

**Minutes of the Meeting of the Standards Advisory Committee
held on 4 December 2012 in the Council Chamber, Williton**

Present:

Mr T Evans Chairman

Mr J Gamlin
Councillor S O de Renzy-Martin
Councillor P Grierson

Councillor J Davis
Councillor J Fulwell
Councillor D J Westcott

Officers in Attendance:

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

SA11 Apologies for Absence

Apologies for absence were received from Mr I Gunn, Mrs L Somerville Williams and Councillor H J W Davies.

SA12 Minutes

Minutes of the last meeting of the Standards Advisory Committee held on 25 September 2012 – circulated with the agenda.

RECOMMENDED that the Minutes of the meeting held on 25 September 2012 be confirmed as a correct record.

SA13 Declarations of Interest

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No	Description of Interest	Personal or Prejudicial	Action Taken
Cllr P Grierson	All items	Minehead	Personal	Spoke and voted
Cllr D J Westcott	All items	Watchet	Personal	Spoke and voted

SA14 Public Participation

The Chairman confirmed that no member of the public had requested to speak on any agenda items.

SA15 The Localism Act, 2011 –Implementating the New Ethical Standards Regime

A. Parish and Town Council Training

The Monitoring Officer reported on the two training sessions for Town and Parish Councils that were held on 29 and 31 October 2012 and thanked the Committee Members who had attended the sessions for their help and support. He advised that, although attendance was a

little disappointing, quite a few Councils were represented so he was hopeful that the information would be reported back.

The Monitoring Officer confirmed that he had emailed copies of the powerpoint presentation and briefing notes to all Town and Parish Clerks for distribution to their members.

Questions were raised regarding the new Localism Act and the possible involvement by the police in instances when potential breaches of the code of conduct may constitute a criminal offence. It was suggested that the Monitoring Officer should make contact with the local police to discuss this matter in more detail.

B. Registration of Interest Forms and Adoption of the Code of Conduct

The Monitoring Officer reported on the latest position in regard to the adoption of a new Code of Conduct by Parish and Town Councils in West Somerset and the completion of Register of Interest forms by District, Parish and Town Councillors in the area.

He confirmed that, so far, the response had been reasonably good. He advised that it was most important that every Town/Parish Council had adopted the new Code of Conduct and a record of the adoption date had been received. The Councils who had not responded had been contacted and the Monitoring Officer was hopeful that those outstanding would be received shortly.

The Monitoring Officer advised the Committee on the returns of completed Register of Interest forms from both District Councillors and Town/Parish Councillors. He advised that priority would be given to ensuring that all District Councillors had completed their forms ready for publishing on the Council website before beginning to chase Town/Parish Councillors.

Members of the Committee agreed that the Monitoring Officer chases up all Register of Interest forms outstanding for District Councillors as a matter of urgency.

It was suggested that an email be sent to all Town/Parish Clerks advising them that the Register of Interest forms would be going on the website from January 2013 and to request any outstanding forms be completed as soon as possible.

RECOMMENDED (1) that the Monitoring Officer makes contact with the local police regarding the new Localism Act and the possible involvement by the police.

RECOMMENDED (2) that the Monitoring Officer makes contact with District Councillors who have outstanding Register of Interest forms to request they are completed urgently.

RECOMMENDED (3) that the Monitoring Officer sends an email to all Town and Parish Clerks advising them that the Register of Interest forms would be

going on the website from January 2013 and requesting that any outstanding forms be completed as soon as possible.

SA16 Independent Persons Workshop

The Monitoring Officer reported on the Independent Persons Workshop that he and Louse Somerville Williams attended on Thursday 22 November 2012 at the East Devon Council Offices. He provided the Committee with a short written update and explained the key issues arising from the workshop as follows:

1. Clarification that it is good practice that only one independent person should have his/her views sought on each specific case. For example, there should not be any conflict of interest between the independent person's views being sought by the Council, the subject member and the complainant on the same case; indeed it could cause more problems if this role was separated. Therefore the Council should only use the reserve independent person when the appointed independent person was either unavailable or felt they had a conflict of interest in a particular case.
2. The desirability of agreeing a written job description for the appointed independent person. For consistency, the Committee may want to consider working with other Monitoring Officers in Somerset.
3. To agree the 'terms of engagement' by which the independent person can be contacted by any other parties – it is suggested that this should only be done through the West Somerset Council's Monitoring Officer and his staff.
4. That whilst the detailed nature of any discussions with the independent person can and should be kept confidential there would need to be a process for recording what views were expressed in a particular case by the independent person including being date specific as such views could change/vary as the case is progressed.
5. As part of the process for undertaking the assessment of an initial complaint it would be advisable to consciously agree whether the independent person can assist/their views be sought in dealing with the complaint over and above the necessity to consult with the independent person should a formal investigation be undertaken.
6. The importance of supporting the independent person to ensure that their independence is maintained as this is the post's most valuable asset.
7. With the Committee's support a joint Somerset wide workshop should be held of independent persons involving the other local authorities and all appointed independent persons in the county.
8. Desirability of clarifying a process by which the independent person can voice her/his concerns if they consider that their views are not being properly taken account of; for example, this could be via having the right to approach the Chief Executive or Leader of the Council direct.

9. It was suggested that it would be helpful for any independent person to be given a full background/briefing to the situation of the Council which they have been appointed to serve and how it operates – the Monitoring Officer could provide such a briefing if considered appropriate.

The Monitoring Officer sought the agreement from the Committee on points 1 – 9 above.

RECOMMENDED that points 1 – 9 above be agreed.

SA17 Monitoring Officer's Update

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting and confirmed that he was still receiving requests for advice on a regular basis.

RECOMMENDED that the report be noted.

SA18 Dates of Future Meetings

It was confirmed that the next meeting of the Committee was scheduled for Tuesday 5 March 2013 commencing at 4.30pm.

The Committee acknowledged that other 'meetings' of the Committee may be convened to act as consultee with the Monitoring Officer when undertaking an initial assessment in response to the receipt of any formal complaints relating to allegations of a breach of the Code of Conduct.

RECOMMENDED that the report be noted.

The Chairman thanked all Members and wished them a Merry Christmas and a Happy New Year.

The meeting closed at 5.52pm