



Standards Advisory Committee

You are requested to attend a meeting of the Standards Advisory Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 9 July 2013 at 14:30.

Agenda

- 1 Appointment of Chairman.
- 2 Apologies.
- 3 Minutes of the meeting of the Standards Committee held on 19 March 2013 (attached).
- 4 Public Question Time.
- 5 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 6 Independent Persons Protocol under the Standards regime. Report of the Legal and Democratic Services Manager (attached).
- 7 Openess and Transparency on Personal Interests - Government Guidance.
Report of the Legal and Democratic Services Manager (attached)
- 8 Dispensation Process. The amended version of the form to be used by Members to apply for a dispensation is attached.
- 9 Complaints received under the new Standards regime. Verbal report of the Monitoring Officer.

Bruce Lang
Assistant Chief Executive

16 May 2017

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: enquiries@tauntondeane.gov.uk

Standards Advisory Committee Members:-

Ms L Somerville Williams (Independent Person)
Councillor J Allgrove
(Historic)Mr T Bowditch
(Historic)Mr A Cox
Mrs A Elder
Councillor E Gaines
Mr M Marshall
Mr L Rogers
Councillor P Tooze
Councillor A Wedderkopp
Mr B Wilson
Councillor G Wren

Standards Committee – 19 March 2013

Minutes of a meeting of the Standards Committee held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 19 March 2013 at 2.30 p.m.

Present: Councillor Wren (Chairman)
Councillors Gaines, Tooze and A Wedderkopp
Louise Somerville-Williams (Independent Person)
Michael Marshall and Bryn Wilson (Parish Council Representatives)
Terry Bowditch, Adrian Cox and Anne Elder (Co-opted members of the Committee)

Officers: Tonya Meers (Monitoring Officer), David Greig (Parish Liaison Officer) and Richard Bryant (Democratic Services Manager and Corporate Support Lead)

Also present: Lynn Rogers

9. Welcome

The Chairman welcomed the Council's Independent Person, Louise Somerville-Wright to her first meeting of Taunton Deane's Standards Committee.

10. Apologies

Councillor Mrs Allgrove and Linda Williams (Reserve Independent Person).

11. Minutes

The minutes of the previous meeting of the Committee held on 7 February 2013 were taken as read and were signed.

12. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish Council. Councillor A Wedderkopp 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. Terry Bowditch declared a personal interest as he was currently working for the South West Audit Partnership.

13. Dispensation Process

Considered report previously circulated, concerning The Localism Act 2011 which had made significant changes to the provisions of granting

dispensations.

A dispensation could be granted in the following circumstances:-

- (i) That so many members of the decision-making body had Disclosable Pecuniary Interests (DPIs) in a matter that it would "impede the transaction of the business". In practice this meant that the decision-making body would be inquorate as a result;
- (ii) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
- (iii) That the authority considered that the dispensation was in the interests of persons living in the authority's area;
- (iv) That, without a dispensation, no member of the Executive would be able to participate on this matter; or
- (v) That the authority considered that it was otherwise appropriate to grant a dispensation.

Any grant of a dispensation had to specify how long it lasted for, up to a maximum of 4 years.

The Local Government Act 2000 had required dispensations to be granted only by the Standards Committee but the Localism Act now gave discretion for this power to be delegated to either the Standards Committee or a Sub Committee, or to the Monitoring Officer.

In July 2012 Full Council had approved delegation of Grounds (i) and (iv) above to the Monitoring Officer as it was thought that they were fairly objective with an appeal to the Standards Committee. This enabled dispensations to be granted "at the door of the meeting".

However Grounds (ii), (iii), and (v), were deemed to be more objective and therefore remained with the Standards Committee, after consultation with the Independent Person.

Further reported that a motion was put to Full Council in October last year where a number of Members were unable to speak due to having DPIs.

It was noted that a dispensation could possibly have been given under (iii) above, however, due to the timing of the Council meeting insufficient time existed to request a dispensation from the Standards Committee due to the statutory timescales required to give notice of meetings.

Noted that if the Monitoring Officer had had delegated authority to grant a dispensation to allow those Members with a DPI to make statements or representations, answer questions, or give evidence where it was believed

that it was in the interests of the persons living in the authority's area then the Full Council meeting would have had the benefit of knowledge from those affected Members. Such a dispensation would only be granted following consultation with the Independent Person.

Noted that it was not envisaged that the Monitoring Officer should be able to grant a dispensation allowing a Member to vote in those circumstances and should the Member wished to vote then the application for a full dispensation should still be made to the Standards Committee.

In the circumstances, the Committee was asked to decide whether to grant the above delegation to the Monitoring Officer to enable a Member with a DPI to take part in a meeting without being in breach of the Localism Act 2011 and thus commit a criminal offence.

The report also included as an Appendix the revised application and guidance on granting dispensations for the information of Members.

