

**Minutes of the Meeting of the Standards Committee**  
**held on 13 March 2012 in the Council Chamber, Williton**

**Present:**

Mr T Evans ..... Chairman

Mr I Gunn  
Councillor J Davis  
Councillor D J Westcott

Councillor H J W Davies  
Councillor P Grierson

**Officers in Attendance:**

Monitoring Officer (Bruce Lang)

Meeting Administrator (Elisa Day)

**S39 Apologies for Absence**

An apology for absence was received from Councillor S O de Renzy-Martin.

**S40 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:

<b>Name</b>	<b>Minute No</b>	<b>Description of Interest</b>	<b>Personal or Prejudicial</b>	<b>Action Taken</b>
Cllr P Grierson	All items	Minehead	Personal	Spoke and voted
Cllr D J Westcott	All items	Watchet	Personal	Spoke and voted

**S41 Public Participation**

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

**S42 Minutes**

Minutes of the meeting held on 13 December 2011 – circulated with the agenda.

**RESOLVED** that the Minutes of the meeting held on 13 December 2011 be confirmed as a correct record.

**S43 Resignation of Committee Member**

The Monitoring Officer reported to the Committee on the resignation of Councillor J L Sawyer and advised that he had corresponded with John on behalf of the committee putting on record their appreciation of his work during his time as a member of the Committee.

**RESOLVED** that the report be received.

**S44    The Localism Act, 2011 – Preparing for the Implementation of the New Ethical Standards Regime**

(Report No. WSC 45/12, circulated with the Agenda)

The purpose of the report was for the Committee to consider making recommendations to the West Somerset Council to assist preparations for the implementation of the new ethical standards regime in the light of the Localism Act, 2011.

The Monitoring Officer advised the Committee on the following points:

- Although there was now a clearer idea on the new regime, there were still issues that needed clarifying and the expected implementation date that was being worked towards was 1<sup>st</sup> July, 2012.
- National guidance on the Code of Conduct was still awaited.
- A draft Code of Conduct cannot be completed until regulations are issued clarifying what constitutes a disclosable pecuniary interest
- At the moment the current Code remains in place until the new Code is agreed.
- Up until the new regime is enacted, people can still complain under the old regime.

Members felt it was important to ensure that Town and Parish Councils were kept informed of developments.

The Monitoring Officer advised that Peter Lacey from Somerset Association of Local Councils would be attending the Somerset Monitoring Officers Group in April and was currently meeting with Town and Parish Councils in Somerset to get their views.

He advised that Town and Parish Councils would have to adopt their own Code of Conduct but, if a complaint was made against a Town or Parish Councillor, it was the responsibility of the District Council to investigate that complaint. Town and Parish Councils would therefore be encouraged to adopt the same Code as the District.

After a detailed discussion it was considered that there would be merit to initially report on progress/proposed recommendations to the West Somerset Council's Corporate Policy Advisory Group in April to assist the wider membership of the Council to be aware of the issues and timetable before being asked to make formal decisions on the way forward at the meetings of full Council to be held in May and June. It was also suggested to involve the Council's Lead Member for Executive Support and Democracy in leading on further discussions/consultations prior to formal consideration by full Council.

The Monitoring Officer confirmed that the detailed recommendations set out in the report had been based on a series of principles that had emerged from the very useful workshop that the Committee had held in February.

**RESOLVED (1)** that the Council should adopt the principle of basing any new Code of Conduct upon National Best Practice, on the basis that such a Code of Conduct should reflect the seven principles set out in the Localism Act, include provisions relating to disclosable pecuniary interests once the Government has issued the appropriate regulations and clarifies any additional requirements in regard to registration and disclosure of other interests; It being noted that, it is likely that any such new Code will take effect from 1 July 2012.

**RESOLVED (2)** that all Town and Parish Councils in West Somerset be encouraged to adopt the same Code of Conduct as referred to in Recommendation (1) above to aid consistency and clarity for elected Members and the public and to assist the potential for close working with Parish and Town Councils.

**RESOLVED (3)** that the Council establish with effect from 1 July 2012 an Advisory Standards Committee based on the current composition of three District Councillors, three Town/Parish Councillors and three Independent members so that all members have equal voting rights to maintain the independence and objectivity of the Committee; it being noted that the three District Council representatives will need to be politically balanced to meet the requirements of the Localism Act, 2011.

**RESOLVED (4)** that in order to assist with the smooth transition to the new ethical standards regime, the Council be recommended to, for at least the first twelve months, retain the current three District Councillors (subject to the political proportionality requirements being met) and two serving Town/Parish Councillors and two serving Independent Members of the existing Standards Committee on to the new Advisory Standards Committee.

**RESOLVED (5)** that terms of reference for the proposed Advisory Standards Committee be prepared for consideration by the Council for implementation on 1 July 2012; such terms of reference to broadly reflect the issues covered by the current Standards Committee including the promotion and undertaking of training and retaining the protocol of being Chaired by an Independent member.

**RESOLVED (6)** that subject to the adoption of the above recommendations, arrangements be put in place to recruit the necessary vacancies in respect of Town/Parish and Independent Members of the proposed Advisory Standards Committee in time for the predicted commencement date of 1 July 2012.

**RESOLVED (7)** that arrangements be put in place to advertise a vacancy for the appointment of one Independent Person as defined in the Localism Act, 2011 to be ready to serve with effect from 1 July 2012 and to explore the possibility of working with the Local Authorities in Somerset to utilise appointed Independent Persons from across the county to act as a reserve in West Somerset cases should that prove necessary; such arrangement to include putting forward proposals for remuneration of the appointed Independent Person.

**RESOLVED (8)** that the Monitoring Officer, in consultation with the current Standards Committee prepare draft arrangements for dealing with complaints in regard to District, Town and Parish Councillors under the new regime for consideration for adoption by the Council to take effect from 1 July 2012; such arrangements to follow the basic principle that all complaints would be received by the Monitoring Officer and considered by the new Advisory Standards Committee who would make recommendations to the Council as appropriate.

**RESOLVED (9)** that the miscellaneous issues relating to the preparation of Registers of Interests, procedures for withdrawing from meetings for interests, sensitive interests and granting of dispensations are taken into account and incorporated in detailed procedures and processes being prepared in relation to the way forward.

**RESOLVED (10)** that the current Standards Committee should continue in its present form to operate until the implementation of the new regime on 1 July 2012 or any later date as determined by the Secretary of State and that in the meantime emerging proposals from the Committee be taken forward by the Council's Lead Member for Executive Support and Democracy who will lead on any necessary further discussions/consultations prior to formal consideration by full Council.

**RESOLVED (11)** that the above recommendations be reported to the April meeting of the Corporate Policy Advisory Group to be held on 17<sup>th</sup> April, 2012 as a first step in engaging the Council to prepare for formal decisions to be considered by full Council, probably at its meetings to be held in May and June 2012.

**RESOLVED (12)** that an item to update Town and Parish Councils on the current position on the proposed way forward being considered by the Standards Committee be included as soon as possible in 'Community Matters'.

#### **S45    Monitoring Officer's Update**

The Monitoring Officer submitted a progress report on activities undertaken since the last meeting and confirmed that he was still receiving requests for advice on a regular basis.

**RESOLVED** that the report be noted.

#### **S46    Date for Next Meeting**

It was confirmed that next meeting of the Committee was scheduled to commence at 4.30 pm on the 19 June 2012.

**RESOLVED** that the be report be noted

The meeting closed at 5.33pm