

Standards Committee – 25 January 2011

Minutes of a meeting of the Standards Committee held in Committee Room No. 2, The Deane House, Belvedere Road, Taunton on Tuesday, 25 January 2011 at 2.30 p.m.

Present: Mrs A Elder (Chairman)
Councillors Mrs Allgrove, Brooks and House
Mr T Bowditch, Mr H Davenport, Mr D Macey, Mr M Marshall, Mr L Rogers
and Mr R Symons

Officers: Mrs T Meers (Monitoring Officer), Mr D Greig (Parish Liaison Officer) and
Mr R Bryant (Democratic Services Manager)

56. Welcome

The Chairman welcomed Mr Henry Davenport to the meeting. She explained that Mr Davenport was a Bishops Lydeard and Cothelstone Parish Councillor and had been appointed to take up the vacancy for a third Parish representative on the Committee.

57. Apology

Mr M Stanbury.

58. Minutes

The minutes of the previous meeting of the Committee held on 20 October 2010 were taken as read and were signed.

59. Declaration of Interests

The Chairman, Anne Elder, declared personal interests as a Public Governor of the Taunton and Somerset NHS Trust and as a Member of the House Management Committee of one of the premises operated by the Royal Agricultural Benevolent Institution. Councillor Brooks declared a personal interest as a Member of Somerset County Council. Councillor Mrs Allgrove declared a personal interest as Chairman of the Somerset Association of Local Councils.

60. The future of the Local Standards Framework

Considered report previously circulated, which updated the Committee on the elements of the Localism Bill that related to the abolition of the current Standards Regime.

The new Government had been clear about its intention to abolish the current Standards Board regime. The Department for Communities and Local

Government had produced a briefing note relating to the proposed changes, details of which were submitted.

Reported that the key elements contained in the Localism Bill relating to Standards were as follows:-

- The abolition of Standards for England (formally the Standards Board);
- The revocation of the requirement for Local Authorities to have a Standards Committee;
- The revocation of the requirement to have a Code of Conduct for Councillors;
- A duty on the relevant authority to ensure that Members and co-opted Members maintained high standards of conduct;
- Provision for a relevant authority to have the option to adopt a voluntary Code of Conduct and should an allegation of a breach of such a code be made in writing, that authority must take a decision on whether or not to investigate the allegation;
- The requirement for the establishment and maintenance of a Register of Members and co-opted Members interests;
- Making it a criminal offence for a Member to fail, without reasonable excuse, to comply with the obligations to register or declare personal interests; and
- The setting out of transitional arrangements following the abolition of the Standards regime.

Local Authorities would still be able to adopt a non-statutory Code of Conduct and would have a duty to consider allegations of breach of such a Code but there would be no statutory sanctions against an offending Member. This meant that there would no longer be a power to suspend or disqualify Councillors who bullied, were rude, disclosed confidential information or brought their authorities in Local Government generally into disrepute.

Provided they did not commit a criminal offence, such Councillors would remain in office until the electorate had had the chance to remove them at the next election.

It was clear that the proposals relating to the Standards regime reflected the new Government's promotion of the Localism agenda whereby rather than having a top down regulated approach, it would be left to the discretion of Local Authorities/areas to determine what, if any, arrangements were put in place for dealing with Code of Conduct related issues.

Nevertheless there would be specific regulations produced that Local Authorities would be expected to follow, particularly in respect of transitional arrangements and the establishment and maintenance of a register of Members' Interests.

Further reported that as part of this change in approach, it was likely that the Council would have no statutory role in relation to the operation of a Standards regime covering Parish and Town Councils.

One specific point that was yet to be clarified was whether the Monitoring Officer would be made responsible for ensuring that Town and Parish Councils undertook the duty of drawing up and maintaining a Register of Interests for their local Councillors.

If the various elements of the Localism Bill were likely to be implemented without amendment, it was suggested that the Committee should seek a discussion with the Leader of the Council and the two other Group Leaders as to whether there would be value in exploring a voluntary Code of Conduct for Taunton Deane Members and maintaining a Standards Committee to include independent Members.

It was also considered to be sensible for there to be close working relationships with other Local Authorities and Monitoring Officers in Somerset and desirable to explore options for the Council to continue to support Town and Parish Councils in Taunton Deane on standards and probity issues, if this is what the parishes wanted.

Reported that it was anticipated that the abolition of the current regime was likely to have an implementation date around the end of 2011/early 2012. There would be a requirement for this Committee to continue its statutory role up to and including this date and any subsequent transitional arrangements that might be introduced.

Noted that there was therefore some time for further deliberation and discussions although the earlier there was a clear view on the way forward the better. In this respect, the Monitoring Officer of the Somerset County Council had already asked district colleagues in the County to give feedback on the following issues:-

- (1) Whether there was an appetite for introducing any local voluntary arrangements;
- (2) If the answer to (1) was yes, whether there would be an interest in working together to develop such a voluntary Code; and
- (3) Whether there would be an interest in constituting one joint voluntary Standards Committee.

During the discussion of this item, Members felt that the Group Leaders here at Taunton Deane should be approached in connection with the development of a voluntary Code of Conduct should the provisions in the Localism Bill be implemented.