During the discussion of this item, it was generally agreed that the granting of dispensation (iii), on the limited basis described, should also be delegated to the Monitoring Officer. It was also agreed that requests for dispensations to the Standards Committee should be submitted

Resolved that:-

- (i) The proposed change to the delegation to the Monitoring Officer in respect of dispensation (iii) be agreed; and
- (ii) As a consequence, the 'Guidance on Dispensation Requests' set out in the Appendix to the report be re-drafted by the Monitoring Officer, in consultation with the Chairman:-
 - to require dispensation requests for the Standards Committee (Nos (ii) and (iv) and (iii) where a Member wished to vote), to be submitted not less than **10 clear days** prior to the date of the meeting to which the dispensation request related;
 - to require dispensation requests for the Monitoring Officer (Nos (i) and (v) and (iii) where a Member did not wish to vote), to be submitted not less than **5 clear days** prior to the date of the meeting to which the dispensation request related; and
 - to provide a clear distinction on the request form as to whether the dispensation sought the right to speak only or to speak and vote.

14. Annual Governance Statement

The Monitoring Officer, Tonya Meers, reported that as part of the Council's accounts an Annual Governance Statement had to be submitted.

In previous years the Corporate Governance Committee had been asked to consider the Governance Statement before it was signed off by the Leader of the Council and the Chief Executive.

However, due to the changes to the Standards regime the Monitoring Officer considered that it would be appropriate for the new Standards Committee to be made aware of the Annual Governance Statement and also to provide any comments to the Monitoring Officer that they felt were appropriate to be considered in drafting this year's statement.

During the discussion of this item, Members agreed that a process for reporting back whether the points listed in the action plan had been met should be introduced. It was also felt that there was a need for more positive PR to be undertaken in respect of things within the action plan that had been accomplished.

15. Arrangements for dealing with complaints under the Standards Regime

Mrs Meers reported that the arrangements for dealing with complaints under the revised Standards regime were approved by Full Council in July 2012. A copy of those detailed arrangements were appended to the report.

Reported that at the last meeting of the Standards Committee, Members had requested the Monitoring Officer to look at whether a 'Frequently Asked Questions' document could be produced to assist members of the public.

Mrs Meers had reviewed the content of the Appendix containing the arrangements for dealing with complaints and believed that the process was clearly set out. However, any additional comments from the Committee would be taken into account before the arrangements were published on the Council's website.

Members asked if a further Complaints leaflet was going to be drafted. The Democratic Services Manager, Richard Bryant, confirmed that it was intended to produce a revised version of the Complaints leaflet which would be available at the main Reception Desk and would be circulated to Parish Councils too.

16. Complaints received under the new Standards Regime

Mrs Meers reported that only one complaint had been received by the Council since the introduction of the new Standards regime.

The matter raised had been resolved to the complainant's satisfaction without the need for any formal investigation.

Resolved that the report be noted.

17. Date of next meeting

The next meeting would be held on Tuesday, 21 May 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.37 p.m.)

Taunton Deane Borough Council

Standards Committee – 9 July 2013

Independent Persons Protocol under the Standards regime

Report of the Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council)

1. Executive summary

Members are asked to approve the Independent Persons Protocol as set out in Appendix 1.

2. Background

- 2.1 Under the Localism Act 2011 the Council must appoint an Independent Person to be consulted at various stages during Member conduct reviews.

A complainant may contact the Independent Person during the course of a matter to seek advice and support. The protocol attached at Appendix 1 seeks;

- (a) To prevent that contact from involving the Independent Person to the extent that it affects their independence and impartiality to the point where their role is not crucial.
- (b) To clarify the duties and responsibilities of the Independent Person, and
- (c) To clarify the procedural aspects of how liaison between the IP and the Reviewing Officer will be conducted.

- 2.2 The arrangements for dealing with complaints under the revised Standards regime was approved by Full Council in July 2012.

3. Finance comments

- 3.1 The resource associated with this matter must be delivered within existing budgets to discharge statutory duties. However, the impact of the new ethical standards regime, the emerging statutory framework for local government and the need to redirect resources to draft specific guidance to ensure Members' compliance with these changes is having an impact on delivery of other corporate priorities.

4. Legal comments

- 4.1 The legal implications are set out in this report.

5. Links to Corporate Aims

- 5.1 There are no specific links to the corporate aims.

6. Environmental and Community Safety Implications

6.1 There are no implications for the environment or community safety.

7. Equalities impact

7.1 An impact assessment is not required in respect of this report.

8. Risk management

8.1 The impact of the new ethical standards regime, the emerging statutory framework for local government and the need to produce appropriate guidance for Members' clarification may have an impact on delivery of other corporate priorities.

9. Recommendation

9.1 Members are recommended to approve the protocol set out in Appendix 1.

Contact

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APPENDIX 1

STANDARDS COMMITTEE – 9 JULY 2013

INDEPENDENT PERSONS PROTOCOL

Introduction

Taunton Deane Borough Council has appointed an Independent Person (IP) who will be consulted at various stages during Member Conduct reviews. A Reserve Independent Person (RIP) has been appointed to cover the situation when the IP is unable to act either through non availability or conflict issues.

