

Standards Committee – 9 December 2009

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Wednesday, 9 December 2009 at 3.30 p.m.

Present: Mrs A Elder (Chairman)
Mr M Stanbury (Vice-Chairman)
Councillors Mrs Allgrove and House
Mr A Cottrell, Mr D Macey, Mr P Malim OBE, Mr L Rogers and
Mr R Symons

Officers: Mrs P James (Chief Executive), Mrs T Meers (Monitoring Officer) and
Mr R Bryant (Democratic Services Manager)

54. Apologies

Councillor Brooks, Mr M Marshall and Mr B Wilson.

55. Minutes

The minutes of the previous meeting of the Committee held on 20 October 2009 were taken as read and were signed.

The Chairman reported that she had been invited to attend a meeting of the Somerset County Council's Standards Committee following Mr Park's attendance at the last meeting of Taunton Deane's Committee. She had attended County Hall on 2 December 2009 and gave Members a resume of her experience. The main differences were the way in which the County Council's Committee operated and the excessive length of their agenda.

56. Declaration of Interests

The Chairman declared a personal interest as a Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution. Councillor Mrs Allgrove declared a personal interest as Chairman of the Somerset Association of Local Councils.

57. Standards and Taunton Deane Borough Council

The Chairman welcomed Mrs Penny James, Taunton Deane's Chief Executive, to the meeting.

Mrs James explained that she had been invited to attend to not only reinforce her support for the work of the Standards Committee but to answer any specific queries Members of the Committee might have.

The Chairman stated that although the support received from both Tonya Meers and Richard Bryant was greatly appreciated there were times in recent months where it had appeared that more resources would be needed in the

future if the anticipated workload of the Committee was to be effectively carried out. She asked how further resources could be obtained.

Mrs James stated that if it was obvious the level of support was not as it should be, a clear case for additional resources could be submitted at the appropriate time when the budget for the next financial year was under discussion.

The Vice-Chairman, Mr Maurice Stanbury, referred to the recent investigation into alleged breaches of the Code of Conduct by former Councillor Andrew Woolley. The investigation had thrown up a number of issues as to procedure which the Committee's Consideration Sub-Committee had recommended should be looked at further.

Although he was aware these issues were being considered internally, Mr Stanbury was concerned that there was no formal route available for the Standards Committee to make recommendations to the Council.

Mrs James explained that it might be possible for such issues to be included within the Corporate Improvement Plan which in turn, could be considered by the Council's Committee structure. However, she would discuss with Mrs Meers the best way of resolving the points made.

Councillor Mrs Allgrove felt that any major changes to the way the Committee operated would be, in her opinion, unnecessary. The Committee had always sought to pre-empt the introduction of Regulations and this had been shown to have been prudent to do so.

She went on to say that she regretted the decision at Full Council last night not to increase the small allowance paid to the independent Members of the Committee particularly as their responsibility had increased considerably since the introduction of the Local Assessment Framework.

Mr Lynn Rogers agreed with this latter point. He had attended the meeting of the Corporate Scrutiny Committee in November where Members' Allowances had also been discussed and it had been clear that Councillors did not know very much at all about the work of the Standards Committee.

Mrs James agreed that the profile of the Committee needed to be raised and suggested that a presentation could perhaps be made to a future meeting of Full Council in a further attempt to do this.

On behalf of the Committee, the Chairman thanked Mrs James for her contributions to the meeting.

58. Ethical Governance Toolkit

Reference Minute No. 42/2009, reported that following the Committee's support at the last meeting for a "light touch" health check to be undertaken to establish how far the Ethical Governance Framework had been embedded

into the Council, Mrs Meers submitted for consideration drafts of a questionnaire and covering letter to be used to gather information.

Mrs Meers explained that the questionnaire would be sent to all Taunton Deane Councillors and Managers and, eventually, to all Parishes Councils too. She added that, in her view, with the Core Council Review currently taking place, it was a good time to circulate the questionnaire internally.

In response to comments from Members, Mrs Meers stated that she would attempt to simplify the questionnaire and re-word the letter and that Unison would also be invited to participate. Members suggested that the questionnaire was sent electronically as it was thought it could be answered quite quickly as most of the answers would be a simple yes or no.

The Committee went on to discuss how the results of the questionnaire should be reported back. In the previous discussion with the Chief Executive it had been suggested that a presentation could be made to Full Council about the work of the Standards Committee. It was felt this would be the ideal route for also feeding the information received from the questionnaire back to the Councillors and to inform them as to how it would be used to facilitate focused workshops and an action plan for the future.

