, as concern was expressed that not all employees were aware of their obligation to record any items of interest.

The Committee had requested, that the Council's Hospitality Registers and the Register of Interests were made available to us for inspection. It was agreed that as part of its role to monitor Ethics and Probity proactively, these Registers would be made available for inspection on a regular basis to the Committee.

Independent members continued to attend the South West Independent Members Forum at which we are able to hear from officers of the Standards Board and share good practice with our colleagues.

The Monitoring Officer provides regular briefings on current Ethics and Probity Issues and we were pleased to note that Members continue to seek advice on all issues relating to Ethics and Probity.

The Chairman, Jeremy Thornberry, Monitoring Officer and Greg Dyke, Member Services Manager attended the 2005 Annual Assembly of Standards Committees and will attend the 5th Annual Assembly in Birmingham in October. Great value is gained from attending the Annual Assembly of Standards Committees when we get the opportunity to hear direct from the Standards Board for England and the appropriate Government Ministers.

Work with the Parishes

David Greig, Parish Liaison Officer continues to work with the Parishes to raise the awareness of ethics and probity. During the year he visits most parishes and no concerns had been raised from his observations of these Parish Council meetings over the way the Parishes approach their responsibilities under the Code of Conduct.

Numerous enquiries from Parish Councils or declarations of personal and prejudicial interests had been received and suitable advice given.

The Chairman had attended a meeting of the West Hatch Parish Council where he gave a presentation on the work of the Standards Committee. This had been an opportunity to explain what the Committee's role was and he had written to all Parishes offering the attendance of Standard Committee Members at their meetings.

The Annual Meeting of Parish Councils had included an item regarding Ethics and Probity and the Chairman of the Standards Committee had addressed the last meeting.

The Committee considered in what areas improvements could be made and felt that it was necessary to build monitoring into regular meetings and that the Committee should do more to fulfill its statutory role in relation to Parish Councils.

It was noted that Borough and Parish Council elections would take place in 2007 when many new Councillors would be elected. There would be a need for formal training sessions at that time in addition to the usual induction awareness that is given to all new councillors.

In an effort to continue to be proactive, the Committee felt that it might be useful for Members to visit and observe meetings of Parish Councils from time to time. It was also suggested that a small Road Show presented by the independent members of the Committee visit Parish Councils to explain the work of the Standards Committee during an Information Evening.

The Parish Liaison Officer would continue to make Parish Councils aware of their responsibilities with regard to Ethics and Probity and would periodically report back to the Committee, any issues he felt they should be aware of. The Committee agreed to make themselves available to attend Parish Council meetings and to make Parish Councillors aware that they would be welcomed to attend any meetings of this Standards Committee.

Training in Ethics and Probity would now be available for new Parish Councillors as part of their induction.

Latest trends and impending national changes

The Office of the Deputy Prime Minister (ODPM) had produced a paper on the Government's thinking on the general direction of travel for the development of the conduct regime for Local Government.

It was anticipated that the Standards Board for England would have a more central strategic role continuing as a champion and promoter of consistently high standards of conduct across Local Government whilst continuing to investigate matters of most national significance. The focus of its work would be adjusted away from the primary role of the investigation of cases and towards the provision, maintenance and monitoring of a national framework to ensure high standards locally.

This meant that a more local approach for case handling would be developed with more cases being referred to local Standards Committees for investigation.

This development would result in the need to strengthen local Standards Committees and provide sufficient capacity for monitoring officers to undertake investigations. Additional training and support arrangements would possibly be necessary. It was anticipated that this work would take some time to complete but in the meantime the Standards Board for England intended to continue the trend of referring an increasing number of cases for local investigation and determination wherever appropriate.

A new Code of Conduct was also being developed which would be clearer, simpler and change the existing rules relating to personal and prejudicial interests. Whilst welcoming the changes proposed by the ODPM the Committee acknowledged that this would result in additional pressure on the Council's Monitoring Officer and that further resources would be necessary if investigations were to be undertaken locally.

Communications

Public access to documents was an important issue for the Standards Committee. This had been improved, with regular updates in the Weekly Bulletin. There was now a dedicated page on the Taunton Deane web site for the Standards Committee which detailed the membership and outlined the role of the Committee. Minutes of the meetings of the Committee were also available to the public via the web site.

David Baker
Chairman
Taunton Deane Standards Committee