The role of IP has changed significantly under the Localism Act 2011, with the ability of all parties in a complaint to contact the IP during the course of the matter to seek advice and support.

This protocol seeks to set out the IP's duties and responsibilities, provide clarity on the IP's role and ensure that the 'advice and support' responsibility does not affect the IP's independence and impartiality at the point when their role is most crucial.

For the avoidance of doubt all references to IP in this protocol also cover the RIP.

Duties and Responsibilities of the Independent Person

1. To advise any Hearing Sub-Committee in connection with the determination of member misconduct complaints in accordance with the Council's arrangements.
2. To liaise with Members, co-opted Members, officers of Taunton Deane Borough Council and Town and Parish Councils within the District.

3. To attend and participate in meetings of Committees and any sub-committees or associated meetings in an advisory capacity.
4. To provide advice to members and Co-opted Members about whom a conduct complaint has been received and specifically to discharge the functions detailed in Section 28(7) of the Localism Act 2011.
5. To promote and maintain high standards of conduct by members.
6. To develop and apply knowledge of the Code of Conduct in relation to any and all matters relating to standards, including the assessment and determination of allegations of member misconduct under the Code of Conduct.
7. To analyse and exercise fair and impartial judgement and decision making on conduct issues.
8. To consult, liaise and maintain a professional working relationship with the Council's Monitoring Officer, her appointed deputies and other officers of the Council.
9. To provide a view on the governance of the Council and the Town and Parish Councils from an external perspective that will better enable the Council to assess conduct and standards issues.
10. To develop a firm understanding of the standards and wider governance framework within which the Council operates.
11. To participate in training events relevant to the work of standards within the Council.
12. To attend meetings of the Council when required and other functions in order to raise the profile of standards within Somerset.
13. To participate in any forum established for Independent Persons.
14. In relation to 3 and 4 above to assist neighbouring principal council on an ad hoc basis, if necessary.
15. To undertake such other responsibilities as the Monitoring Officer considers reasonably commensurate.

Role of the Independent Person

It is acknowledged that the IP's skills and experience will assist the reviewing process in seeing complaints in context and as such will be a useful resource in undertaking preventative work and/or mediation.

However it is essential that the role of the IP is, and is seen to be, independent in any matter to be determined so the IP must not do anything or act in any way that will compromise that independence or be swayed by the arguments of one party over another.

To assist the IP in maintaining this independence all contact to the IP from any party, whether Members of the public or Members of the Council, should be through the Monitoring Officer or one of her designated deputies. This is to ensure that contact remains within the bounds of professional relationships. If however direct contact is made through the IP and issues other than procedural issues of the complaint are discussed then the IP will be excluded from being involved in the determination of that particular complaint and the Reserve IP will be substituted

In addition the IP

- Should not discuss matters with the press or public.
- Should not form a final opinion on a matter to be determined until the final stage when their opinion on the investigation and its outcomes is presented; until that stage their role is to advise and assist parties.
- Is subject to the Code of Conduct for Members whilst undertaking their role in this process, which imposes a duty of Equality, fairness, objectivity and open mindedness.
- Should ensure that any advice given to one party is shared with all to ensure that any Member Conduct Review is conducted in a manner

compliant with the rules of natural justice and transparency in its process. The exception to this is where in the opinion of the IP the advice is specific to one party's circumstances. In that case the IP has the discretion not to share the advice with others.

- Should comply with the all relevant Council policies particularly Confidentiality and Data protection.

Procedural Matters

The First Stage

The first stage of an allegation of breach of Member conduct is the receipt of the complaint.

On receiving the complaint the Monitoring Officer or one of her Deputies (the 'reviewing officer') will inform the IP of the complaint, send him/her copies of the documentation and, within a reasonable timescale will, in conjunction with the IP, take a view as to the severity of the allegation/s and its suitability for informal resolution.

If the complaint identifies criminal conduct, including failure to declare a disclosable pecuniary interest, (DPI) the Monitoring Officer or one of her deputies, will consult the IP before referring the matter to the police.

Where the matter is suitable for informal resolution, the complainant and the subject member will be asked to meet with the reviewing officer. The MO/Reviewing Officer has the discretion to invite the IP to attend this meeting. This will normally be at separate sessions but, in the case where the complainant is another Member, the reviewing officer has the discretion to conduct this meeting with both the complainant and the subject member present at the same time. The reviewing officer will then consult the IP (if they were not present at the meeting) to discuss the outcome of the meeting and whether or not informal resolution is still possible. It is for the reviewing officer and the IP to agree how

they will consult; be it e-mail, telephone or face to face contact. The MO will take notes of the meeting and a copy passed to those attending. The IP will also be given a copy if they were not present at the meeting. To ensure that the IP is kept fully informed the Reviewing Officer will also provide the IP with copies of any attendance notes of telephone and/or e-mail contact with any party/ies to the complaint.

