

**Minutes of the Meeting of the Standards Committee**  
**held on 8 February 2011 in the Council Chamber, Williton**

**Present:**

Mr T Evans ..... Chairman

Mr I Gunn  
Councillor H J W Davies  
Councillor J A Walker

Councillor J Davis  
Councillor J Sawyer  
Councillor D J Westcott

**Officers in Attendance:**

Monitoring Officer (Bruce Lang)  
Legal Advisor (Roy Pinney)

Meeting Administrator (Elisa Day)  
Legal Advisor (Ann Higgins)

**S34 Apologies for Absence**

Apologies were received from Mr M Parslow and Councillor S O de Renzy-Martin.

**S35 Minutes**

Minutes of the meeting held on 12 October 2010 – circulated with the agenda.

**RESOLVED** that the Minutes of the meeting held on 12 October 2010 be confirmed as a correct record.

**S36 Declarations of Interest**

Members present at the meeting declared the following personal interests in their capacity as a Member of a County, Parish or Town Council:

Name	Minute No	Description of Interest	Personal or Prejudicial	Action Taken
Cllr J A Walker	All items	Minehead	Personal	Spoke and voted
Cllr D J Westcott	All items	Watchet	Personal	Spoke and voted

In addition Councillor H J W Davies and Mr I Gunn declared personal interests in Items 11, 12, 13 and 14, Local Investigation – Reference WSLA 14. 15. 16 and 17 as the Solicitor referred to in the related correspondence was an acquaintance.

**S37 Public Participation**

The Chairman confirmed that no member of the public had requested to speak on any agenda items.

**S38 Meeting between Standards Committee and Council**

The Chairman advised that the main item discussed at the meeting was the Localism Bill and the future of the Standards Framework and this would be discussed in detail in the next item on the agenda.

**RESOLVED** that the report be noted.

### **S39    The Future of Standards for England and the Standards Framework**

The Committee considered Report No. WSC 10/11 prepared by the Chairman of the Committee and the Monitoring Officer.

The Monitoring Officer advised the Committee of the position as set out in the Localism Bill relating to the abolition of the current Standards regime and that the main elements proposed were as follows:

- The abolition of Standards for England (formally Standards Board).
- The revocation of the requirement for Local Authorities to have a Standards Committee.
- The revocation of the requirement to have a Code of Conduct for Councillors.
- A duty on the relevant authority to ensure that Members and co-opted Members maintain high standards of conduct.
- Provision for a relevant authority to have the option to adopt a voluntary Code of Conduct and should an allegation of a breach of such a code be made in writing that authority must take a decision on whether or not to investigate the allegation.
- The requirement for the establishment and maintenance of a Register of Members and co-opted Members interests.
- Making it a criminal offence for a Member to fail, without reasonable excuse, to comply with the obligations to register or declare personal interests.
- The setting out of transitional arrangements following the abolition of the Standards regime – the latest indications are that the ‘appointed day’ may be around 1<sup>st</sup> April, 2012, with 2 months to resolve any outstanding complaints, with no appeals allowed and the power of suspension being withdrawn with immediate effect.

The Chairman advised that it was clear that the Code of Conduct was going to go and the Committee should respond to that. He also advised that the Committee and the way it operates would also have to change should it continue under any new regime.

The Committee considered the report and raised the following points:

- With no Code of Conduct, behaviour could deteriorate and Members could take advantage of the situation.
- A voluntary Code is only worth having if it can be enforced.
- Having some voluntary Code (accepting all the imperfections in that) is better than having no Code at all.

- Questionnaire responses from Town/Parish Councils were generally positive about the current working arrangements of the Standards Committee.
- The Leader of the Council felt it would be best to have a voluntary Code of Conduct and a Standards Committee with independent members serving on it.
- Savings could be made if it was decided not to adopt a voluntary Code of Conduct.

The Monitoring Officer reminded the Committee of the questions raised by the Monitoring Officer of the Somerset County Council, namely:

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

**RESOLVED (1)** that the Committee note the position as set out in the Localism Bill relating to the abolition of the current Standards regime.

**RESOLVED (2)** that the West Somerset Council be advised that, whilst the Standards Committee would have preferred the Code of Conduct to have remained mandatory, it would recommend that the Council considers agreeing to the principle of adopting a voluntary Code of Conduct following the abolition of the current Standards regime to be supported by the retention of a Standard Committee with a composition including Independent and Parish/Town Council representatives as well as District Council Members.

**RESOLVED (3)** that, in the event of the West Somerset Council agreeing to support the principles set out in Resolution 2 above, that work be undertaken in liaison with other Standards Committees in Somerset to develop draft voluntary Code of Conduct and any associated processes to promote and maintain high standards of behaviour of elected Members.

