

**Minutes of the Meeting of the Standards Advisory Committee
held on 24 September 2013 in the Council Chamber, Williton**

Present:

Mr T Evans Chairman

Councillor S O de Renzy-Martin
Mr J Gamlin
Councillor D J Westcott

Councillor J Fulwell
Councillor P Grierson

Officers in Attendance:

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

SA13 Apologies for Absence

Apologies for absence were received from Councillor J Davis, Mr I Gunn, Councillor P Murphy and Mrs L Somerville-Williams.

The Committee wished Councillor Davis a speedy recovery.

SA14 Minutes

Minutes of the last meeting of the Standards Advisory Committee held 18 June 2013 – circulated with the agenda.

RECOMMENDED that the Minutes of the meeting held on 18 June 2013 be confirmed as a correct record.

SA15 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

SA16 Public Participation

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

SA17 Update on Dealing with Complaints

The Monitoring Officer advised that, in accordance with the Council's Complaint Procedure, a summary of the outcome of completed cases must be reported to a normal meeting of the Standards Advisory Committee and this had been sent out with the agenda.

The Monitoring Officer advised the Committee that the report had been written with regard to the recommendations of the Committee. He explained that four cases had been through the process since the last meeting and, of the four cases, two cases had resulted in the subject member writing an apology, one case resulted in the subject member attending training and one case had no further action.

A query was raised regarding what authority the Committee had if a subject member refused to write a letter of apology. The Monitoring Officer explained that he was always careful when wording the letter to the subject member advising of the decision to ensure it was made clear that the case would not be closed until the letter had been written. Therefore, if the requested action was not undertaken, the matter would not be closed and could be re-considered.

It was suggested that consideration could be given to referring concerns to the relevant local Town or Parish Council for consideration if they related to procedural matters outside the jurisdiction of the standards regime.

RECOMMENDED that the report be noted.

SA18 The Localism Act, 2011 – Review of Members’ Code of Conduct and Arrangements for Dealing with Complaints

(Report No. WSC 123/13, circulated with the Agenda).

The purpose of the report was to provide the Committee with the opportunity of reviewing the Members’ Code of Conduct and the arrangements for handling complaints that had been operating since 1 July 2012 with a view to making any recommendations to West Somerset Council.

In considering proposed amendments to the definition of the seven Nolan principles of public life, the Committee took into account the work undertaken by the Committee on Standards in Public Life which reviewed the key lessons that had been learnt since the Nolan Committee’s first report was published in 1995 about how to improve ethical standards in public life. In January 2013 the Committee published its fourteenth report entitled ‘A review of best practice in promoting good behaviour in public life’.

The report found that whilst standards of behaviour had improved in many areas of public life as a consequence, there was evidence to show that there were still areas for concern. These were that inappropriate behaviour continued to be revealed, leaders were yet to internalise the principles of public life fully, there were deliberate attempts to get around Codes of Conduct, new situations continued to arise which raised new standards issues, responses to standards issues often came too late and there was a significant decline in levels of public trust.

The Committee considered the seven principles of public life and concluded that, whilst there were views expressed that the principles should be reformulated, it was felt that this would be pointless and unnecessary.

The Committee felt that the seven principles should be retained as they had been an influential example of the values with which organisations seek to underpin their ethical framework and there had been a substantial increase in awareness of the importance of standards issues.

However the Committee also felt that since the principles were first formulated its understanding of the meaning of certain words had developed and therefore the descriptions of the seven principles could usefully be brought up to date to reflect current understanding.

The Committee considered that the proposed changes set out in the appendix to the report were an improvement on the current wording providing greater clarity and would recommend that the Council adopts these new definitions. If adopted, the Committee also recommended that the principles be circulated widely to town and parish councils, both directly to parish/town clerks and in Community Matters.

The second point in respect of the code of conduct related to the definition of prejudicial interest as set out in Clause 2.9 of the existing Code. At present, specific provision was made for where a Councillor is a member of another town, parish, district or county council to provide an exemption from such an interest becoming prejudicial. There were occasions during the period of operation of the new Code when those members of West Somerset Council who are also members of the Exmoor National Park Authority were prevented from taking part in discussions by virtue of such membership. Given that the national park authority is a public body exercising functions in a similar way to local authorities, it was recommended that the membership of a national park authority should be treated in the same way as being a member of another town, parish, district or county council. It was therefore recommended that clause 2.9 (1) (a) be amended to read: "affects your financial position or the financial position of a significant person or a body described in paragraphs 2.8 (1)(a)(i) and (ii) (other than another town, parish, district or county council or national park authority of which you are also a member)".