If the complaint is deemed too frivolous or without merit, the reviewing officer will make this recommendation to the IP. If the IP agrees the matter will not be progressed the Reviewing officer will notify all parties in writing.

If informal resolution is not appropriate the Reviewing Officer will conduct a fact finding exercise to satisfy himself that;

- a) the complaint is against a Member of the Authority,
- b) the Member was acting in that capacity and,
- c) The complaint if proven would amount to a breach of the Code of Conduct.

On collating that information the reviewing officer may discuss the complaint with the IP. The reviewing officer (if not the Monitoring Officer) will then prepare a short report for the Monitoring officer who will decide if the complaint merits a full investigation. The IP will also be given a copy of the report. They may provide comments to the Monitoring officer but must do so if they disagree with the Reviewing Officer's recommendation(s). The Monitoring Officer will then decide whether an investigation is necessary.

The Second Stage

Once the matter has proceeded to investigation the IP may again be consulted by the Monitoring Officer if the investigation report concludes that there is evidence of a failure to comply with the Code of Conduct and it is considered that the matter can be dealt with by local resolution rather than the need for a

hearing. In this case the procedure for informal resolution will be the same as above.

The Third Stage

If a local hearing is to take place advice will be sought from the IP by the Hearing Panel where;

- a. The Panel are minded to conclude that the Member did not fail to comply with the Code of Conduct.
- b. The Panel are minded to conclude that the Member did breach the Code of Conduct, and
- c. In b above any action to be taken as a result of that breach.

Taunton Deane Borough Council

Standards Committee – 9 July 2013

Openness and Transparency on Personal Interests - Government Guidance

Report of the Legal and Democratic Services Manager

(This matter is the responsibility of the Leader of the Council)

1. Executive summary

The Localism Act 2011 made fundamental changes to the system of regulation of conduct for elected and co-opted Members.

In July 2012 the Council resolved to approve measures to enable the Council to implement those provisions of the Act relating to the new standards regime. These included approval of a new Code of Conduct and Arrangements for dealing with complaints against Members.

This new Code of Conduct included a redefinition of Councillors' interests and included the new Disclosable Pecuniary Interests (DPIs). DPIs have been defined in Regulations.

In October 2012 and March 2013 the Department for Communities and Local Government (DCLG) published two sets of guidance both entitled 'Openness and transparency on personal interests : A guide for Councillors'. These are intended to assist all Councillors by providing basic practical information about how to be open and transparent about their personal interests.

2. Background

- 2.1 Chapter 7 of the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 contain the national rules regulating the new standards arrangements for the registration and disclosure of Councillors' interests.
- 2.2 The rules introduced the Disclosable Pecuniary Interests.
- 2.3 These were a new class of interests and understandably questions have been received from Councillors in the District, Parish and Town Councils relating to the practical implementation of these rules. This has been the case throughout the country.
- 2.4 DCLG have recently published guidance to assist all councillors in this situation.
- 2.5 The guidance is in plain English and aims to address the most common questions. It is therefore a good aide memoire for all Councillors.

- 2.6 Whilst the guidance is a good aide memoire for all Councillors it also reinforces the advice already provided by the Monitoring Officer.

3. Finance comments

- 3.1 The resource associated with this matter must be delivered within existing budgets to discharge statutory duties. However, the impact of the new ethical standards regime, the emerging statutory framework for local government and the need to redirect resources to draft specific guidance to ensure Members' compliance with these changes may have an impact on delivery of other corporate priorities.

4. Legal comments

- 4.1 The legal implications are set out in this report.

5. Links to Corporate Aims

- 5.1 There are no specific links to the corporate aims.

6. Environmental and Community Safety Implications

- 6.1 There are no implications for the environment or community safety.

7. Equalities impact

- 7.1 An impact assessment is not required in respect of this report.

8. Risk Management

- 8.1 The impact of the new ethical standards regime, the emerging statutory framework for local government and the need to produce appropriate guidance for Members' clarification may have an impact on delivery of other corporate priorities.

9. Recommendations

- 9.1 Members are recommended to note the guidance attached in Appendix 1.

Contact

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Department for
Communities and
Local Government

Openness and transparency on personal interests

A guide for councillors

March 2013

Department for Communities and Local Government

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The Guide

This guide on personal interests gives basic practical information about how to be open and transparent about your personal interests. It is designed to help councillors, including parish councillors, now that new standards arrangements have been introduced by the Localism Act 2011¹.

Why are there new rules?

Parliament has abolished the Standards Board regime and all the rules under it. It has done this because that centrally-imposed, bureaucratic regime had become a vehicle for petty, malicious and politically-motivated complaints against councillors. Rather than creating a culture of trust and openness between councillors and those they represent, it was damaging, without justification, the public's confidence in local democratic governance.