**RESOLVED (4)** that, in the event of the Council agreeing to the principles set out in Resolution 2 above, the Standards Committee will arrange to canvass Parish and Town Councils in West Somerset to see whether they would be interested in receiving ongoing support from the Committee on Standards and exploring possible ways in which this could be achieved.

**RESOLVED (5)** that, in response to the questions raised, the Monitoring Officer for the Somerset County Council be advised:

1. That the Standards Committee had recommended that West Somerset Council should consider adopting a voluntary Code of Conduct;

2. In the event of West Somerset Council agreeing to the principle set out in 1. above then the West Somerset Standards Committee would be willing to work with other Standards Committees in the County to develop a voluntary Code and any associated processes; and
3. that at this stage the Committee considered that it was too early to seriously consider the possibility of constituting one joint voluntary Standards Committee for the whole of Somerset.

**S40 Exclusion of the Press and Public**

**RESOLVED** that the press and public be excluded from the meeting during consideration of Items S41, S42, S43 and S44 on the grounds that, if the press and public were present during those items, there would be likely to be a disclosure to them of exempt information of the class specified in Paragraph 7C of Schedule 12A of the Local Government Act 1972 as amended.

The deliberations of a Standards Committee or a Sub Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of the Act should be considered under the exclusion of the press and public.

**S41 Local Investigation – Reference WSLA14**

(Report No. WSC 23/11, circulated with the Agenda).

The purpose of the report was to consider the outcome of a local investigation following the decision of the Referral Panel held on 26 August 2010.

The Legal Advisor explained her findings to the Committee and confirmed that in her opinion there had been a breach of the Code of Conduct.

The Monitoring Officer advised the Committee of the process to be followed.

**RESOLVED** that a Hearing should be held to consider the finding that there had been a breach of paragraphs 3(1) and 5 of the Code of Conduct and the Chairman and Monitoring Officer be requested to confirm the detailed arrangements including agreeing the membership of the Hearing Panel.

**S42 Local Investigation – Reference WSLA15**

(Report No. WSC 24/11, circulated with the Agenda).

The purpose of the report was to consider the outcome of a local investigation following the decision of the Referral Panel held on 26 August 2010.

The Legal Advisor explained her findings to the Committee and confirmed that in her opinion there had been a breach of the Code of Conduct.

The Monitoring Officer advised the Committee of the process to be followed.

**RESOLVED** that a Hearing should be held to consider the finding that there had been a breach of paragraphs 3(1) and 5 of the Code of Conduct and the Chairman and Monitoring Officer be requested to confirm the detailed arrangements including agreeing the membership of the Hearing Panel.

**S43 Local Investigation – Reference WSLA16**

(Report No. WSC 25/11, circulated with the Agenda).

The purpose of the report was to consider the outcome of a local investigation following the decision of the Referral Panel held on 26 August 2010.

The Legal Advisor explained her findings to the Committee and confirmed that in her opinion there had been a breach of the Code of Conduct.

The Monitoring Officer advised the Committee of the process to be followed.

**RESOLVED** that a Hearing should be held to consider the finding that there had been a breach of paragraphs 3(1) and 5 of the Code of Conduct and the Chairman and Monitoring Officer be requested to confirm the detailed arrangements including agreeing the membership of the Hearing Panel.

**S44 Local Investigation – Reference WSLA17**

(Report No. WSC 26/11, circulated with the Agenda).

The purpose of the report was to consider the outcome of a local investigation following the decision of the Referral Panel held on 26 August 2010.

The Legal Advisor explained her findings to the Committee and confirmed that in her opinion there had been a breach of the Code of Conduct.

The Monitoring Officer advised the Committee of the process to be followed.

**RESOLVED** that a Hearing should be held to consider the finding that there had been a breach of paragraphs 3(1) and 5 of the Code of Conduct and the Chairman and Monitoring Officer be requested to confirm the detailed arrangements including agreeing the membership of the Hearing Panel.

**S45 Re-admittance of the Press and Public**

**RESOLVED** that the press and public be re-admitted to the meeting.

**S46 Monitoring Officers Update**

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting.

**RESOLVED** that the report be noted.

**S47    Standards Committee Workplan 2010/2011**

**RESOLVED** that, subject to inserting 'The Future of the Standards Regime' in April 2011, the workplan be approved.

**S48    Date of Next Meeting**

The next scheduled meeting of the Committee is to be held on Tuesday 12 April 2011 at 5.30 pm in the Council Chamber, Williton.

The meeting closed at 7.00 pm.