

**WEST SOMERSET STANDARDS COMMITTEE**

**ANNUAL REPORT**

**MAY 2009**

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## **Chairman's Foreword**

I have served as an Independent Member on the Standards Committee since May 2003, became Vice-Chairman of the Committee in 2005 and I was delighted to be elected as Chairman in July 2007.

Since that time there have been significant changes in what is expected of the Committee and particularly the introduction of the Local Assessment Scheme from May 2008. This has meant that any formal complaints about the conduct of local District, Town or Parish Councils in West Somerset are directly addressed to the Committee. This places great responsibility on myself and fellow members of the Committee which we do take seriously and recognise that we have to deal with sensitive issues and must be seen to act consistently and fairly to promote with ethical Standards in local government in West Somerset.

I hope that to date that the Committee has met the statutory obligations in a proper manner and that we intend to learn from our experience to gain the confidence of those who come into contact with the system.

During the year we have opened ourselves up to comparison with Standards Committees nationally by submitting a bid to the LGC Award for Standards and Ethics and although we were not short-listed we did receive recognition for the work undertaken by the Committee and received constructive feedback from which we can learn. The Committee also participated in a Good Governance Standard Diagnostic undertaken by the Audit Commission which proposed that the profile of the Standards Committee should be raised to increase its effectiveness through a more proactive work programme.

I am looking forward to leading the Committee in addressing this challenge over the next 12 months.

Roger Mitchell  
Chairman

## **1. Introduction**

In March 2001 the Standards Board for England was established to help build confidence in local democracy by promoting the ethical behaviour of elected and co-opted members who serve on a range of authorities.

The Standards Board agreed a model Code of Conduct which was approved by Parliament in November 2001. Every authority was required, by 5 May 2002, to adopt a Code of Conduct, setting out the rules governing the behaviour of its Members.

In West Somerset Council, as in all other principal local authorities, a Standards Committee was set up to assist Councils to implement the Code of Conduct effectively.

## **2. Who we are and what we do?**

The West Somerset Standards Committee is unique and deliberately quite different from the West Somerset Council's other mainstream committees.

The Committee does not take part in party politics and has always had an Independent Chairman. In this context Independent means independent of all politics and not a serving District, Town or Parish Councillor.

Two thirds of the membership consists of Independent and Parish and Town Councillors who give their time to the Committee for the benefit of West Somerset Council and all residents in the District.

The importance of the independence of the Committee cannot be stressed strongly enough as this is essential for there to be confidence in its activities in terms of acting consistently and objectively.

In terms of detailed composition, there are three independent Members (two of whom serve as Chairman and Vice-Chairman of the Committee) who are appointed for an initial term of four years and may reapply to serve one further term of four years.

There are three Parish or Town Councillors who are elected from their peers following the Parish and Town Council elections, they can serve for a maximum of two consecutive four-year periods. There are also three District Councillors from West Somerset who are appointed on an annual rolling basis at the annual general meeting of the Council with a request that where possible some continuity is maintained.

The current Members are listed in the attached Appendix A indicating their current potential terms of office.

The Local Government Act, 2000 established that the general functions of a Standards Committee were to:

Promote and maintain high standards of conduct by the Members and co-opted Members of the Authority; and assisting Member and co-opted Members of the Authority to observe the Authority's Code of Conduct.

In practice this involves:

- a. Advising authorities on the adoption or revision of the Code of Conduct.
- b. To monitor the operation of Code of Conduct
- c. To advise and train Members
- d. To provide guidance on ethical matters or probity issues
- e. To undertake actions/investigations as requested/required by the Standards Board.

These initial terms of reference have been added to as follows:

- f. Undertaking initial assessment of complaints with any subsequent appeals against proposed no action.
- g. Undertake any remedial action, investigations and subsequent hearings as a result of the initial assessment of complaints.
- h. To consider any requests for dispensation in respect of declarations of interest.
- i. To offer to or respond to a request to assist the District Council on any matters where an objective view would be helpful.

### **3. Specific Activities in 2008/09**

The main development during the past twelve months has been the introduction of the local assessment system which devolved all powers to local Standards Committees whereby the initial assessments of complaints relating to allegations to the breach of the Code of Conduct are referred directly to the local Standards Committee rather than the Standards Board for England.

In line with the legislation the committee agreed appropriate procedures and assessment criteria and application forms so that there was a clear and transparent process that could be followed. In addition training was provided for all Committee Members so that they understood the new process and could fully participate as soon as the system became live.

Full details of the current procedures are available on the West Somerset Council website.

During the twelve month period five formal complaints were received, four of which have been completed and a fifth is still ongoing. A table summarising the outcome of these complaints to date is attached as Appendix B to this report.

In terms of wider training, the Committee facilitated the provision of training to Parish and Town Councillors and Clerks regarding the new local assessment process and Code of Conduct generally which were facilitated by the Monitoring Officer and the Director of the Somerset Association of Local Councils. Three sessions were provided offered at different locations and times of day.

An important development has been the establishment of regular quarterly meetings between the Chair and Vice Chair of the Committee, the Monitoring Officer, the Leader and Executive Director of the Council to promote the ethical standards in local government in West Somerset. These meetings have proved very useful was in addition to providing vital dialogue between key individuals, they have resulted in specific actions including the Committee, in response to a request from the Council, helping with advice and training on the difficult issue of the potential disclosure of confidential information.