The new standards arrangements that Parliament has put in place mean that it is largely for councils themselves to decide their own local rules. It is essential that there is confidence that councillors everywhere are putting the public interest first and are not benefiting their own financial affairs from being a councillor. Accordingly, within the new standards arrangements there are national rules about councillors' interests.²

Such rules, in one form or another, have existed for decades. The new rules are similar to the rules that were in place prior to the Standards Board regime. Those rules, originating in the Local Government Act 1972 and the Local Government and Housing Act 1989, involved local authority members registering their pecuniary interests in a publicly available register, and disclosing their interests and withdrawing from meetings in certain circumstances. Failure to comply with those rules was in certain circumstances a criminal offence, as is failure to comply in certain circumstances with the new rules.

Does this affect me?

Yes, if you are an elected, co-opted, or appointed member of:

- a district, unitary, metropolitan, county or London borough council
- a parish or town council
- a fire and rescue authority
- a transport or other joint authority
- a combined authority or an economic prosperity board
- the London Fire and Emergency Planning Authority

¹ The Guide should not be taken as providing any definitive interpretation of the statutory requirements; those wishing to address such issues should seek their own legal advice.

² The national rules are in Chapter 7 of the Localism Act 2011 and in the secondary legislation made under the Act, particularly in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (S.I. 2012/1464).

- the Broads Authority
- a National Park authority
- the Greater London Authority
- the Common Council of the City of London
- the Council of the Isles of Scilly

How will there be openness and transparency about my personal interests?

The national rules require your council or authority to adopt a code of conduct for its members and to have a register of members' interests.

The national rules require your council's code of conduct to comply with the Seven Principles of Public Life, and to set out how, in conformity with the rules, you will have to disclose and register your pecuniary and your other interests. Within these rules it is for your council to decide what its code of conduct says. An illustrative text for such a code is available on the Department's web site.³

Your council's or authority's monitoring officer (or in the case of a parish council the monitoring officer of the district or borough council) must establish and maintain your council's register of members' interests. Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members' interests.

What personal interests should be entered in my council's or authority's register of members' interests?

Disclosable pecuniary interests, and any other of your personal interests which your council or authority, in particular through its code of conduct, has determined should be registered.

Any other of your personal interests which you have asked the monitoring officer, who is responsible for your council's or authority's register of members' interests, to enter in the register.

What must I do about registering my personal interests?

Under your council's code of conduct you must act in conformity with the Seven Principles of Public Life. One of these is the principle of integrity – that 'Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships.**'⁴

³ <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

⁴ <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>

Your registration of personal interests should be guided by this duty and you should give the monitoring officer who is responsible for your council's or authority's register of members' interests any information he or she requests in order to keep that register up to date and any other information which you consider should be entered in the register.

All sitting councillors need to register their declarable interests. Any suggestion that you should tell the monitoring officer about your pecuniary interests only in the immediate aftermath of your being elected is wholly incompatible with this duty, with which you must comply.

If you have a disclosable pecuniary interest which is not recorded in the register and which relates to any business that is or will be considered at a meeting where you are present, you must disclose⁵ this to the meeting and tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must tell the monitoring officer within 28 days of disclosing the interest. For this purpose a meeting includes any meeting of your council or authority, of its executive or any committee of the executive, and of any committee, sub-committee, joint committee or joint sub-committee of your authority.

If you have a disclosable pecuniary interest which is not shown in the register and relates to any business on which you are acting alone, you must, within 28 days of becoming aware of this, tell the monitoring officer about it, if you have not already done so, so that it can be added to the register. You must also stop dealing with the matter as soon as you become aware of having a disclosable pecuniary interest relating to the business.

When you are first elected, co-opted, or appointed a member to your council or authority, you must, within 28 days of becoming a member, tell the monitoring officer who is responsible for your council's or authority's register of members' interests about your disclosable pecuniary interests. If you are re-elected, re-co-opted, or reappointed a member, you need to tell the monitoring officer about only those disclosable pecuniary interests that are not already recorded in the register.

What are pecuniary interests?

A person's pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property).

⁵ If the interest is a sensitive interest you should disclose merely the fact that you have such a disclosable pecuniary interest, rather than the interest. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

Do I have any disclosable pecuniary interests?

You have a disclosable pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest listed in the national rules (see annex). Interests or your spouse or civil partner, following the approach of the rules under the 1972 and 1989 Acts, are included to ensure that the public can have confidence that councillors are putting the public interest first and not benefiting the financial affairs of themselves or their spouse or civil partner from which the councillor would stand to gain. For this purpose your spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Does my spouse's or civil partner's name need to appear on the register of interests?

No. For the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is **your** disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.

Does my signature need to be published online? Won't this put me at risk of identity theft?

There is no legal requirement for the personal signatures of councillors to be published online.

Who can see the register of members' interests?

Except for parish councils, a council's or authority's register of members' interests must be available for inspection in the local area, and must be published on the council's or authority's website.

