

Taunton Deane Borough Council

Standards Committee – Annual Report 2008

1. Introduction

- 1.1 The Council's Standards Committee has been in operation since 2000. Although our meetings are open to the public, the minutes are available on the website and updates are published regularly in the Weekly Bulletin, we feel it is good practice to produce an annual report so that Councillors and the public are fully aware of our activities.
- 1.2 2008 has certainly been a year of very significant change with the introduction of the Local Standards Framework in early May. This framework placed responsibility for the standards agenda right at the heart of Local Government with all complaints made against Borough, Town and Parish Councillors in Taunton Deane now being dealt with through the local Standards Committee.
- 1.3 There have also been major changes in the membership of the Committee and the officer support given to the Committee.

2. Membership

- 2.1 At the beginning of the year Membership of the Committee stood at 12 Members. However, this has been increased by one and now comprises seven Independent Members, three Parish Council representatives and a Councillor from each of the political groups which form the Council.
- 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 The last year has seen a number of changes in our membership. After Chairing the Committee since 2000, David Baker decided it was time to step down both as Chairman and as one of the Independent Members. His enormous contribution to the work of the Standards Committee is acknowledged here and our best wishes go to him for the future.
- 2.4 The existing Vice-Chairman, Anne Elder, was appointed as the new Chairman of the Standards Committee with Maurice Stanbury appointed as Vice-Chairman.

- 2.5 Another of the Independent Members, Harold Inder, sadly died following a long period of ill health. He will be missed.
- 2.6 In May, following the introduction of the new Local Standards Framework, it was recognised that the Committee needed to increase the representation from the Parish Councils from two Members to three. This was seen as necessary not only to widen the 'pool' when it came to selecting an Assessment Sub-Committee but would also reduce the possibility of there being a conflict between a Parish Councillor who is the subject of a complaint and the Parish Members on the Standards Committee.
- 2.7 Jenny Hoyle, who was one of our Independent Members and also a Milverton Parish Councillor, opted to move sideways to fill the place for the third Parish representative.
- 2.8 The effect of these changes meant that there were three vacancies for Independent Members. Following public advertisement and circulation of the vacancies amongst charitable and voluntary bodies, a total of six candidates were interviewed in early December. Alan Cottrell, Peter Malim OBE and Robert Symons were provisionally appointed to the Committee as 2008 came to a close and their appointments were formally confirmed by Full Council in February 2009.
- 2.9 On the officer support side, there were also some major changes in personnel and structure. Jeremy Thornberry, the Monitoring Officer, and Greg Dyke, the Democratic Services Manager, both retired after long service to Taunton Deane Borough Council. They have been replaced respectively by Tonya Meers and Richard Bryant.
- 2.10 The full membership of the Committee is as follows:-

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

Parish representatives:-
Jenny Hoyle JP
Mike Marshall
David Wilson

Council representatives:-
Councillor Mrs Allgrove
Councillor Slattery
Councillor House

- 2.11 We would like to formally note the support provided by Tonya Meers (Monitoring Officer) and Richard Bryant (Democratic Services Manager) together with their support staff and the role played by David Greig (Parish Liaison Officer). The introduction of the Local Standards Framework has increased their burden of work significantly. This should be formally recognized.

3. Terms of Reference

- 3.1 Despite the introduction of the Local Standards Framework, the Committee's terms of reference remain unchanged. Our current terms of reference 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; 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:-

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

5. Review of the Year

- 5.1 We have further developed and strengthened our links with Parish Councils during the year. This is something we have aspired to for a while and we consider we have made good progress in this area. A separate section of this report gives more detail on this topic.
- 5.2 We are conscious of the need for Members of the Committee to be as well trained and as up to date with developments as possible. With this in mind we were well represented at the 4th Annual Assembly of Somerset Standards Committees held over at County Hall in January and maintained a presence at the meeting of the South West Independent Members Group in Bristol during March.
- 5.3 In October, the Monitoring Officer and the Democratic Services Manager attended the annual Standards Board for England Conference in Birmingham.
- 5.4 All of these events have allowed us to hear first hand from officers of the Standards Board for England particularly in connection with the Local Standards 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 2009.
- 5.5 Since the introduction of the new Code of Conduct in 2007, we have continued to note that most Councillors recognise the benefits of high ethical standards and we are reassured by the level of advice generally sought by Councillors on matters of ethics and probity.
- 5.6 As mentioned earlier, the major issue of 2008 was the introduction of the Local Standards Framework.
- 5.7 Complaints about Borough, Town and Parish Councillors have, since the introduction of the Standards 'regime' in 2000, been made directly to the Standards Board for England. The Board carried out an initial filter and decided what action should be taken and what sanctions, if any, should be imposed.
- 5.8 The Standards Committee (England) Regulations 2008, which came into force in early May, completely changed this procedure. Now, all complaints against Borough, Town and Parish Councillors have to be made directly to the local Standards Committee which has become responsible for making initial assessments of allegations of misconduct and what sanctions, if any, should be imposed. The Standards Board for England now only provide, support, supervision and guidance. They will however still provide the strategic vision for ethical governance.

