

Standards Committee – 7 February 2013 (re-arranged from 22 January 2013)

Minutes of a meeting of the Standards Committee held in Committee Room No. 1, The Deane House, Belvedere Road, Taunton on Thursday, 7 February 2013 at 2.30 p.m.

Present: Councillors Tooze, A Wedderkopp and Wren
Mr M Marshall and Mr B Wilson (Parish Council Representatives)
Mr T Bowditch and Mrs A Elder (Co-opted members of the Committee)

Officers: Mrs T Meers (Monitoring Officer) and Mr R Bryant (Democratic Services Manager)

Also present: Councillor Horsley

1. Appointment of Chairman

Resolved that Councillor Wren be appointed Chairman of the Standards Committee for the remainder of the Municipal Year.

2. Apologies

Councillors Mrs Allgrove and Gaines. Ms L Somerville-Williams (Independent Person), Ms L Williams (Reserve Independent Person) and Mr A Cox (Co-opted member of the Committee).

3. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor A Wedderkopp and declared a personal interest as a member of Wessex Water's Environmental Panel. 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.

4. The Role and Terms of Reference of the Standards Committee

The Monitoring Officer, Tonya Meers, reported that Full Council had agreed at its meeting on 17 July 2012 to change the Council's Constitution as to the role and functions of the Standards Committee. These roles and functions in relation to the Borough Council and Parish Councils in Taunton Deane were as follows:-

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) Assisting Councillors and co-opted members to observe the Members' Code of Conduct;

- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and any co-opted members on matters relating to the Members' Code of Conduct and wider propriety issues including issuing guidance where appropriate;
- (f) Granting dispensations to Councillors and any co-opted members from requirements relating to interests set out in the Members' Code of Conduct or delegating such power to a sub-committee which will be authorised to determine such dispensations based on principles agreed by the Committee:
- (g) Dealing with the assessment and determination of complaints under the Members' Code of Conduct relating to Members, Co-opted and Parish Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising three voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.
- (h) Taking decisions in respect of a Member and co-opted member who is found on hearing to have failed to comply with the Code of Conduct, including –
 - Reporting its findings to Council [or to the Parish Council] for information;
 - Recommending to the Member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities should the complaint refer to a Portfolio Holder;
 - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the Member;
 - Removing [or recommend to the Parish Council that the Member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
 - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer,

website and/or email and Internet access;

- Restricting contact to named officers or requiring contact be through named officers; or

- Excluding [or recommend that the Parish Council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

- (i) Advising on the management of statutory and other registers of interest and gifts / hospitality received; and
- (j) Advising the Council on possible changes to the Constitution (except the Council and Executive Schemes of Delegation) in relation to the key documents and protocols dealing with Members' conduct and ethical standards.

Resolved that the role and functions of the Standards Committee be noted.

5. The role of the Council's Independent Person

Mrs Meers again referred to the decision made last July by Full Council and reported that the role of Taunton Deane's Independent Person would be as follows:-

- They must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- They may be consulted by the authority in respect of a standards complaint at any other stage; and
- They may be consulted by a Member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made.

She added that the new 'complaints' regime was significantly different to the previous arrangements and these would evolve over time. One major difference was that Monitoring Officers could become involved at a 'lower level' than previously in an attempt to resolve complaints without resorting to the arrangements under the new legislation.

At the moment there were very few complaints being submitted and there had not been the need so far to involve the Independent Person. Details of complaints made would be reported to the Committee at future meetings.

Resolved that the report be noted.

6. Dispensations

Mrs Meers reported on the situation with regard to Dispensations following the introduction of Disclosable Pecuniary Interests (DPIs) in the Localism Act.

Although it was still early days, it was clear that the new legislation relating to interests was not as helpful to Councillors as previously.

She referred to the debate at Full Council back in October last year on the proposed Badger Cull, during which it became clear that a Member had a DPI and had to leave the Council Chamber without having the opportunity to address the other Councillors present. The DPI only became apparent during the discussion so there was no means of a dispensation being sought from the Member concerned or one being granted by her, as the Monitoring Officer.

In her view Mrs Meers felt that at some point the new legislation might have to be clarified. She reported that she had written to the Local Government Minister, Brandon Lewis, suggesting that Monitoring Officers should be asked to consider the effectiveness of DPI's. Mrs Meers felt that the same 'rules' relating to prejudicial interests should be applied to DPI's whereby Councillors could have the means to make a statement before leaving a meeting, so not being able to influence other Members.

Mrs Meers had also suggested that Monitoring Officers should have the means to make conditional dispensations in all circumstances rather than the current situation where most dispensations would have to be granted following a special meeting of the Committee.

During the discussion of this item, Anne Elder queried the role of the co-optees on the Standards Committee. Councillor Horsley felt this was a pertinent question and stated that he had been happy to see the demise of the previous Standards regime. He actually saw no role for the Committee other than for it to meet on an annual basis to review what had happened over the past 12 months. He added that the Chairman, the Monitoring Officer and the Independent Person were the 'key players' and that everyone else on the Committee was there to form a 'court' to consider complaints, if this became necessary.

In response, the Chairman stated that the Committee was responsible for promoting high ethical standards amongst Taunton Deane Members as well as Parish and Town Councillors. He disagreed with Councillor Horsley in that he saw the co-optees having an important future role. Standards in public life had not changed that much. The Committee still needed to convince Councillors that they needed to comply with the adopted Code of Conduct.

Members felt that all the previous work done by the Committee, especially with the Parishes, should not be lost. Unless the Standards 'message' continued to be conveyed strongly, it was likely far more complaints than before would be submitted about Councillor behaviour. This was a situation that should be avoided if at all possible.

There was a need for a detailed explanation about the changes to interests to be prepared so all Councillors knew exactly what the current position was.

Generally, Members felt that the Committee needed to maintain a high profile and seek to be proactive rather than reactive.

7. Other work the Standards Committee could become involved with

Mrs Meers felt that with the new Committee, there was scope to consider widening the sphere of the Committee's work.

As well as upholding the standards of ethical governance within the Council, for example the Staff Code of Conduct and considering statistics from the Local Government Ombudsman, the further following work areas were suggested:-

- Ways in which to maintain our current relationships with Parish Councils;
- Local Codes of Conduct;
- Keeping protocols in the Council's Constitution under review; and
- Annual Governance Statement.

Where necessary, working in conjunction with both the Corporate Governance Committee and the Scrutiny Committees would be sought.

8. Date of next meeting

The next meeting would be held on Tuesday, 19 March 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.48 p.m.)