For parish councils, the monitoring officer who is responsible for the council's register of members' interests must arrange for the parish council's register of members' interests to be available for inspection in the district or borough, and must be published on the district or borough council's website.

Where the parish council has its own website, its register of members' interests must also be published on that website.

This is in line with the Government's policies of transparency and accountability, ensuring that the public have ready access to publicly available information.

Is there any scope for withholding information on the published register?

Copies of the register of members' interests which are available for inspection or published must not include details of a member's sensitive interest, other than stating that the member has an interest the details of which are withheld. A sensitive interest is one which the member and the monitoring officer, who is responsible for the register of members' interests, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

When is information about my interests removed from my council's register of members' interests?

If you cease to have an interest, that interest can be removed from the register. If you cease to be a member of the authority, all of your interests can be removed from the register.

What does having a disclosable pecuniary interest stop me doing?

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

In certain circumstances you can request a dispensation from these prohibitions.

Where these prohibitions apply, do I also have to leave the room?

Where your council's or authority's standing orders require this, you must leave the room. Even where there are no such standing orders, you must leave the room if you consider your continued presence is incompatible with your council's code of conduct or the Seven Principles of Public Life.

Do I need a dispensation to take part in the business of setting council tax or a precept?

Any payment of, or liability to pay, council tax does not create a disclosable pecuniary interest as defined in the national rules; hence being a council tax payer does not mean that you need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support.

If you are a homeowner or tenant in the area of your council you will have registered, in accordance with the national rules, that beneficial interest in land. However, this disclosable pecuniary interest is not a disclosable pecuniary interest in the matter of setting the council tax or precept since decisions on the council tax or precept do not materially affect your interest in the land. For example, it does not materially affect the value of your home, your prospects of selling that home, or how you might use or enjoy that land.

Accordingly, you will not need a dispensation to take part in the business of setting the council tax or precept or local arrangements for council tax support, which is in any event a decision affecting the generality of the public in the area of your council, rather than you as an individual.

When and how can I apply for a dispensation?

The rules allow your council or authority in certain circumstances to grant a dispensation to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. These circumstances are where the council or authority considers that:

- without the dispensation so great a proportion of the council or authority would be prohibited from participating in that business as to impede the council's or authority's transaction of that business,
- without the dispensation the representation of different political groups dealing with that business would be so upset as to alter the likely outcome of any vote,
- the granting of the dispensation is in the interests of people living in the council's or authority's area,
- without the dispensation each member of the council's executive would be prohibited from participating in the business, or
- it is otherwise appropriate to grant a dispensation.

If you would like your council or authority to grant you a dispensation, you must make a written request to the officer responsible for handling such requests in the case of your council or authority.

What happens if I don't follow the rules on disclosable pecuniary interests?

It is a criminal offence if, without a reasonable excuse, you fail to tell the monitoring officer about your disclosable pecuniary interests, either for inclusion on the register if you are a newly elected, co-opted or appointed member, or to update the register if you are re-elected or re-appointed, or when you become aware of a disclosable pecuniary interest which is not recorded in the register but which relates to any matter;

- that will be or is being considered at a meeting where you are present, or
- on which you are acting alone.

It is also a criminal offence to knowingly or recklessly provide false or misleading information, or to participate in the business of your authority where that business involves a disclosable pecuniary interest. It is also a criminal offence to continue working on a matter which can be discharged by a single member and in which you have a disclosable pecuniary interest.

If you are found guilty of such a criminal offence, you can be fined up to £5,000 and disqualified from holding office as a councillor for up to five years.

Where can I look at the national rules on pecuniary interests?

The national rules about pecuniary interests are set out in Chapter 7 of the Localism Act 2011, which is available on the internet here:

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/chapter/7/enacted>

and in the secondary legislation made under the Act, in particular The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 which can be found here:

<http://www.legislation.gov.uk/uksi/2012/1464/contents/made>

Annex A

Description of Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. The relevant period is the 12 months ending on the day when you tell the monitoring officer about your disclosable pecuniary interests following your election or re-election, or when you became aware you had a disclosable pecuniary interest relating to a matter on which you were acting alone.
- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
 - under which goods or services are to be provided or works are to be executed; and
 - which has not been fully discharged.
- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
 - the landlord is your council or authority; and
 - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –
 - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
 - (b) either –
 - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

DISPENSATION REQUEST

Name of Councillor	
Nature and description of interest for which dispensation sought:	
Period for which dispensation is sought. NOTE: This may be for a maximum period of 4 years. Where a dispensation is sought for a particular meeting, please specify date of meeting Grounds on which the dispensation is sought.	
Please refer to grounds referred to in guidance. Please also provide supporting reasons as to why you consider the dispensation request should be granted. Are you seeking a dispensation to speak and vote on the particular matter? Are you seeking a dispensation to speak only on the particular matter	

Guidance on Dispensation Requests

A dispensation can be granted on the following grounds to enable a member to speak and/or vote where they would otherwise have a disclosable pecuniary interest: -

1. That so many members of the Council have disclosable pecuniary interests in a matter that it would impede the transaction of the business (i.e. it would otherwise be inquorate)
2. That without the dispensation, the representation of different political groups on the Council would be so upset as to alter the outcome of any vote on the matter.
3. That the Council considers that the dispensation is in the interests of persons living in the Council's area.
4. That without a dispensation no member of the Executive would be able to participate on the matter
5. That the Council considers that it is otherwise appropriate to grant a dispensation.