Mrs Meers reported that if the questionnaires were distributed following the next meeting of the Committee in January 2010, it would be feasible to target the April Full Council meeting for the presentation.

This was accepted by the Committee.

59. Joint Standards Committees

Reference Minute No. 43/2009, Mrs Meers reported that she had informally discussed with Somerset County Council the possibility of forming a Joint Standards Committee.

The County Council had indicated that they were not interested in doing so formally but might consider joint working on an ad-hoc basis. Standards for England had confirmed however that ad-hoc arrangements would not be acceptable.

Mrs Meers asked whether the possibility of forming a Joint Committee should continue to be considered. Having looked at this again she was of the view that although there would be some advantages with such a Committee, there would be disadvantages too through the inflexibility of the regulations and the additional cost burden that would no doubt result.

Resolved that the formation of a Joint Standards Committee with another Local Authority in Somerset be not pursued for the foreseeable future.

60. Leaflet on Dispensations

Reported that The Standards Committee (Further Provisions) (England) Regulations 2009 had come into force on the 15 June 2009.

Amongst other things, the Regulations had extended the power of Standards Committees to give Members dispensations where they would otherwise be prohibited from participating on a matter because of a prejudicial interest.

As a result it had been agreed at a previous meeting that guidance on dispensations should be sent to all Parish Councils in the form of a leaflet. A draft of the leaflet was circulated for comment by the Committee.

Members felt that the leaflet should be accompanied with a brief covering letter summarising the guidance and that once the leaflet had been produced a copy should be sent to the Somerset Association of Local Councils for information.

Resolved that the leaflet titled "Guidance on Dispensations for Town and Parish Councillors" be agreed.

61. Better working with other Committees

Although the Committee had already discussed making a presentation to Full Council as a means of raising its profile, Mrs Meers reported that there were other means of doing so too. These included:-

- The independent Members continuing to attend meeting of Taunton Deane's Full Council, Executive and Committee meetings. In this regard, Members requested names plates to be provided so the Councillors present were aware who from the Standards Committee was present;
- Better use of Taunton Deane's website to highlight the work of the Committee and to provide suitable links, for example to the Standards for England Website and that of the Adjudication Panel;
- Taking photographs of each Member for use on the website and other publications to enable Councillors to better recognise the Members of the Standards Committee; and
- Using the Council's Weekly Bulletin to keep Councillors informed of the work being undertaken by the Committee.

The Committee agreed that these suggestions should be implemented.

62. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following item because of the likelihood that exempt information would otherwise be disclosed relating to Clause 12 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

63. Update on complaints made against Councillors

Mrs Meers circulated an updated spreadsheet which outlined the current position relating to complaints that had been received to date against Councillors under the Local Standards Framework. A total of eight complaints had been received, all which related to Borough Councillors.

Councillor Bowrah had made the required written apology to the Planning Committee for the comments he had made in relation to a particular planning application.

The Adjudication Panel had met on Friday, 13 November 2009 to consider the complaint that had been made against former Councillor Andrew Woolley.

Even though the Panel had found that Mr Woolley had breached the Code of Conduct and had been barred from being a Councillor for a two year period, those Members of the Committee who had attended the hearing had been concerned as to how it had been conducted.

There had been a lack of formality as to the proceedings, no opportunity for Mrs Meers, as Taunton Deane's Monitoring Officer, to address the Panel and even more surprisingly, the Members of the Panel seemed unsure of the Regulations.

As a result, it was agreed that a letter should be sent to the Chairman of the Adjudication Panel setting out these concerns and asking for their comments.

Further reported that an outside investigator had now been appointed to carry out the investigation into complaint No. 2009/03.

Resolved that the report be noted.

64. Report on Other Action

Submitted report previously circulated concerning the latest complaint received against a Taunton Deane Councillor.

The Committee's Assessment Sub-Committee had decided that in this particular case, 'Other Action' (instead of the complaint being referred for formal investigation) was appropriate.

Mrs Meers reported on the action she had taken with the Councillor concerned.

Resolved that the report be noted.

65. Date of the next meeting

The next meeting would be on Tuesday, 19 January 2010 at 2.30 p.m. in The John Meikle Room at The Deane House.

(The meeting ended at 5.35 p.m.)