

**Minutes of the Meeting of the Standards Advisory Committee
held on 5 March 2013 in the Council Chamber, Williton**

Present:

Mr T Evans Chairman

Councillor H J W Davies
Councillor S O de Renzy-Martin
Mr J Gamlin
Mr I Gunn

Councillor J Davis
Councillor J Fulwell
Councillor P Grierson
Councillor D J Westcott

Officers in Attendance:

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

SA19 Apologies for Absence

An apology for absence was received from Mrs L Somerville Williams.

SA20 Minutes

Minutes of the last meeting of the Standards Advisory Committee held on 4 December 2012 – circulated with the agenda.

RECOMMENDED that the Minutes of the meeting held on 4 December 2012 be confirmed as a correct record.

SA21 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

SA22 Public Participation

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

SA23 The Localism Act, 2011 –Implementing the New Ethical Standards Regime

A. Registration of Interest forms and adoption of Code of Conduct

The Monitoring Officer reported on the latest position in regard to the completion of Register of Interest forms by District Councillors and confirmed that updated Register of Interest forms had been received from all District Councillors and would be put onto the Council's web-site within the next few weeks.

The Electoral Services 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 confirmed that only two Parish Councils had not confirmed that the new Code of Conduct had been adopted. She also confirmed that, out of the 36 Town and Parish Councils in the District, 28 had sent in completed forms for all their Councillors and a further 5 had sent in some completed forms but not all.

The Monitoring Officer advised that arrangements had been made for the information on the forms to be transferred to the Council website over the next few months.

B. Working with the Police in regard to dealing with complaints under the new regime

The Monitoring Officer reported on discussions with the local Police Inspector in regard to joint working on relevant matters relating to complaints made in regard to Councillor Code of Conduct issues in West Somerset. He confirmed that both parties would take the 'common sense' approach and if either received complaints that would impact on the other party they would advise each other accordingly.

C. Procedure for determining requests for dispensations

The Committee considered Report No. WSC 10/13 prepared by the Monitoring Officer to consider guidance and application forms in regard to the process to be followed to determine applications for dispensations received from District Councillors for recommendation to full Council for adoption.

During discussion on this item it became clear that as drafted, the proposals would require all applications for dispensation to have to be considered by the full Committee and then recommended to full Council. It was acknowledged that in the majority of cases, this process would prove impractical due to the timescales involved and therefore, after much discussion, an alternative approach was discussed for recommendation to Council which would streamline the process.

This would involve the Council being recommended to grant delegated power to the Monitoring Officer to deal with applications for dispensations from District Councillors in consultation with the Standards Advisory Committee. If timescales would not permit this then the Monitoring Officer should be granted delegated powers to deal with an application in consultation with the Independent Chairman of the Committee or Vice Chairman and if this was not possible then the Monitoring Officer would be granted delegated powers to deal with an application but only in exceptional circumstances. In the latter two cases, the outcome of the application would be reported to the next meeting of the Standards Advisory Committee so that the process could be kept under review.

D. Investigation and Hearing Procedures

The Committee considered recommending for adoption, with or without modification, investigation and hearing procedures in relation to complaints received under the new standards regime.

E. Issues relating to the role of the Independent Person

The Monitoring Officer reported on various points relating to the role of the Independent Person and confirmed that the points agreed in principle at the last meeting had been taken into consideration when producing the role description and operational protocol which was attached to the agenda.

He advised that a Somerset wide workshop would be organised but not until the new regime had been in place for twelve months so that experience could be drawn upon during the workshop.

RECOMMENDED (1) that further contact is made with Town and Parish Councils who still have outstanding forms and support given to enable these to be updated/completed accordingly.

RECOMMENDED (2) that joint working and discussions continue, as appropriate, between the Monitoring Officer and the Local Police in regard to dealing with complaints.

RECOMMENDED (3) that the Monitoring Officer be granted delegated authority to deal with requests for dispensations under the Localism Act 2011 in consultation with the Standards Advisory Committee.

RECOMMENDED (4) that, if timescales do not permit the Monitoring Officer to be able to consult with the Standards Advisory Committee, the Monitoring Officer be granted delegated authority to deal with applications for dispensation after consultation with the Independent Chairman or Vice Chairman of the Standards Advisory Committee with the outcome being reported to the next ordinary meeting of the Committee.

RECOMMENDED (5) that, in exceptional circumstances, when neither Recommendation (3) or Recommendation (4) above is possible, the Monitoring Officer be granted delegated authority to deal with applications for dispensation with the outcome being reported to the next ordinary meeting of the Standards Advisory Committee.

RECOMMENDED (6) that Council adopt the guidance notes and application form as circulated with the agenda as now amended by Recommendations (3), (4) and (5) above in respect of the consideration of applications for dispensations received from district councillors

RECOMMENDED (7) that Investigation and Hearing Procedures in relation to complaints received under the new standards regime be adopted as circulated with the agenda.

RECOMMENDED (8) that the Role Description and Operational Protocol in relation to the Independent Person, as circulated with the agenda, be agreed.

SA24 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.

SA25 Dates of the Next Meeting

It was confirmed that the next meeting of the Committee was scheduled for Tuesday 18 June 2013 commencing at 4.30pm.

The Monitoring Officer advised that a complaint had been received and the Committee need to agree arrangements for an initial assessment and, to stay within the procedure guidelines, this should be undertaken by 3 April 2013.

NOTE: following the meeting, it was agreed to undertake an initial assessment of the complaint on Thursday 21 March, 2013 at 3.30pm in the Council Chamber, West Somerset House.

The meeting closed at 5.50pm