

Taunton Deane Borough Council

Standards Committee – Annual Report 2009

Introduction

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.

Membership

Membership of the Committee stands at 13 Members comprising seven Independent Members, three Parish Council representatives and a Councillor from each of the political groups which form the Borough Council.

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.

Anne Elder was re-appointed Chairman of the Standards Committee in July 2009 with Maurice Stanbury re-appointed as Vice-Chairman.

Following his appointment to a new role as the Executive Councillor for Environmental Services, Councillor Tim Slattery, left the Committee in July 2009. His replacement from the Liberal Democrat Group was Councillor Steve Brooks.

Jenny Hoyle, who was one of our Parish representatives, resigned from the Committee also in July 2009. Our thanks go to both Tim and Jenny for their contributions to the work of the Committee over the past couple of years.

The full membership of the Committee is as follows:-

Anne Elder (Chairman)
Maurice Stanbury (Vice-Chairman)
Dick Macey JP
W Lynn Rogers
Alan Cottrell
Peter Malim OBE
Robert Symons

Parish representatives:-
Mike Marshall

David Wilson
One vacancy

Council representatives:-
Councillor Mrs Allgrove
Councillor Brooks
Councillor House

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

Terms of Reference

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.

Functions of the Committee

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

The Standards Committee

The full Committee has met on six occasions during the year. The operation of the Local Assessment Framework (considered in detail in the next section) has meant meetings of the Assessment, Consideration and Hearing Sub-Committees having to be held to deal with complaints against Councillors. In 2009 a total of 12 sub-committee meetings have had to be arranged.

There have been a wide variety of topics considered by Members over the past 12 months at each main meeting. These have included:-

- (1) Providing a dispensation to Norton Fitzwarren Parish Council to allow its Members, many of whom had a prejudicial interest, to discuss forthcoming development proposals;
- (2) Issuing guidance to Councillors appointed to outside bodies;
- (3) Considering the implications of the Standards Committee (Further Provisions) (England) Regulations 2009 in respect of the suspension of Standards Committee functions in certain circumstances by Standards for England, the ability to form Joint Standards Committees with other Local Authorities and new guidance relating to the granting of dispensations;
- (4) Proposed changes to the Staff Handbook in respect of gifts and hospitality;
- (5) The carrying out of a "health check" on the Council's Ethical Governance Framework;
- (6) Probity in Planning. With regard to this item, the work undertaken by Peter Malim OBE in updating the guidance issued to Members of the Council's Planning Committee is acknowledged with thanks; and
- (7) Regular update reports on the progress being made with the complaints received against Councillors.

Local Assessment Framework

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

The framework placed responsibility for the standards agenda right at the heart of Local Government and upon the Members of the local Standards Committee.

Previously, all complaints made against Borough, Town and Parish Councillors in Taunton Deane were made directly to the Standards Board for

England (now called "Standards for England"). The Board would investigate the complaints, decide what action should be taken and what sanctions, if any, should be imposed.

Usually, complaints took many months (if not years) to be investigated. The Government therefore decided that complaints would be better handled by local Standards Committees and introduced The Standards Committee (England) Regulations 2008 to enable this to happen.

The new Regulations require complaints 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. 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.

Standards for England now only provide, support, supervision and guidance. They do however still provide the strategic vision for ethical governance.

As reported last year, 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. As a result complaints have been dealt with much more efficiently than under the previous arrangement.

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.

During 2009, the Committee received a total of five complaints compared with the four which were received between May and December in the previous year. All of these complaints were made in respect of Borough Councillors.

One was withdrawn soon after receipt, whilst the other four were initially considered by an Assessment Sub-Committee comprising Independent Members and an elected Councillor. Two of the complaints were referred for investigation.

One complaint, which had been received towards the end of 2008, was particularly serious involving the mis-use of laptop computers supplied by the Council. When the outcome of the investigation was considered, it was felt the matter was one that could not be properly dealt with locally. The complaint was therefore referred to the Adjudication Panel for England.

A Hearing was subsequently held by the Adjudication Panel for England and the (by this time) ex-Councillor concerned was found to have breached the Code of Conduct and was disqualified from standing as a Councillor for a period of two years.