Generally it is the Standards Committee who will decide whether to grant a request for a dispensation. However, the Monitoring Officer has been granted delegated authority to grant a dispensation in the circumstances set out in 1,3 and 4 above.

It should be noted that the Monitoring Officer can only grant a dispensation in limited circumstances if it is for the reason set out in 3 above. In this case, the Monitoring Officer will only be able grant a dispensation for a member to be able to make a statement, give evidence or answer questions on a matter that he/she would otherwise have an interest. Should the member wish to also vote on a matter in these circumstances then the application must be made to the Standards Committee.

It is advisable to submit a dispensation request well in advance of the date of the meeting for which the dispensation is sought. If the dispensation request is to be made to the Standards Committee, it should be submitted not less than **10 clear days** prior to the date of the meeting to which the dispensation request relates.

Should the member wish to make the application to the Monitoring Officer then this should be made as soon as possible but preferably by giving **5 days** notice prior to the meeting.

The Council's Standards Committee has agreed the following criteria in determining whether to grant dispensation requests:-

1. Whether the nature of the member's interest is such that to allow them to participate would not damage public confidence in the conduct of the authorities business
2. Whether the interest is common to the member and a significant proportion of the general public; if this is the case a dispensation is more likely to be granted.
3. Is the participation of the member in the business that the interest relates to justified by a member's particular role or expertise?
4. Whether the interest is trivial or remote; if this is the case a dispensation is more likely to be granted.

A dispensation request must be made to the Monitoring Officer in writing or by email addressed to Tonya Meers, Monitoring Officer, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton, TA1 1HA or email to t.meers@tauntondeane.gov.uk

Bias and Predetermination

You should note that there may be circumstances where you do not have a disclosable pecuniary interest but it would be inappropriate for you to speak and vote on any matter by reason that you may be biased if you were to do so – for example speaking and voting on a planning application relating to a close member of your family other than your spouse or partner. A dispensation cannot be granted in such circumstances to enable you to speak and vote.

Moreover it is extremely unlikely that a dispensation will be granted in respect of a disclosable pecuniary interest where circumstances of bias or predetermination may arise. For further information and clarification please contact the Monitoring Officer.

Standards Committee – 9 July 2013

Minutes of a meeting of the Standards Committee held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on Tuesday, 9 July 2013 at 2.30 p.m.

Present: Councillors Mrs Allgrove, Gaines, A Wedderkopp and Wren
Michael Marshall and Bryn Wilson (Parish Council Representatives)
Terry Bowditch and Anne Elder (Co-opted members of the Committee)

Officers: Tonya Meers (Monitoring Officer), Roy Pinney (Legal Services Manager) and Richard Bryant (Democratic Services Manager and Corporate Support Lead)

Also present: Lynn Rogers

18. Appointment of Chairman

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

19. Welcome

The Chairman welcomed the Council's new Legal Services Manager, Roy Pinney, to his first meeting of Taunton Deane's Standards Committee.

20. Apologies

Councillor Tooze, Louise Somerville-Williams (Independent Person) and Adrian Cox (Co-opted member of the Committee).

21. Minutes

The minutes of the previous meeting of the Committee held on 19 March 2013 were taken as read and were signed.

22. Public Question Time

Mr Lynn Rogers asked if he could be provided with details of the cost of the Standards Committee, including the support staff, for the past two financial years.

The Chairman replied that this information would be compiled and sent to Mr Rogers.

23. Declaration of Interests

Councillor Wren declared a personal interest as Clerk to Milverton Parish

Council. Councillor Mrs Allgrove declared a personal interest as Vice-Chairman of the Somerset Association of Local Councils. Councillor A Wedderkopp declared personal interests as a Member of Somerset County Council and 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.

24. Independent Persons' Protocol under the Standards Regime

Considered report previously circulated, concerning the proposed introduction of an Independent Persons' Protocol.

Under the Localism Act 2011 the Council was required to appoint an Independent Person to be consulted at various stages during Member conduct reviews. The arrangements for dealing with complaints under the revised Standards Regime had been approved by Full Council in July 2012.

Louise Somerville-Williams was currently the Council's Independent person.

