

**Minutes of the Meeting of the Standards Advisory Committee  
held on 25 September 2012 in the Council Chamber, Williton**

**Present:**

Mr T Evans ..... Chairman

Mr J Gamlin  
Councillor H J W Davies  
Councillor J Fulwell  
Councillor D J Westcott

Mr I Gunn  
Councillor J Davis  
Councillor P Grierson

**Officers in Attendance:**

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

Also in Attendance:

Mrs L Somerville Williams – Independent Person

Tim Evans welcomed everyone to the first meeting of the Standards Advisory Committee as there were new Members present. Everyone introduced themselves.

**SA1 Apologies for Absence**

No apologies for absence were received.

**SA2 Appointment of Chairman**

**RECOMMENDED** that the Committee elect Mr Tim Evans as Chairman of the Committee for the ensuing municipal year.

**SA3 Appointment of Vice-Chairman**

**RECOMMENDED** that the Committee elect Mr Ivan Gunn as Vice-Chairman of the Committee for the ensuing municipal year.

**SA4 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

**SA5 Public Participation**

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

**SA6 Minutes**

Minutes of the last meeting of the Standards Committee meeting held on 19 June 2012 – circulated with the agenda.

**RECOMMENDED** that the Minutes of the meeting held on 19 June 2012 be confirmed as a correct record.

**SA7 Composition of Committee and Appointment of Independent Person**

The Monitoring Officer formally updated the Committee on the new composition and confirmed that at its meeting held on 19<sup>th</sup> September, 2012, the Council had endorsed the appointments of John Gamlin as an independent member of the committee and Councillor John Fulwell as a parish council representative of the Committee. The Council also confirmed the appointment of Louise Somerville Williams as the Independent Person for West Somerset and Mike Hillman as the reserve Independent Person.

The Monitoring Officer confirmed arrangements for the payment of Independent Members, Parish Councillors and the Independent Person and advised by mileage would be paid but business use must be stated on insurance certificates and a copy of these certificates must be provided.

**RECOMMENDED** that the update be noted.

**SA8 The Localism Act, 2011 –Implementing the New Ethical Standards Regime**

(Report No. WSC126/12, circulated with the Agenda)

The purpose of the report was to advise the Committee of progress made to date in regard to implementing the new standards regime and to consider endorsing additional paperwork relating to the complaints process and comment/agree training arrangements.

The Monitoring Officer introduced the item and confirmed that the West Somerset Council had endorsed the recommendations of the Standards Committee as follows:

- To adopt a new Code of Conduct to reflect the requirements of the act and endorse that all Town and Parish Councils in West Somerset be encouraged to adopt a similar form of code, the operation of the adopted code being the subject of an annual review.
- Agreed to suggest that all councils follow a protocol requiring members to sign an undertaking to observe the Code of Conduct adopted by the Council.
- Agreed to adopt arrangements for dealing with complaints with such arrangements being the subject of an annual review.
- Agreed 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 with delegated powers to:-

- a) Take an initial assessment decision of no action, attempt to resolve the complaint informally, or instigate a formal investigation in consultation with the Standards Advisory Committee; and
- b) 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 in consultation with the Standards Advisory Committee and the Independent Person
- To instruct the Monitoring Officer to prepare and maintain registers of members' interests to comply with the requirements of the Act at District, Town and Parish Council level.
- To agree the principle of approving a standing order which equates to the current Code of Conduct requirement that a member must withdraw from the meeting room during consideration of any item of business in which he/she has a disclosable pecuniary or other prejudicial/pecuniary interest unless a dispensation has been granted.
- Proceed with the recruitment process for an independent person and additional independent member to sit on the Standards Advisory Committee.
- Liaise with the Somerset Association of Local Councils in regard to recruiting a new Parish/Town Council representative to serve on the Committee.

Members of the Committee raised the following:

- Can Town/Parish Council's choose to adopt their own Code of Conduct rather than the ones from the National Association of Local Councils (NALC) and West Somerset Council(WSC)? The Monitoring Officer advised that, as long it contained the seven principles and made correct reference to disclosable pecuniary interests then, in theory, they could.
- What jurisdiction does the Standards Advisory Committee have over Town and Parish Councils for managing the adoption of the Code of Conduct? The Monitoring Officer advised that all Town and Parish Councils must adopt a Code and a system must be in place for the Standards Advisory Committee to consider complaints about Town and Parish Councils. All complaints must be looked at against the relevant Code i.e. NALC or WSC.
- Have all Town and Parish Councils in West Somerset adopted a new Code of Conduct and are they sending in their Register of Interests Forms? The Electoral Services Officer advised that, of the 36 Town and Parish Councils, 14 had advised the Council that they had adopted a new Code. She also advised that the Register of Interests forms are being returned but this was slow.
- How will the Register of Interests forms be publicised on the website? The Monitoring Officer advised that, although this had not been completely finalised, signatures would not appear on the website and there would be no differentiation between Councillors and their spouses/partners.
- Some Councillors in local Parishes have resigned because they do not agree with providing details of their spouse's interests. Do Councillors

have to provide information of their spouse's interests? The Monitoring Officer advised that Department for Communities and Local Government(DCLG) had been asked and they had advised that Councillors must provide details of their own interests and of their spouses that they are aware of.

- What do the Committee judge a complaint on if no Code of Conduct has been adopted by the relevant Town or Parish Council? The Monitoring advised that he would check this with DCLG but assumed the only thing to do would be to report the relevant Council to Government.
- Had all District Councillors signed their Register of Interests forms and Code of Conduct Forms? The Electoral Services Officer advised that she had received 16 Register of Interests forms and only 5 Code of Conduct forms.

Members were concerned that the return of Register of Interests forms and copies of the adopted Codes of Conduct were taking too long and requested that these be chased up.

The Monitoring Officer confirmed that he would contact all Town and Parish Councils with Codes of Conduct or Register or Interests forms outstanding to remind them of the requirement to adopt a Code and complete Register of Interests forms.

It was suggested that a reminder be put in 'Community Matters' re-iterating the importance of adopting the Code of Conduct and completing Register of Interests forms.

Members felt that District Councillors should be setting an example by completing and returning their Register of Interests forms promptly. The Committee requested the Monitoring Officer to chase all outstanding District Councillor Register of Interests forms.

### Complaint Form and Guidance

The Monitoring Officer explained the complaint form and guidance and asked for feedback.

The Chairman suggested the form and guidance could be made simpler and therefore easier to understand and complete. He offered to provide comments/amendments to the Monitoring Officer. The Monitoring Officer was grateful for this and advised that he would email all Members of the Committee with the updated form and guidance.

Members made some amendments to the complaint form and guidance

Concerns were raised regarding how a complaint about the Leader would be dealt. The Monitoring Officer reassured the Committee and explained that the same process would be followed.

The Monitoring Officer explained the role of the Independent Person in the complaint process was an advisory role. He confirmed that the Independent Person must be consulted on complaints that have been investigated and the subject member can also contact the Independent Person.

### Code of Conduct Training

Members of the Committee considered the proposed training arrangements including a draft power point presentation.

The Monitoring Officer advised the Committee that he had already been invited to attend Minehead Town Council in November to provide training on the Code of Conduct.

Members of the Committee considered what, if any training should be provided for Town and Parish Councillors and Clerks.

Members felt that a training programme should be offered in venues around the district and this should be done before Christmas if possible. It was suggested that training sessions be held initially in Dulverton and Williton as the Monitoring Officer was already providing a training in Minehead.

Members of the Committee suggested the training events be held during an evening to try to encourage a better turnout and suggested that a question and answer session would be beneficial, along with a powerpoint presentation and some scenarios/group work to encourage networking.

**RECOMMENDED (1)** that the Monitoring Officer to contact to all Town and Parish Councils that have not advised if they have adopted a new Code of Conduct to remind them of their responsibility to do so.

**RECOMMENDED (2)** that the Monitoring Officer takes action to ensure that all District Councillors complete their Register of Interests Forms as soon as possible.

**RECOMMENDED (3)** that the Monitoring Officer emails an updated complaints forms and guidance to all Members of the Committee for their approval incorporating comments made at the meeting together with any subsequent suggestions made by the Chairman of the Committee

**RECOMMENDED (4)** that the Monitoring Officer arrange training sessions on the Code of Conduct in Dulverton and Williton for Town and Parish Councillors and Clerks to take place before the end of the year.

### **SA9 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.

## **SA10 Dates of Future Meetings**

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

4 December 2012

5 March 2013

The Committee acknowledged that other 'meetings' of the Committee may be convened to act as consultee with the Monitoring Officer when undertaking an initial assessment in response to the receipt of any formal complaints relating to allegations of a breach of the Code of Conduct.

**RECOMMENDED** that the be report be noted

The meeting closed at 6.25pm

**DRAFT**