

**Minutes of the Meeting of the Standards Committee
held on 11 October 2011 in the Council Chamber, Williton**

Present:

Mr T Evans Chairman

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| Mr I Gunn | Councillor H J W Davies |
| Councillor J Davis | Councillor S de Renzy-Martin |
| Councillor P Grierson | Councillor J Sawyer |
| Councillor D J Westcott | |

Officers in Attendance:

Monitoring Officer (Bruce Lang) Meeting Administrator (Elisa Day)

There were two members of the public in attendance.

S18 Apologies for Absence

An apology for absence was received from Mr M Parslow.

S19 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 |

S20 Public Participation

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

S21 Minutes

Minutes of the meeting held on 12 July 2011 – circulated with the agenda.

RESOLVED that the Minutes of the meeting held on 12 July 2011 be confirmed as a correct record.

S22 Training for Town and Parish Councils

The Monitoring Officer advised the Committee that he had received a good response to the two scheduled Code of Conduct Training sessions with over a third of the Parish Councillors in West Somerset expressing an interest in attending.

The Monitoring Officer invited Members of the Committee to attend one of the sessions.

RESOLVED that the update be received.

S23 Hearing Panel held on 12 July 2011

The Monitoring Officer formally advised the Committee on action taken following the holding of a Hearing Panel on 12 July 2011 for Minehead Town Councillor Terry Venner.

The Monitoring Officer confirmed that a sanction was imposed of one-to-one training on the Code of Conduct, which had been satisfactorily undertaken on Wednesday 24 August 2011.

The Monitoring Officer advised the Committee that there were currently no outstanding formal complaints in the Local Assessment Process.

RESOLVED that the updates be noted.

S24 Meeting between the West Somerset Standards Committee and West Somerset Council

The Chairman and Monitoring Officer reported to the Committee on the meeting held on 6 October 2011.

The meeting focused mainly on the future of the Standards Committee regime and it was agreed that another meeting would be organised once the new Localism Bill is enacted to discuss the implications.

RESOLVED that the report be noted.

S25 Future of the Local Standards Framework

(Report No. WSC 123/11, circulated with the Agenda).

The purpose of the report was to provide an update on the latest position in regard to the Localism Bill and its impact on the future of the Local Standards Framework.

The Monitoring Officer advised the Committee that the Localism Bill was still waiting to receive Royal Assent.

The Chairman suggested that the Committee should wait until the details of the Localism Bill are clear before discussing the matter in any detail. He proposed that the future of the Local Standards Framework be considered once the Localism Bill is enacted and that the Committee consider holding a workshop as part of the process for determining the way forward.

RESOLVED that this item be considered at the next available meeting once the Localism Bill is enacted and to reschedule the date on any future meeting

to fit in with any announcements should it make sense to do so; the holding of a workshop would also be considered at that time.

S26 Review of the Council's Constitution

(Report No. WSC 124/11, circulated with the Agenda).

The purpose of the report was to provide the Committee with the opportunity of assisting the Council in ensuring that the West Somerset Council's Constitution is fit for purpose.

The Monitoring Officer advised the Committee that, as Monitoring Officer he was responsible for ensuring the Council's Constitution kept under review and, as the Standards Committee, had an element of independence from the Council, it was an ideal body to assist in this task.

The Committee were requested to review the Scheme of delegation element of the Constitution as this had recently been the subject of an audit inspection and had been referred to in a Planning Peer Review.

Members raised concerns regarding delegated decisions for planning applications where a Town or Parish Council had sent in objections. Members felt that it was not always clear to Town and Parish Councils why a delegated decision had been made. Members suggested that, if a delegated decision was made on a planning application where a Town or Parish Council had sent in objections, at the very least, clear feedback should be provided to the Town or Parish to explain the reasons behind the decision.

It was suggested that a reference be made in the scheme of delegations to reflect that the views of town and parish council's should be taken into account as long as issues raised were genuine planning considerations.

During consideration of this matter, the Committee were advised that following a recent Planning Peer Review it had been suggested that two specific revisions be considered under the Scheme of Delegation relating to Section 106 Agreements and applications submitted by serving councillors or members of staff to reduce the amount of work referred to the full committee.

The Committee noted that in response to findings from the audit report, staff and members would be reminded of their responsibilities under the scheme of delegation and a register of delegated responsibilities had been set up.

RESOLVED (1) That the report be noted

RESOLVED (2) That the West Somerset Council be recommended to adopt the following amendments to the Scheme of Delegation in its Constitution:

- (a) On page 136 of the Constitution - to delete subsection (f) which currently states "applications which in the opinion of the Planning Team Leader have potential for being the subject of a Section 106 Agreement (planning gain)" and replace it with "applications which in the opinion of the Planning Team Leader have the potential for being subject of a Section 106 Agreement will be delegated subject to agreement with the

Chairman (or Vice-Chairman in his/her absence) of the Planning Committee”;

- (b) on page 136 of the Constitution to delete subsection (g) which currently states “applications from serving West Somerset District Councillors or members of staff” and replace it with “applications from serving West Somerset District Councillor or members of staff will be delegated subject to the agreement of the Chairman (or Vice-Chairman in his/her absence) of the Planning Committee”; and
- (c) On page 136 of the Constitution to amending subsection (d) to read “applications which in the opinion of the Planning Team Leader are potentially controversial, *taking particular note of the views of the town or parish council and any member(s) of the public*, and likely to be of significant public concern” (italics illustrate proposed additional wording to be inserted).

Note: Councillor Davies considered whether or not he should participate in the discussion as a serving member of West Somerset Council.

S27 Monitoring Officer’s Update

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting.

RESOLVED that the report be noted.

S28 Standards Committee Workplan 2011/2012

The Monitoring Officer explained to the Committee that the main issue for the next meeting of the Committee would be feedback from West Somerset Council on the way forward in the light of the Localism Bill and this would then help to inform the Committee’s workplan for the remainder of 2011/2012.

RESOLVED that the workplan be approved.

S29 Date for Next Meeting

It was confirmed that next meeting of the Committee was scheduled to commence at 4.30pm on the 13 December 2011.

RESOLVED that the be report be noted

The meeting closed at 6.05 pm