- 5.9 In the lead up to the introduction of the new Regulations, the Committee discussed in detail the forthcoming changes which meant that once a complaint was made, the Committee would have three distinct roles:-
- exercising the local filter;
 - reviewing the local filter if necessary (by way of a review/appeal); and
 - holding a hearing following an independent investigation.
- 5.10 As a result of these discussions, a framework for dealing with complaints has been agreed. A leaflet entitled "How to make a complaint about a Councillor" has been produced and widely circulated across the district. Publicity through the media was also given to the introduction of the new scheme.
- 5.11 Since the introduction of the Local Assessment Scheme, the Committee has received a total of four complaints to the year end. All were initially considered by an Assessment Sub-Committee comprising two Independent Members and one elected Councillor.
- 5.12 Three of the complaints were referred for investigation which currently is in progress. It was decided not to proceed any further with the fourth complaint because the complainant failed to provide additional information requested, in a reasonable time period.
- 5.13 It is difficult to conclude at this stage, seven months into the new arrangements, whether the low level of complaints is due specifically to Councillors knowing and respecting their obligations under the Code of Conduct or whether members of the public are not yet fully aware of the new complaints scheme.
- 5.14 Whilst the Committee certainly believes it is due to the former, a close watch will be maintained on the number of complaints lodged during 2009 to see whether any particular trends emerge.
- 5.15 In the run up to the introduction of the Local Standards Framework, a complaint was made to both the Standards Board for England and Taunton Deane concerning the behaviour of one of the Borough Councillors. Although the case was widely reported through the media no formal action could be taken as it was clear the Councillor concerned had not been acting in his capacity as a Member when the offence of which he was convicted took place.
- 5.16 Nevertheless, the Committee did agree to write to the Councillor to remind him of the Principles of Public Life detailed in the Code of Conduct.

- 5.17 The Department of Communities and Local Government launched a consultation document towards the end of the year towards refining and updating the Code of Conduct for Councillors.
- 5.18 When considering our response to this consultation, it was interesting to note that the Government is likely to tighten the rules in the future to ensure Councillors are bound by the Code of Conduct at all times during their period in office so as to ensure that formal action can be taken in respect of incidents such as the one referred to in paragraph 5.15.
- 5.19 Lastly to mention that the Committee has continued to work hard to maintain a high profile with Borough, Town and Parish Councils so that all are aware of the support, advice and guidance we are able to give.

6. Work with Parish Councils

- 6.1 This was an area where we were keen to further raise the Committee's profile. We wanted 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.
- 6.2 The Committee had previously decided that rather than invite representatives of parishes into The Deane House for training sessions, we would go to them instead. Centrally organised training events had proved not to be well supported in the past.
- 6.3 The training has been delivered by David Greig, our Parish Liaison Officer and members of the Standards Committee have been present at a number of these sessions. Refresher training and 'mop up' events to provide the training to those Parish Councillors who missed out first time around is regularly offered.
- 6.4 By delivering the training in this manner all Parish Councils have now been visited with the vast majority of Parish Councillors and Clerks being trained.
- 6.5 This has proved a very worthwhile exercise and it is perhaps no coincidence that since the introduction of the Local Standards Framework not one complaint against a Parish Councillor has been made.
- 6.6 As well as the training, the Independent Members of the Committee have decided to make at least annual visits 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 we intend to continue to develop and strengthen this particular link.

7. Training

- 7.1 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 during the early part of 2008 and very nearly all of the Councillors have attended.
- 7.2 The success of this training has been illustrated by the number of enquiries that have been forthcoming from Members. There has also been an upsurge in declarations of interest made at meetings.
- 7.3 The Committee feel that the training should be repeated annually, in order to keep Members well informed. We have also asked that a list of attendees be submitted to us so that we can attempt to achieve 100% training for all Members.

8. The Future

- 8.1 Although this was mentioned in last year's Annual Report, the Standards Committee still feels that it is important that some meaningful and measurable performance targets and indicators are in place in order that the work of the Committee can be monitored. The Committee has built up a number of years' successful experience in its various roles in advancing ethical standards across Taunton Deane.
- 8.2 Although some provisional performance indicators were brought to the Committee in January for discussion, the major structural changes which then occurred meant the indicators were not developed or implemented. We hope to introduce indicators/measurements in the forthcoming year.
- 8.3 The Committee is also keen to become more proactive and a number of ideas aimed at raising the Committee's profile in the future have been suggested. These include:-
- Regular contact with the Political Group Leaders and Senior Officers to re-establish formal contact with the Council;
 - Consideration of the Committee's functions to see whether these should be widened and its terms of reference altered;
 - Further appearances by the Independent Members at formal meetings of the Council in a similar way to the visits already made to Parish Councils; and
 - Greater publicity and promotion of the work of the Committee.
- 8.4 With regard to the last point, we feel there is scope to develop our presence on the Taunton Deane website. We want to see a regular supply of information to Councillors, the press and the public through the availability of our minutes and reports in the Weekly Bulletin. A share point site for Councillors is currently under construction and it

should be possible to promote the work of the Committee by this means too.

9. Conclusion

- 9.1 Taunton Deane has a Standards Committee that is committed to promoting good 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.
- 9.2 The changed role of the Standards Committee means that there is a greater demand on resources at local level. These resources come not only from the Members of the Committee but also its supporting officers. The resource implications must be recognised if we are to deliver our responsibilities fully and effectively.

Anne Elder
Chairman,
Taunton Deane Standards Committee