

Standards Committee – 12 April 2012

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Thursday, 12 April 2012 at 2.30 p.m.

Present: Mrs A Elder (Chairman)
Councillors Mrs Allgrove, Brooks and Gaines
Mr T Bowditch, Mr A Cox, Mr H Davenport, Mr M Marshall, Mr L Rogers,
Mr R Symons and Mr B Wilson

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

Also present: Councillor Cavill

9. Apology

Mr D Macey.

10. Minutes

The minutes of the previous meeting of the Committee held on 24 January 2012 were taken as read and were signed.

11. 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 Mrs Allgrove declared a personal interest as Vice-Chairman of the Somerset Association of Local Councils. Councillor Brooks declared a personal interest as a Member of Somerset County Council.

12. Mr Alan Cottrell

The Democratic Services Manager, Richard Bryant, reported that the Vice-Chairman, Mr Alan Cottrell had recently tendered his resignation from the Standards Committee due to business commitments.

Members asked for a letter to be sent to Mr Cottrell thanking him for his valuable contributions to the work of the Committee.

13. The Localism Act 2011 - The amended Standards Regime

The Monitoring Officer, Tonya Meers, reported that the Regulations which were intended to bring into effect the amended Standards Regime outlined in The Localism Act 2011 were in the process of being drafted.

As things currently stood, the implementation date for the amended regime was still 1 July 2012. However, the longer it took for the Regulations to be issued, the more difficult it would be for the timescale (which had already been extended from 1 April 2012) to be met.

Mrs Meers went on to report that the Somerset Monitoring Officer Group had met very recently to discuss the current situation. Peter Lacey from the Community Council of Somerset had been in attendance at this meeting to provide information on the parish perspective, which appeared to indicate that most Parish Councils would be content to sign up to a new Code of Conduct.

The Group had also discussed the involvement of Parish Councils in the future and it had been agreed that the formation of Joint Committees might be a way forward (subject to Council approval), with Monitoring Officers still having the responsibility for dealing with complaints made against Parish Councillors.

With regard to a new Code of Conduct, the Local Government Association had produced a draft new Code for possible use by Councils across the country. However, first reactions had been unfavourable as the wording of the document left a fair amount of ambiguity.

Mrs Meers went on to say that a draft Code was currently being worked on by the Association of Council Secretaries and Solicitors which was similar to the current Code and was therefore likely to be more acceptable to many local authorities.

A 'backlash' over the proposals which precluded current independent members being able to stand for the position of Independent Person had resulted in Councils being able to operate transitional arrangements and there was a possibility of the Government relaxing this requirement completely.

Another topic discussed by the Monitoring Officers was the possible retention of the current independent members on their Standards Committees. Many authorities were currently thinking this through and had come to the same conclusion that a Committee comprising Councillors in accordance with the rules concerning proportionality would, more than likely introduce "politics" into Standards.

Mrs Meers mentioned that if Full Council voted against a Committee made up solely of elected Members, it might be possible for the current independent members of the Standards Committee to be co-opted onto any new Committee.

This position was different to that reported to the previous meeting, however it had become clear that the 'make-up' of the Committee in the future would be non-statutory so, in theory, Taunton Deane could retain a Committee to suit the Council's requirements.

Regular meetings had been held with the Corporate Resources Portfolio Holder (Councillor Mrs Vivienne Stock-Williams) and her Shadow (Councillor Richard Lees) to discuss the situation relating to the alteration of the Standards Regime and both were happy at the prospect of retaining the Committee in its present format.

Mrs Meers went on to say that the report that had been considered at the last meeting of the Standards Committee had since been discussed by the Constitutional Sub-Committee, the Corporate Governance Committee and the Community Scrutiny Committee and all three bodies had supported the recommendations included in the report. She added that there was little more that could be done at this stage without the Regulations from the Government.

In conclusion, Mrs Meers felt that it appeared that the prospect of wholesale changes to the present Standards Regime might turn out to be something less onerous.

The Committee felt that to ensure the desired outcome with the composition of Taunton Deane's Standards Committee, the time was right for support to be garnered through the political groups.

Disappointment was expressed that neither Jeremy Browne MP nor the Leader of the Council, Councillor John Williams, were present at the meeting to hear the Committees continuing discontent with the proposals for Standards outlined in the Localism Act. The fact that no response to the Monitoring Officer's letter to the MP, which had been sent following the Committee's last meeting, was also regretted.

Mr Lynn Rogers reported that he had arranged a meeting with the MP at one of the Constituency Surgeries to bring the concerns about the changes to the Standards Regime to Jeremy Browne's attention – as an individual, not as a representative of the Committee.

The issue of pecuniary interests was discussed. As far as the Localism Act was concerned, if such an interest was declared beforehand, the Councillor concerned would be under no obligation to leave a meeting when the particular item was discussed.

Members of the Committee felt this situation was a retrograde step and that the current rules relating to how prejudicial interests were handled should be retained too otherwise Councillors would be prevented from having the right to represent issues in their wards.

The Committee was strongly of the view that the Monitoring Officer should be requested to send a further letter, this time to the Secretary of State for Communities and Local Government, Eric Pickles MP, detailing the Committee's concerns.

The draft letter would be circulated to all Members for comment before it was sent off, with copies also being to Bob Neill MP (Eric Pickles's deputy) and

Jeremy Browne MP. Once sent, Mrs Meers said she would circulate the letter to the other Monitoring Officers in Somerset with the suggestion that they might like to make similar views to the Government too.

Councillor Norman Cavill, who was in attendance in connection with the item covered by Minute No 15 below, reported that the independence of the Standards Committee was highly valued and things should be kept as they were. He announced that he would be happy to take the Committee's views back the Conservative Group.

14. Business requiring to be dealt with as a matter of urgency

The Chairman reported that she had agreed that the item covered by Minute No 15 below should be dealt with as an urgent item.

15. Proposed Dispensation to Members of West Monkton Parish Council

Reported that the Members of West Monkton Parish Council had requested a dispensation in order to be able to participate in discussions relating to the Urban Extension of 4500 dwellings and associated employment land which had been earmarked for Monkton Heathfield in the Core Strategy which was within the Parish.

Noted that the Parish Council's views would be sought in connection with this major residential development. However, more than 50% of the Members of the Parish Council would have a prejudicial interest in this area due to financial reasons, details of which were reported

The Local Government Act 2000 provided that where more than 50% of Members had a prejudicial interest, the Standards Committee could grant a dispensation to the Members concerned in order to allow them to be able to participate in the planning process.

Resolved that a dispensation be granted to the following Members of West Monkton Parish Council:- Councillors Hazel Ellis (Chairman), Barry Gage, Stuart Haskins, David McCubbin, Raymon Tully, Norman Cavill and Mark Besley.

16. Date of next meeting

The next meeting would be held on Tuesday, 22 May 2012 at 2.30 p.m. in The John Meikle Room at The Deane House.

17. 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.

18. Update on complaints made against Councillors

Mrs Meers reported that with regard to the one current complaint against a Taunton Deane Councillor, the Consideration Sub-Committee had met and following a thorough discussion of the investigator's report had decided that no further action should be taken.

Mrs Meers also reported that the Assessment Sub-Committee had decided to take no further action in respect of complaints that had been made against Parish Councillors from two Parish Councils. The Parish Liaison Officer, David Greig, would be working alongside these Parishes to ensure there were no further difficulties.

One of the complaints that had been received against a Parish Councillor required the submission of further information before a decision could be made as to whether an investigation should be undertaken.

Resolved that the report be noted.

(The meeting ended at 4.12 p.m.)