

Standards Committee – 20 October 2010

Minutes of a meeting of the Standards Committee held in the John Meikle Room, The Deane House, Belvedere Road, Taunton on Wednesday, 20 October 2010 at 2.30 p.m.

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

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

Also present : Councillors Coles and Williams

42. Welcome

The Chairman welcomed Mr Terry Bowditch to the meeting. She explained that he had been selected to fill the independent Member vacancy on the Standards Committee following the resignation of Mr Peter Malim OBE. Mr Bowditch's appointment had been formally confirmed by Full Council on 5 October 2010.

43. Appointment of Vice-Chairman

Resolved that Mr Alan Cottrell be appointed Vice-Chairman of the Standards Committee for the remainder of the Municipal Year.

44. Minutes

The minutes of the previous meeting of the Committee held on 8 June 2010 were taken as read and were signed.

45. Declaration of Interests

The Chairman, Anne Elder, 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 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.

46. The future of Standards for England and Standards Committees

The Monitoring Officer, Tonya Meers, reported on the Coalition Government's proposals relating to the future of the quango Standards for England and of Council's Standards Committees.

The early indications from the Government were that Standards for England and the Code of Conduct were to be abolished and that the rules relating to the Registering of Interests were going to be changed.

Mrs Meers stated that until the Localism Bill was published for consultation there could only be speculation as to what was likely to replace the current Standards regime.

She reported that together with the Chairman a letter had been drafted and sent to Mr Eric Pickles, the Secretary of State for Communities and Local Government, setting out why it would be a retrograde step to remove the Code of Conduct, which most Councillors now fully accepted. Sadly no response from the Secretary of State had been received.

Councillor Williams stated that whilst the opportunity for increased "localism" should be embraced, it would be unfortunate if the Code of Conduct and Standards Committees were to be totally abolished.

He felt that it was important that a Code of Conduct for Councillors should exist and reassured Members of the Committee that there would be one whilst he remained as Leader of the Council.

Councillor Mrs Allgrove felt that the timing of the proposed changes was wrong particularly with many new District and Parish Councillors likely to be elected in May next year. She also understood that the Government was planning to introduce a criminal charge which could be brought against a Councillor for the non-declaration of a significant interest. Surely the current system was preferable?

Bob Symons reported that it was not surprising Standards for England faced abolition. Before the Local Standards Framework was introduced in May 2008, Standards for England had handled approximately 21,000 complaints. Of 6,000 that had been investigated, only 202 complaints had resulted in suspensions or dismissals at a cost of £200,000 per suspension. This was hardly cost effective and clearly demonstrated the dilemma faced by the Government.

The Chairman enquired whether the time was right to consider making further representations to the Government.

In response, Mrs Meers reported that the Localism Bill was due to be published during November 2010. This would enable the Committee to evaluate the Government's proposals at its next meeting on the 7 December 2010 and decide what it wished to say in respect of the proposals outlined in the Bill. She added that the views expressed by Committee Members about the possible demise of the Code of Conduct and Standards Committees were common throughout the other Somerset Districts.

The report was noted.

47. Change to the Executive arrangements of the Council

Mrs Meers reported that the Local Government and Public Involvement in Health Act 2007 required every Local Authority to reconsider its existing Executive arrangements and adopt one of only two specific Executive models.

Local Authorities were also required to pass a resolution by 31 December 2010 upon which one of the two Executive models would take effect three days after the next Local Government Elections on the 5 May 2011.

Taunton Deane currently operated an “old-style” Leader and Cabinet Executive which was one of three Executive models outlined in the Local Government Act 2000.

The 2007 Act now allowed for only two Executive models:-

- Mayor and Cabinet, or
- Leader and Cabinet (the ‘Strong Leader’ model).

The ‘new’ Leader and Cabinet arrangements provide the closest match with the arrangements that the Council currently operated and would provide for an Executive consisting of:-

- a Leader elected by the Council for a four year term; and
- two or more Councillors (with a maximum of nine) appointed to the Executive by the Leader.

Mrs Meers explained that at its meeting earlier in the month, Full Council had indicated that it would prefer the Strong Leader and Cabinet model as the model that should be implemented for Taunton Deane.

