

**Minutes of the Meeting of the Standards Committee  
held on 12<sup>th</sup> July 2011 in the Council Chamber, Williton**

**Present:**

Mr M Parslow .....Vice- Chairman (in the Chair for the meeting)

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

**Members in Attendance:**

Councillor M Dewdney

**Officers in Attendance:**

Monitoring Officer (Bruce Lang)	Deputy Monitoring Officer (Wendy Bass)
Legal Advisor (Roy Pinney)	Meeting Administrator (Elisa Day)

**S1 Apologies for Absence**

Apologies for absence were received from Mr T Evans and Councillor H J W Davies.

**S2 Appointment of Chairman**

**RESOLVED** that the Committee elect Mr Tim Evans as Chairman of the Committee for the 2011/2012 Municipal Year.

**S3 Appointment of Vice-Chairman**

**RESOLVED** that the Committee elect Mr Malcolm Parslow as Vice-Chairman of the Committee for the 2011/2012 Municipal Year.

**S4 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

**S5 Public Participation**

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

## **S6 Minutes**

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

The Monitoring Officer updated the Committee on Minute No. S54 advising that the Chairman had presented the Annual Report of the Standards Committee – 2010/11 to the meeting of the West Somerset Council held on 29 June 2011.

The Monitoring Officer also updated the Committee on Minute No. S59 advising that the Hearing to consider this case had taken place that morning and that the subject member was Minehead Town Councillor Terry Venner. He advised that the Hearing Panel agreed with the Investigating Officer's report that there was a technical breach of the Code of Conduct and the sanction imposed was one to one training with the Monitoring Officer on the Code of Conduct.

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

## **S7 Exclusion of the Press and Public**

**RESOLVED** that the press and public be excluded from the meeting during consideration of Item S8 on the grounds that, if the press and public were present during this item, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 7C of Schedule 12A of the Local Government Act 1972 as amended.

The deliberations of a Standards Committee or a Sub Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Act should be considered under the exclusion of the press and public.

## **S8 Local Investigation – Reference WSLA20**

(Report No. WSC 93/11, circulated with the Agenda).

The purpose of the report was to consider the outcome of a local investigation following the decision of the Referral Panel held on 10 February 2011.

The Deputy Monitoring Officer explained the findings in the Investigating Officer's report and confirmed that it was the Investigating Officer's opinion that no breach of the Code of Conduct had been found.

The Deputy Monitoring Officer advised the Committee of the process to be followed.

**RESOLVED** that the Committee accept the findings of the Investigating Officer that no breach of the Code of Conduct had occurred in this instance.

**NOTE:** With the agreement of the Committee, the Chairman requested that this item be brought forward on the agenda.

**S9 Re-admittance of the Press & Public**

**RESOLVED** that the press and public be re-admitted to the meeting.

**S10 Membership of Standards Committee**

The Monitoring Officer confirmed the specific membership arrangements for the Standards Committee were as follows:

- District Councillors H J W Davies and D J Westcott - re-appointed
- District Councillor P Grierson - appointed to replace J Walker who did not stand for re-election
- Parish Councillors J Davis, S O de Renzy-Martin and J L Sawyer - re-appointed for the 2011/12 Municipal Year pending further information regarding the proposed changes to the Local Standards Framework.
- Independent members Mr T Evans, Mr M Parslow and Mr I Gunn remained unchanged.

**RESOLVED** that the membership arrangements be noted.

**S11 Hearing Panel held on 14 April 2011**

The Monitoring Officer updated the Committee on action taken following the holding of a Hearing Panel on 14 April 2011.

The Monitoring Officer advised the Committee that although only one Hearing had taken place, it was for four separate cases, and therefore four considerations and four decisions.

The allegation being considered was that the subject members – Parish Councillors Bawden, Branfield, Collins and Williams from Withypool and Hawkrigde Parish Council - had shown the complainants a lack of respect and these findings were upheld.

The sanctions imposed were as follows:

- Councillor Bawden – written apology to the complainants
- Councillor Branfield – written apology to the complainants and undertake one to one training with the Monitoring Officer on the Code of Conduct
- Councillor Collins (Parish Council Chairman) – written apology and a formal notice of censure
- Councillor Williams – undergo conciliation process unless willing to give a written apology to the complainants

The Monitoring Officer confirmed that all four subject members had issued written apologies to the complainants, a formal letter of censure had been sent to the Chairman and the one to one training had taken place.

The Monitoring Officer advised that it had also been recommended that training should be undertaken on the Code of Conduct by the Withypool and Hawkrigde Parish Council and this training had taken place and had been attended by members of Exmoor Parish Council as well.

The Monitoring Officer advised that he had viewed the paperwork held by the Clerk of Withypool and Hawkridge Parish Council and found that no Standing Orders were in place. The Monitoring Officer had therefore recommended that the Clerk contacted Somerset Association of Local Councils (SALC) with regard to getting the necessary Standing Orders in place.

The Monitoring Officer advised that there was still an outstanding matter regarding the complainants requesting reimbursement of costs by the Parish Council but this was not an issue West Somerset Council were involved in.