On the subject of Hearings, a total of three have been held locally during the year. Two resulted from complaints which had first been submitted during

2008. All three resulted in a finding that the Code had been breached and sanctions imposed included censure, the requirement to make an apology and the need for further training.

Where the Assessment Sub-Committee feel a complaint is not appropriate for investigation it has the option of considering whether what is referred to in the Regulations as “Other Action” should be applied. In practice this has resulted in the Councillor concerned being invited to meet up with the Monitoring Officer to receive further guidance in respect of the matter the subject of the complaint or appropriate additional training.

However, it should be noted that where Other Action is deemed to be the best way forward there are no findings of fact or decisions made as to whether there has been a breach of the Code of Conduct.

The Local Assessment Framework, particularly the outcomes of the hearings, has received widespread publicity during the year. In the last Annual Report it was considered that the low number of complaints received was probably due to a combination of Councillors knowing and respecting their obligations under the Code of Conduct and members of the public not yet being fully aware of the new complaints scheme.

Given the publicity that has followed Hearings, the receipt of only five complaints throughout a full 12 month period is very encouraging.

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.

A summary as to how the complaints received during 2009 have been dealt with by the Committee is attached as an Appendix to this report.

There is no escaping the fact that the Local Assessment Framework takes considerable time and effort to ensure it is operated properly and the procedures are followed exactly. It is yet another example of a responsibility being placed upon Local Government without any resources being made available to meet the costs of its operation.

Thankfully, the level of complaint in Taunton Deane has been low. However, other authorities have not been so fortunate and dealing with a far higher level of complaints has inevitably led to costs spiralling.

Working with the Town and Parish Councils

The Committee has further developed and strengthened 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 – a fact recognised during 2009 at national level!

Following the introduction of the new Code of Conduct in 2007, the

Committee set out to emphasise to 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.

Rather than invite representatives of parishes into The Deane House for training sessions, which in the past were never very well supported, the decision was taken to go out to them instead.

The training has been delivered by David Greig, our Parish Liaison Officer and the vast majority of Parish Councillors and Clerks have attended the sessions provided.

This has proved a very worthwhile exercise and it is pleasing to again be able to report that since the introduction of the Local Assessment Framework no complaints against Parish Councillors have been received.

As well as the provision of training, the Independent Members of the Committee also decided to make at least one visit per year to all Parish Councils to maintain the profile of the work of the Standards Committee. These “goodwill” visits have generally been well received by the parishes and it is intended to continue to develop and strengthen this link particularly when the promised revised Code of Conduct is introduced in the coming months.

In April 2009, the Standards Committee was visited by Dr Michael Macaulay and Professor Alan Lawton who had been commissioned by Standards for England to undertake a research project into notable practice in standards.

They were particularly impressed in the way the Standards Committee here at Taunton Deane has developed such good relationships with its Parish Councils and decided to use this as an example of best practice in their final report titled “Assessing the impact of Standards Committees”.

This report was issued nationally prior to the Standards Conference in Birmingham during October. As a result of this recognition, David Greig was invited to attend the Conference as a principal speaker in a debate on “Parish Compacts”.

Both the research project and David’s appearance at the conference have featured in Standards for England’s Annual Report. In addition, Bulletin 47 a very recent document sent to all Standards Committees by Standards for England, highlights and commends the pro-active approach taken by the Authority to maintain liaison with Town and Parish Councils as ‘A Notable Practice’.

Raising the profile of the Standards Committee

Last year it was reported that the Committee was keen to become more proactive and that there were a variety of ideas aimed at raising the Committee’s profile with the Borough Council in the future.

Initial action to include the Members of the Committee in the overall “umbrella” of the Council was taken. This involved simple measures such as supplying name badges and copies of the Yearbook and Diary to Members and extending invitations to the Committee to attend the Annual Council meeting and other high profile Civic events.

An “away morning” at the Albemarle Centre was arranged in August to enable the independent and Parish representatives on the Committee to find out more about the structure of the Council, to discuss whether the Committee’s terms of reference needed to be altered and to consider how the current relationship with the Council and Councillors could be built upon. This proved to be very successful and something which could be repeated in the future.

It is pleasing to report that the first of what will become regular meetings with the Council’s three Political Group Leaders was held during September.