As a result, a “light touch” public consultation exercise would be undertaken in respect of the proposed change via a notice in the Somerset County Gazette, a notice on the Council’s website and letters to the Parish Councils. Any views received would be considered by the Executive prior to a final decision being taken at a special Full Council meeting scheduled for 14 December 2010.

Mrs Meers added that the new Coalition Government had already indicated that its Localism Bill could well contain proposals aimed at further altering Local Government governance arrangements, including the possibility of a return to the former Committee way of working.

Terry Bowditch asked what would happen with the Strong Leader model if there was a change of political leadership during the four year term.

Mrs Meers stated that there were provisions in the Act which enabled a Leader to be removed from office.

Councillor Williams added that he was not a supporter of four year terms of office. His preference was for the annual election of a Leader. With regard to the prospect of the return of a Committee structure, he commented that although this might be desirable, it would probably not be affordable given the current financial situation faced by Councils. He added that Members needed to use scrutiny in a better way. This did allow for matters of concern to be brought forward for consideration.

The report was noted.

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

The Democratic Services Manager, Richard Bryant, reported that in recent months independent Members of the Committee had attended meetings of Full Council, the Executive, the two Scrutiny Committees, the Corporate Governance Committee and the Planning Committee.

David Greig, the Parish Liaison Officer, reported that other than one appearance by the Chairman at a meeting of Wellington Town Council, no recent visits had been arranged. He reminded the Committee that this was to enable the independent Members to concentrate on attending meetings at Taunton Deane.

He added that with the uncertainty surrounding the future of the Standards regime it might not be advisable to arrange any further visits to the Parishes until everyone was clear as to what was going to happen. The Committee agreed with this view.

Mr Greig went on to inform the Committee of two areas of work he had been involved in over the past couple of months with regard to Parish Council matters in both the South Gloucestershire District and the Mendip District.

The report was noted.

49. Raising the Profile of the Standards Committee

Maurice Stanbury expressed the view that regardless as to what the Government was likely to do on a national level regarding the Standards regime, it was timely to raise the profile of Taunton Deane's Standards Committee to those outside of the Council, particularly if it was intended to retain local arrangements in the future. He felt this could be done in three particular ways – (1) The production of a leaflet for wide circulation; (2) The continued production of an Annual Report; and (3) Better information on the Council's website.

The Committee felt that these suggestions should be supported.

Mr Bryant reported that work was currently being undertaken to improve and update the web page relating to the Standards Committee and hoped this would be completed at an early date.

50. Forward Plan of the Standards Committee

Submitted for information the proposed Forward Plan of the Standards Committee.

Resolved that the Standards Committee Forward Plan be noted.

51. Date of next meeting

The next meeting would be held on Tuesday, 7 December 2010 at 2.30 p.m. in The John Meikle Room at The Deane House.

52. 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 3 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.

53. Recent Audit Reports – Registers of Interests

Mrs Meers reported that two recent Internal Audit inspections had been undertaken in respect of the Register of Interests for Members and the Register of Interests for Staff.

The reports on the inspections had very recently been received from the South West Audit Partnership and copies had been circulated to Members of the Committee for consideration and comment.

The Committee felt that in respect of both reports most of the recommendations were reasonable. However, despite previously deciding not to publish a summary of Members' Interests on the Council's website, the view was now taken that this information should be made more generally available to the public.

As far as the Register of Interests for Staff was concerned, the Committee felt that action should be taken by the Monitoring Officer to ensure undeclared Directorships were included on the Register and updated on an annual basis.

54. Update on complaints made against Councillors

Reference Minute No. 41/2010, Mrs Meers reported that the one complaint that was currently outstanding had been investigated and a draft report had

been prepared. It was likely that a Consideration Sub-Committee meeting would be arranged before Christmas to progress this matter.

Resolved that the report be noted.

55. Ethical Governance Questionnaire

Reference Minute No. 38/2010, Mrs Meers informed the Committee that re-sending the questionnaire had brought a 50% response from Councillors, which compared well to the very poor response to the original circulation.

However, she stated that given the recent announcements by the Coalition Government about Standards and the relatively short time before the Local Government Elections next May, it was perhaps not the right time to take the toolkit forward.

The Committee agreed with this view.

(The meeting ended at 4.04 p.m.)