In regard to reviewing the assessment of complaints process, since the inception of the new regime, nine formal complaints had been submitted and processed to the initial assessment stage whereby the Monitoring Officer had consulted with the Standards Advisory Committee on what action to take. To date, all nine complaints had been processed without the need to resort to a formal investigation with the outcomes being reported to the Committee so that issues can be kept under review.

In West Somerset the arrangements in place for dealing with complaints do vary quite significantly from the norm in one particular aspect. In most councils, when complaints are received, the initial assessment is delegated to the Monitoring Officer in consultation with the Independent Person (which all councils are required appoint under the Localism Act). In West Somerset it was specifically decided to require that the Monitoring Officer consult with the Standards Advisory Committee at the initial assessment stage. As part of the current review, the Committee therefore particularly considered this aspect of the arrangements and whether it had proved to work well or should be

recommended for change. The Monitoring Officer indicated that he had found consulting the Committee to be particularly useful and supportive in that the varied composition of the Committee ensured that overall a balanced view was more likely to be reached. Members of the Committee also felt that this aspect of the process had been positive and would recommend that it continue.

The only point that the Committee felt could be amended to ensure that interested parties were given accurate expectations of timescales was that, given the initial assessment process involved the Monitoring Officer needing to get the Committee together and ensuring that sufficient information was available, the current target timescale of thirty working days was rarely deliverable. It was, therefore, recommended that the target should be more realistic and state that the initial assessment part of the process would be undertaken as soon as is practicable and normally within two calendar months of receipt of a complaint. Obviously the intention would be to undertake this part of the process well within that timescale. In addition should, in exceptional circumstances, the timescale go beyond this, all relevant parties should be kept informed of what is happening via the Monitoring Officer.

As has already been mentioned, one of the requirements of the new process is for the Council to have an appointed Independent Person to help deal with complaints if they reach the investigation stage and in this respect Louise Somerville Williams was appointed as the Council's Independent Person for an initial period until 30 September 2013 and Mike Hillman was appointed as the reserve Independent Person until 30 September 2013. It was agreed that these arrangements should be reviewed as part of this overall review of the process.

Whilst to date there has been limited opportunity for these persons to take an active role, the Independent Person has contributed to help provide clarity on the nature of the role and protocol for operation and has been supportive of the Monitoring Officer and Committee as a whole. It is a legal requirement for the Council to retain an appointed Independent Person.

The Committee therefore recommended to Council to extend these two appointments for a further period from 1 October 2013 until 31 March 2015. This particular period is suggested as by March 2015 the picture should be clearer as to the nature of West Somerset Council's partnership working with Taunton Deane Borough Council.

RECOMMENDED (1) that the Council be recommended to amend the existing West Somerset Council Member Code of Conduct, as follows:

- a) To replace the existing definitions of the seven principles of public life; and
- b) By the inclusion of being a member of a national park authority as being an additional exception under Clause 2.9 (1) (a) relating to prejudicial interests.

RECOMMENDED (2) that the Council be recommended to continue with the existing arrangements for dealing with complaints in relation to allegations of breaches of Code of Conduct for district, town and parish councils in West Somerset, with the one amendment that the target for completing the initial

assessment part of the process be amended to 'as soon as is practicable and normally within two calendar months of receipt of a complaint,' subject to the process as a whole being kept under regular review.

RECOMMENDED (3) that in order to support the process referred to in recommendation 2 above, the appointments of Louise Somerville Williams as the Council's Independent Person and Mike Hillman as the reserve Independent Person be extended for a further period to run from 1 October 2013 to 31 March 2015.

SA19 Monitoring Officer's Update

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting. He confirmed that he was still receiving requests for advice on a regular basis and that dealing with formal complaints did generate more work.

RECOMMENDED that the report be noted.

SA20 Dates of Future Meetings

It was confirmed that future meetings of the Committee had been scheduled for Tuesday 10 December 2013 and Tuesday 4 March 2014 commencing at 4.30pm.

The meeting closed at 5.40pm