In addition, arrangements were made for Taunton Deane’s Chief Executive to attend the Committee’s meeting in December where a number of matters were discussed and the possibility of a presentation about the work of the Standards Committee being made to Full Council was explored.

Following the last visits to Parish Councils in the summer, the Independent Members decided that they should make further appearances at formal meetings of the Council aimed at raising the profile of the Committee in the minds of Councillors. Attendance also gave 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 dealt with matters on which they had to declare an interest. During the Autumn, an independent Member has attended at least one meeting of each of the Borough Council’s main Committees

The Committee still feels there is scope to develop our presence on the Taunton Deane website. This is currently being addressed. It is hoped that a regular supply of information to Councillors, the press and the public through the availability of the minutes of meetings and reports in the Weekly Bulletin can also be achieved.

Training

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.

We were well represented at both the 5th Annual Assembly of Somerset Standards Committees held over at County Hall in January and at the South West Independent Members Group in Bristol during September where those present were able to hear the views of Dr John Chilton, the Chairman of Standards for England.

In October, two Members of the Committee, the Monitoring Officer, the Democratic Services Manager and the Parish Liaison Officer attended the annual Standards Board for England Conference in Birmingham.

All of these events have allowed us to hear first hand from Standards for England particularly in connection with the Local Assessment Framework and to share good practice with our colleagues. Feedback from the Birmingham Conference was provided to Members and it is likely that some of the new ideas and innovative practice will be implemented during the forthcoming year.

Regular updates on Standards issues are provided by Standards for England which are helpful towards broadening the knowledge of Members of the Committee.

With the introduction of the new Code of Conduct in 2007, training was equally important in relation to our Borough Councillors. Ethics and probity training sessions were provided at the time and refreshers are offered at least on an annual basis. Independent Members have been involved with the Monitoring Officer when delivering these refresher sessions.

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.

Looking Ahead

During the latter part of 2009, the Committee has been awaiting the promised arrival of the new Code of Conduct for Councillors. At the time of writing this report, the new Code has yet to be received and as the Country moves towards a General Election it is becoming increasingly unlikely that the Code will be issued until the middle of 2010 at the earliest.

Once any new Code is received, this will have implications for further training to be delivered to Taunton Deane Councillors and the Parish Councils.

In last year's report, it was stated that the Committee wished to introduce performance indicators against which the work of the Committee could be assessed. Although a series of indicators were introduced in respect of the Local Assessment Framework during 2009, further work needs to be done to draft some meaningful performance indicators for the remainder of the Committee's functions. It is hoped significant progress can be made with this matter over the next few months.

The results of the Ethical Governance Questionnaire, which has been widely circulated to Councillors and officers are due to be unveiled at a forthcoming meeting of Full Council. It is intended to use this opportunity to promote further awareness of the work of the Standards Committee to Taunton Deane's Councillors.

Resources

Although the Committee's duties have been undertaken to an acceptable level over the past year, there is only so much that can be achieved within the limited resources available to the Committee. In an attempt to spread the workload, Members themselves have taken on various tasks during 2009 to support the officers serving the Committee. However, should the workload increase substantially the Standards Committee must have the ability to seek further resources if we are to deliver our responsibilities fully and effectively.

It is somewhat gratifying that this potential situation was both recognised and acknowledged by the Council's Chief Executive when she attended a meeting of the Standards Committee in December.

Conclusion

Taunton Deane has a Standards Committee that is committed to promoting high standards amongst Councillors both at Borough and Parish levels. 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 Standards Committee

March 2010

Appendix to the report

Summary of Complaints received during 2009

- (a) Number of complaints received against Borough Councillors – **5**;
- (b) Number of complaints received against Parish Councillors – **0**;

- (c) Number of complaints withdrawn – **1**;
- (d) Number of complaints referred for investigation – **2***;
- (e) Number of complaints referred for other action – **2**;
- (f) Number of complaints referred to a hearing – **1**.

* One of these complaints was still under investigation as 2009 came to an end.

Note :

- Two further hearings were held during 2009 relating to complaints against Borough Councillors which had been received during 2008;
- One further complaint received during 2008 was referred to the Adjudication Panel for England for determination.