As part of the learning process, the Committee submitted an entry into the LGC Standards and Ethics awards section. Whilst the entry was not short-listed the Committee were praised for its efforts promoting good ethical standards and received helpful feedback in terms of considering more proactive and innovative ways to take forward its work in the future. This message was reinforced as part of a Good Governance Standard Diagnostic undertaken by the Audit Commission in 2008/09 which recommended to raise the profile and effectiveness of the Standards Committee through a more proactive work programme.

The Committee continues to work closely in partnership with its neighbouring Standards Committees, in Somerset through the Monitoring Officer regularly attending the Somerset Monitoring Officers Group and also in the joint facilitation of an Annual Training Day.

#### **4. Ambitions for 2009/10**

The main challenge for the Committee is to build on the solid base of the work undertaken on training and meeting its statutory obligations over the last two years including undertaking the new local assessment duty.

To date it is fair to say that the Committee has met its statutory duties but it would like to go further than that and as far as to raise its game and become more proactive.

The first step will be to develop a more innovative and wide ranging work programme and this will need to be done in a prioritised way taking account of the Annual Review of Local Standards Committees by the Standards Board for England and the Good Governance Diagnostic of West Somerset Council undertaken by the Audit Commission and with regard to the limited resources available.

This should not ignore ensuring that the basic requirements of facilitating training to Members and the proper handling of formal complaints is maintained and, where possible, improved through experience.

Learning from good practice of other local authorities will be key to this, two places have been reserved for the Committee to be fully represented at the Annual Assembly of Standards Committees to be held in October 2009 which is a useful source of hearing good practice.

There is still a willingness to work closely with other partners particularly with those Standards Committees in Somerset whilst recognising that ultimately that its success will depend on its own efforts.

So another vital twelve months lies ahead to ensure that the ethical agenda has a high profile in West Somerset as 'good ethics leads to good governance'!

If you would like any further information or have any questions regarding the contents of this annual report please do not hesitate to contact either the Chairman of the Committee at [mitchmail99@yahoo.co.uk](mailto:mitchmail99@yahoo.co.uk) or Bruce Lang the Monitoring Officer at [bdlang@westsomerset.gov.uk](mailto:bdlang@westsomerset.gov.uk) or on 01984 635200 or Wendy Bass the Deputy Monitoring Office at [wabass@westsomerset.gov.uk](mailto:wabass@westsomerset.gov.uk) or on 01984 635263. Useful information relating to the Standards Committee is also available on the West Somerset Council's website on [www.westsomersetonline.gov.uk](http://www.westsomersetonline.gov.uk)

## West Somerset Standards Committee Members

### Independent Members:

<b>Name</b>	<b>Date Appointed</b>	<b>End of 1<sup>st</sup> Term</b>	<b>End of Final Term</b>
Roger Mitchell	May 2003	May 2006	May 2010
Tim Evans*	August 2006	August 2010	August 2014
Malcolm Parslow*	February 2008	February 2012	February 2016

### Parish Councillors:

<b>Name</b>	<b>Date Appointed</b>	<b>End of 1<sup>st</sup> Term</b>	<b>End of Final Term</b>
John Davis**	May 2007	May 2011	May 2015
Sally de Renzy-Martin	March 2006	May 2007	May 2011
John Sawyer**	May 2007	May 2011	May 2015

### District Councillors:

<b>Name</b>	<b>Date Appointed</b>	<b>End of 1<sup>st</sup> Term</b>	<b>End of Final Term</b>
Hugh Davies	May 2009	Annual rolling basis subject to appointment at Annual meeting with a request to maintain continuity	
John Walker	May 2009		
David Westcott	May 2009		

\* Second Terms dependent on reapplying at end of first term.

\*\* Subject to applying for re-election and being re-elected.

## REFERRAL PANEL RECORD

## APPENDIX B

No.	Date	Panel & Date	Decision	Review Panel & Date	Decision	Completed
WSLA01	14.06.08	08.07.08 R Mitchell Cllr Davies Cllr Davis	No further action  No Appeal Rec'd	-	-	✓
WSLA02	12.08.08	09.09.08 M Parslow Cllr Davies Cllr de Renzy-Martin	Referred for investigation  No Breach of Code	-	-	✓
WSLA03	25.09.08	14.10.08 T Evans Cllr Westcott Cllr Sawyer	No further action  <b>18.11.08 - APPEAL RECEIVED</b>	10.02.09 R Mitchell Cllr Davies Cllr de Renzy-Martin		
WSLA04	25.09.08	14.10.08 T Evans Cllr Westcott Cllr Sawyer	No further action  <b>18.11.08 - APPEAL RECEIVED</b>	10.02.09 R Mitchell Cllr Davies Cllr de Renzy-Martin		
WSLA05	12.11.08	09.12.08 T Evans Cllr Freeman Cllr Sawyer	No further action  <b>08.01.09 - APPEAL RECEIVED</b>	10.02.09 R Mitchell Cllr Davies Cllr de Renzy-Martin		