A complainant might contact the Independent Person during the course of a matter to seek advice and support. The protocol, a copy of which was attached as an appendix to the report, sought:-

- (a) To prevent that contact from involving the Independent Person to the extent that it affected their independence and impartiality to the point where their role was not crucial;
- (b) To clarify the duties and responsibilities of the Independent Person, and
- (c) To clarify the procedural aspects of how liaison between the Independent Person and the Reviewing Officer should be conducted during:-
 - the First Stage which was the allegation of a breach of Member conduct by way of receipt of a complaint;
 - the Second Stage which began once the matter had proceeded to investigation; and
 - the Third Stage, where a local hearing had been arranged into the complaint.

Members noted that if the Independent Person was ever 'conflicted out' of an investigation into a complaint, the Council's Reserve Independent Member (Laura Williams) would be called upon to intervene.

Resolved that the Independent Persons' Protocol be approved.

25. Openness and Transparency on Personal Interests – Government Guidance

Considered report previously circulated, concerning Government Guidance that had recently been issued in respect of Personal Interests.

The Localism Act 2011 had made fundamental changes to the system of regulation of conduct for elected and co-opted Members.

In July 2012 the Council had resolved to approve measures to enable the Council to implement those provisions of the Act relating to the new Standards Regime. These included approval of a new Code of Conduct and arrangements for dealing with complaints against Members.

This new Code of Conduct included a redefinition of Councillors' interests and included the new Disclosable Pecuniary Interests (DPIs). Understandably, the Government had received questions from Councillors in the District, Parish and Town Councils relating to the practical implementation of these rules.

As a result, the Department for Communities and Local Government (DCLG) had published two sets of guidance both entitled 'Openness and transparency on personal interests : A guide for Councillors'.

These were intended to assist all Councillors by providing basic practical information about how to be open and transparent about their personal interests.

Whilst the guidance was a good aide memoire for all Councillors, it also reinforced the advice already provided by the Monitoring Officer.

By way of an example of the type of query that could often arise in connection with interests the Monitoring Officer, Tonya Meers, reported the receipt of the following enquiry from Mr David Orr:-

"If Taunton Deane awarded a contract and subsequently the prime contractor let work to a sub-contractor, where a Councillor had an interest, did the Councillor have to declare that as an interest or DPI or similar?

If so, which regulation, rule, law or code of conduct applied? Did the Councillor report it when it occurred? If not, when did they report it? To whom did they report it? Was that published or reported publicly? Which Taunton Deane Committee had oversight?"

In response, the Committee was of the view that the Council's current processes were sufficient to deal with the issue of Members who might have sub-contracts on Council contracts. In arriving at this 'decision' the following reasons were given:-

- It was noted that all Members received training regarding their responsibilities in declaring interests;
- It was the responsibility of individual Councillors to ensure that they declared their interests and they had to live with the consequences if they did not;

- The Council's Code of Conduct went over and above the Government's guidance as they also had to declare personal and prejudicial interests to ensure all interests were declared;
- The proposal was not always workable due to the sometimes short nature of sub-contracts;
- Members fed back to their Groups on standards issues therefore standards and ethical governance was high on Members' agenda; and
- The Standards Committee oversaw the issue relating to interests.

Resolved that:-

- (1) The report be noted; and
- (2) The views of the Committee in response to the queries raised by Mr David Orr, be submitted in writing to him.

26. Dispensation Process

Reference Minute No. 6/2013, Mrs Meers submitted for consideration a revised version of the form to be used by Members to apply for a dispensation.

Whilst it was acknowledged that this latest version was better than the original, various further changes were sought including:-

- The name of the Council to head page 1 of the request form;
- The layout of page 1 to be altered so that the space allowed for Councillors to respond to the various points was increased;
- The form to include a space for the signature of the Councillor applying for a dispensation and the date of the request;
- To ensure there was no ambiguity, to include 'tick boxes' to allow the Councillor making a request to indicate whether they required the dispensation to allow them just to speak or to speak and vote;
- Point 4 of the accompanying guidance to be amended to read 'the Executive/decision making group';
- The word 'otherwise' to be removed from Point 5 of the accompanying guidance; and
- Where a Member wished to be granted a dispensation which enabled him/her to vote, such a request should be made to a Sub-Committee of the Standards Committee – which could be called together relatively quickly – rather than to the Committee itself.

The Committee agreed that the Dispensation Request Form should be amended to reflect the above suggestions.

The Chairman requested that the decision whether to grant the dispensation or not should be recorded on the request form for the sake of openness.

27. Complaints received under the new Standards Regime

Mrs Meers reported that only one complaint had been received by the Council since the introduction of the new Standards regime.

In comparison, Mendip District Council had received 27 complaints (10 from one Parish Council), South Somerset 10 complaints and West Somerset six complaints. All had been dealt with by the respective Monitoring Officers without the need to refer any of the complaints for investigation.

Sedgemoor District Council had, so far, not received any complaints.

Resolved that the report be noted.

28. Date of next meeting

The next meeting would be held on Tuesday, 10 September 2013 at 2.30 p.m. in the John Meikle Room at The Deane House.

(The meeting ended at 3.43 p.m.)