

**Minutes of the Meeting of the Standards Committee
held on 19 June 2012 in the Council Chamber, Williton**

Present:

Mr T Evans Chairman

Mr I Gunn
Councillor J Davis
Councillor P Grierson

Councillor H J W Davies
Councillor S O de Renzy-Martin
Councillor D J Westcott

Officers in Attendance:

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

S1 Apologies for Absence

No apologies for absence were received.

S2 Appointment of Chairman

RESOLVED that the Committee elect Mr Tim Evans as Chairman of the Committee.

S3 Appointment of Vice-Chairman

RESOLVED that the Committee elect Mr Ivan Gunn as Vice-Chairman of the Committee.

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 13 March 2012 – circulated with the agenda.

RESOLVED that the Minutes of the meeting held on 13 March 2012 be confirmed as a correct record.

S7 The Localism Act, 2011 – Preparing for the Implementation of the New Ethical Standards Regime

(Report No. WSC 81/12, circulated with the Agenda)

The purpose of the report was for the Committee to make recommendations to the West Somerset Council to assist preparations for the implementation of the new ethical standards regime in the light of the Localism Act, 2011 (the Act) which will commence on 1 July 2012.

The Chairman of the Committee thanked everyone for their contributions to date and the Monitoring Officer added his thanks on behalf of the Council.

The Monitoring Officer introduced the item and confirmed that the agenda for the Council meeting to be held on 27 June 2012 had already been distributed including the same recommendations as included in this report and that the out come of the committee's deliberations would be reported by the Lead Member.

The Monitoring Officer confirmed that the Regulations had now been received confirming that the new regime would commence on 1 July 2012 and that the current regime would cease to have effect from the same date.

He confirmed that they key priorities of the Committee were to give consideration to the draft Code of Conduct and the proposals for dealing with complaints.

Code of Conduct

The Monitoring Officer advised the Committee that the new Act had taken away the statutory Code of Conduct but made it clear that there must be a Code which must include disclosable pecuniary interests and the seven principles as laid down in the Act and/or regulations. He also advised that the Declaration of Acceptance of Office had been amended with the effect that the wording that the Councillor would abide by the Code of Conduct being removed.

The Chairman suggested that a recommendation be added to require Councillors to sign up to abide by the new adopted code.

The Committee recommended that the West Somerset Council accepts the new Code of Conduct with the recommendation that the Standards Advisory Committee review it in a year.

Complaints Procedure

The Monitoring Officer confirmed that the West Somerset Council were the only authority in Somerset with a Standards Advisory Committee with the same membership as exists under the current regime.

He confirmed that in order for the proposed new complaint procedure to operate effectively it would be advisable to delegate some powers to the Monitoring Officer in consultation with the Standards Advisory Committee.

Members of the Committee gave consideration to the appointment of an Independent Person and also the need to appoint a further Independent Member and a Parish Representative. The Committee agreed that the West Somerset Council should advertise for an Independent Person and an Independent Member in the same advert and that the Somerset Association of Local Councils be consulted on the most appropriate way of recruiting an additional Parish Representative.

RESOLVED (1) that the Council be recommended to adopt a new code of conduct to reflect the requirements of the Act, with or without amendments, as set out in Appendix A to the report and endorse that all town and parish councils in West Somerset be encouraged to adopt a similar form of code of conduct with the operation of the adopted code being the subject of an annual review.

RESOLVED (2) that the Council be recommended to suggest that all Councils follow a protocol requiring Councillors to sign an undertaking to observe the code of conduct adopted by the council.

RESOLVED (3) that the Council be recommended to adopt arrangements for dealing with complaints about the new code of conduct for Councillors, with or without amendments, as set out in Appendix B to the report; such arrangements to be the subject of an annual review.

RESOLVED (4) that subject to Resolution(3) above, the Council be recommended to appoint the Monitoring Officer as the Proper Officer to receive complaints relating to allegations of a failure to comply with the code of conduct in West Somerset with the following delegated powers:-

- a) in consultation with the Standards Advisory Committee to take an initial assessment decision of no action, attempt to resolve the complaint informally, or instigate a formal investigation; and
- b) in consultation with the Standards Advisory Committee and the independent person to determine the action to be taken following the receipt of the report on any investigation into an allegation of a breach of the code of conduct.

RESOLVED (5) that in regard to the new requirement to the preparation of registers of interest the Council be recommended to instruct the Monitoring Officer to:-

- a) prepare and maintain any registers of members' interests to comply with the requirements of the Act and of the Council's new code of conduct, once adopted, and ensure that it is available for inspection as required by the Act;
- b) ensure that all members are informed of their duty to register interests;
- c) prepare and maintain the register of members' interests for each parish and town council to comply with the Act and any code of conduct adopted by each parish council and ensure that it is available for inspection as required by the Act; and
- d) arrange to inform the Parish Clerks on the new registration arrangements.

RESOLVED (6) that the Council be recommended to agree a standing order which equates to the current code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery during the whole of the consideration of any item of business in which he/she has a disclosable pecuniary or other pecuniary interest, except where he/she is permitted to remain as a result of the grant of a dispensation.

RESOLVED (7) that the recruitment process relating to the appointment of an independent person be proceeded with in accordance with the details set out in Appendix C to the report, and that this process should also incorporate the recruitment of an additional independent member to serve on the Standards Advisory Committee.

RESOLVED (8) that the Monitoring Officer be requested to liaise with the Somerset Association of Local Councils in respect of putting in place arrangements to recruit a parish/town council representative to complete the compliment of three required for the Standards Advisory Committee.

S8 Communicating with Town and Parish Councils

The Committee gave consideration to how and what to communicate to Town and Parish Councils in the light of Minute No. S7 above.

The Monitoring Officer advised the Committee that the Somerset Association of Local Councils (SALC) had already held a series of meetings with Town and Parish Council Clerks and Chairmen to ensure that information is communicated consistently.

Members of the Committee felt it was important to communicate with the Town and Parish Councils on the new regime and suggested this could be done in a variety of ways including:

- Information in the 'Community Matters' publication
- Meetings with Town and Parish Clerks and/or Councillors
- Letters to Town and Parish Councils with information and offers of support/advice
- Training event(s)

The Chairman considered it very important that information is sent out urgently to Town and Parish Councils so they were kept up-to-date.

The Monitoring Officer advised that the authority should do everything it can to ensure that Town and Parish Councils adopt a Code of Conduct and that they complete their Register of Interests forms as these were required by law.

RESOLVED (1) that the Monitoring Officer contacts SALC to ascertain what information has been circulated to Town and Parish Councils.

RESOLVED (2) that the Monitoring Officer makes use of 'Community Matters' and any other suitable options to publicise the new Code of Conduct and Registers of Interest requirements as a matter of urgency.

S9 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.

RESOLVED that the report be noted.

S10 Dates of Future Meetings

The Committee acknowledged that under the new regime, Informal meetings of the Advisory Standards Committee may need to be scheduled on a monthly basis for the consideration of any complaints received and the Formal meetings of the Advisory Standards Committee could be timetabled quarterly.

RESOLVED that the Monitoring Officer, in consultation with the Chairman, to advise the Committee of the scheduled meeting dates in due course.

The meeting closed at 6.34pm

CHAIRMAN'S STATEMENT

At the close of the meeting, the Chairman reflected that this was to be the last meeting of the statutory West Somerset Standards Committee and took the opportunity to thank fellow members of the committee and relevant officers for their hard work and support over the years and that he looked forward to continuing to work with everyone under the new standards regime.