**RESOLVED** that the update be noted.

#### **S12 Induction Training for West Somerset Councillors**

The Monitoring Officer reported to the Committee on the Code of Conduct training for West Somerset Councillors.

The Monitoring Officer confirmed that the training had taken place and all West Somerset Councillors had received training on the Code of Conduct including declarations of interests and predetermination.

Members of the Committee raised concerns that plans for training new Town and Parish Councillors were delayed due to the uncertainty of the changes to the Local Standards Regime and requested that consideration should be given to offering Code of Conduct training for Town and Parish Councillors to help reduce the risk of any breaches of the Code and therefore the need to hold Referral Panels and Hearings.

**RESOLVED** that the Monitoring Officer make arrangements for at least one evening training session on the Code of Conduct to be held at West Somerset House and that invites be sent to all Town and Parish Councils.

#### **S13 West Somerset Annual Governance Statement 2010/2011**

The Committee considered the report relating to the West Somerset Annual Governance Statement for 2010/2011 that was approved by the Audit Committee at its meeting held on 21 June 2011 with particular interest in those issues that closely related to the work of the Standards Committee

**RESOLVED** that the report be noted and that arrangements be made for the Committee to do further work on keeping the West Somerset Constitution under review.

#### **S14 Future of the Local Standards Framework**

The Monitoring Officer updated the Committee on the Localism Bill and the position of other Local Authorities in Somerset in respect of the proposed abolition of the current standards regime; and to consider the next steps to be taken by the Committee in the light of the decisions taken by the Council at its meeting held on 20 April 2011.

At the meeting of the West Somerset Council held on 20 April 2011, the following decisions were taken:

**RESOLVED** (1) that the position of the Localism Bill relating to the abolition of the current Standards regime be noted.

**RESOLVED** (2) that Council agree to adopt a voluntary Code of Conduct following the abolition of the current Standards regime and retain a Local Standards Committee to be comprised of Independent and Town/Parish Council representatives as well as Members of the Council.

**RESOLVED** (3) that Council agree to work with other Standards Committees in the County to prepare a draft voluntary Code of Conduct and any associated supporting mechanisms for consideration at a future meeting of the Council.

The Monitoring Officer confirmed that the Localism Bill had reached the House of Lords Committee stage in the Parliamentary process and therefore still had some way to go before it received Royal Assent which at present was still estimated to be at around November 2011. It is only following this that the precise detail regarding arrangements following the abolition of the current regime will be known including timescales.

In February the Committee had agreed that in the event of the West Somerset Council agreeing to the principles of adopting a Voluntary Code and keeping a Standards Committee, that the Standards Committee would arrange to canvass Parish and Town Councillors in West Somerset to see whether they would be interested in receiving ongoing support from the Committee on standards and exploring possible ways in which this could be achieved.

From a District Council perspective, there was no doubt that the Council would be willing in principle to help support Parish and Town Councils. The Council would however need to consider the issue in the light of the current and future financial restrictions that the Council face. Currently the involvement with Parish and Town Councils on Standards matters is statutory and therefore the Council has no choice whether to provide the service. If, however, the issue does become a discretionary matter then it may become difficult for the Council to justify putting significant resource into this area when at the same time it may be having to consider cutting other public services to local communities in West Somerset.

One option could be to consider exploring with the Parish and Town Councils whether they would be prepared to make a financial contribution towards receiving any such ongoing support.

The Monitoring Officer advised that the Committee would also need to consider the timing of approaching the Parish/Town Councils as, at present, it was still not clear what statutory requirements would be placed on local councils in terms of the standards regime and whether the Monitoring Officer would retain some statutory responsibility for Town and Parish Councils.

**RESOLVED** (1) that the Committee note the position in respect of the Localism Bill and the situation regarding other Local Authorities in Somerset.

**RESOLVED (2)** that the Committee await the preparation of a draft Voluntary Code of Conduct that is to be prepared by the Association of Council Secretaries and Solicitors for future consideration.

**RESOLVED (3)** that the Committee request that the Monitoring Officer continues to work with other Standards Committees in the County in regard to the preparation of a draft Voluntary Code of Conduct and any associated supporting mechanisms and report back to the Committee as appropriate.

**RESOLVED (4)** that the view of Parish and Town Councils be sought once details of the Localism Bill are clearer and that the Committee keep this matter under review.

**S15 Monitoring Officer's Update**

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

**RESOLVED** that the report be noted.

**S16 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 and this would then help to inform the Committee's workplan for 2011/2012.

**RESOLVED** that, subject to inserting 'update' under training for the October meeting and 'update on Localism Bill' and 'Review Constitution' under specific items for the October meeting, the workplan be approved.

**S17 Dates for Future Meetings**

It was confirmed that future meetings of the Committee were scheduled to commence at 4.30pm on the following dates:

11 October 2011  
13 December 2011  
13 March 2012

**RESOLVED** that the report be noted

The meeting closed at 5.47 pm