The Committee considered that it would be also be appropriate for a formal response to the Department of Communities and Local Government to be sent in connection with the proposals for the Standards regime outlined in the Localism Bill. The Monitoring Officer, Tonya Meers, undertook to draft an appropriate letter which she would circulate to the Committee and the Group Leaders for comments before it was sent to the Government.

Resolved that:-

- (1) The position set out in the Localism Bill relating to the abolition of the current Standards regime be noted;
- (2) It be agreed that a formal response to the proposals set out in the Localism Bill be prepared by the Monitoring Officer and sent to the Department of Communities and Local Government;
- (3) The proposal that discussions with the Leader of the Council and the other Group Leaders as to whether the Council should sign up to a voluntary Code of Conduct and retain a local Standards Committee be agreed; and
- (4) Following the implementation of the Localism Bill, it be agreed that the Committee should formulate any recommendations for consideration by the Council on the appropriate way forward once the discussions referred to in (3) above had taken place.

61. Protocol for Local Authority Partnership Working

Considered report previously circulated, concerning whether the proposed Partnership Behaviour Protocol was something that Taunton Deane Borough Council should adopt when working with its various partners.

Standards for England had been working with Manchester City Council and their partners to produce a protocol for authorities to use with their partner organisations to help ensure that there were high ethical standards being adhered to by all. A copy of the protocol was submitted for the information of Members. Its aims were to:-

- embed high ethical standards in partnership working;
- address the disparity of rules and scrutiny governing those involved in local decision making;
- enable partners to hold each other to account and encourage constructive challenge between partners;
- help partners to exercise leadership by demonstrating their own high standards of behaviour to other partners and to the public;
- promote trust amongst the general public, demonstrating the partner's commitment to behaviour of a certain standard; and
- improve performance management.

The reason for this protocol was that partners who were involved in local authority decision making were often not subject to the same rules governing their behaviour as elected or co-opted Members on the same bodies.

The suggested approach involved partners developing a shared set of values and behaviours that they felt should underpin partnership work.

Due to the variety of different ways in which local authorities work in partnership with others there could be considerable variations in governance

arrangements, therefore the protocol had been designed to attempt to address inconsistencies and to improve the governance of partnerships.

The Partnership Behaviour Protocol did not have a statutory basis or have sanctions attached to it, therefore Standards for England had suggested that there could be a role for Standards Committees in maintaining and overseeing adherence to the protocol including:-

- acting as chief promoters and champions of the Partnership Behaviour Protocol;
- being well suited to oversee both the implementation of and adherence to the Partnership Behaviour Protocol;
- playing an active role where issues did arise in a partnership, for example one partner challenging another partner about their behaviour in relation to the protocol; and
- mediating between partners where agreement could not be reached or issues could not be resolved.

Resolved that the Partnership Behaviour Protocol be supported as something Taunton Deane Borough Council could adopt when working with its various partners.

62. Performance Indicators for the Standards Committee

The Democratic Services Manager, Richard Bryant, submitted a copy of the agreed Performance Indicators for the Committee, together with an assessment as to how the indicators were being complied with in their first six months of operation.

The Committee noted that most of the indicators were being adhered to although the likely demise of Standards for England and the affects of the Localism Bill proposals would mean that a further refinement of the Performance Indicators was likely to be needed in the future.

63. The Standards Committee on the Council's Website

Reference Minute No. 49/2010, Richard Bryant reported that the work to the Council's website had been completed and the Standards Committee pages had been fully updated, even to the extent of photographs of Members of the Committee now being displayed.

Resolved that the report be noted.

64. Allowances for independent Members of the Standards Committee

Richard Bryant reported that the Independent Members' Allowances Panel had again recommended that the allowance paid to the independent Members of the Standards Committee should be increased to £600 per annum, with the Chairman's allowance being increased to £1,000 per annum. In addition, the

Panel had recommended that the Parish Council representatives should also be in receipt of this allowance.

Unfortunately, when the Panel's recommendations came before the Full Council for consideration on 14 December 2010, the decision was once again taken that there should be no changes made to the current Members' Allowances Scheme. The current rate of allowance paid to the independent Members of the Committee would therefore remain the same during the 2011/2012 financial year.

65. Attendance at Taunton Deane Committee Meetings and Parish Council Meetings

Richard Bryant, reported that since the last meeting of the Committee the number of attendances by independent Members of the Committee had "dropped off" with only meetings of Full Council and the Planning Committee receiving visits.

The Chairman stated that she would seek to address this matter. She added that the Chairman of the Planning Committee had recently started introducing the officers at the beginning of the meetings for the benefit of both the Councillors and members of the public present. She felt this was something that ought to be done at all Committee meetings.

66. Date of next meeting

The next meeting would be held on Tuesday, 22 March 2011 at 2.30 p.m. in The John Meikle Room at The Deane House.

67. Exclusion of the Press and Public

Resolved that the press and public be excluded from the meeting for the following items because of the likelihood that exempt information would otherwise be disclosed relating to Clause 2 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.

68. Update on complaints made against Councillors

Reference Minute No. 54/2010, Mrs Meers reported that the one complaint that was currently outstanding had been investigated and a draft report had been prepared.

A Consideration Sub-Committee meeting had been held on 24 January 2011 and, after lengthy discussions, it had been concluded that no breach of the Code of Conduct had occurred.

Resolved that the report be noted.

(The meeting ended at 4.05 p.m.)