

Standards Committee

Friday 17 March 2017

10.00 am Luttrell Room - County Hall,
Taunton



To: The Members of the Standards Committee

Cllr A Gloak (Chairman), Cllr A Dimmick, Cllr J Edney, Cllr D Loveridge, Vicky Chapman, Robin Horton, Janice Middleton, Tim Ward and Wesley Wooding

Issued By Julian Gale, Strategic Manager - Governance and Risk - 9 March 2017

For further information about the meeting, please contact Andrea Hussey on 01823 359041 or ahussey@somerset.gov.uk

Guidance about procedures at the meeting follows the printed agenda.

This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972.

This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers



RNID typetalk

AGENDA

Item Standards Committee - 10.00 am Friday, 17 March 2017

*** Public Guidance notes contained in agenda annexe ***

1 **Apologies for Absence**

2 **Declarations of Interest**

Details of all Members' interests in District, Town and Parish Councils will be displayed in the meeting room. The Statutory Register of Member's Interests can be inspected via the Community Governance team.

3 **Minutes from the previous meeting (Pages 5 - 8)**

The Committee is asked to confirm the minutes of the meeting held on 28 October 2016 are an accurate record.

4 **Public Question Time**

The Chairman will allow members of the public to ask a question or make a statement about any matter on the agenda for this meeting. **These questions may be taken during the meeting, when the relevant agenda item is considered, at the Chairman's discretion.**

5 **Report of the Monitoring Officer (Pages 9 - 62)**

To consider the report of the Monitoring Officer, covering the following items:

1. A review of the Council's Standards arrangements, as discussed initially at the last meeting of the Committee in October 2016.
2. Review of the recent Hearing Panel process
3. Conduct issues: Member induction and training proposals for the new Council.
4. Verbal update on complaints dealt with since the last meeting of the Committee.

6 **Any other urgent items of business**

The Chairman may raise any items of urgent business.

THE MEETING – GUIDANCE NOTES

IMPORTANT NOTE FOR MEMBERS OF THE PUBLIC

The Council in support of the principles of openness and transparency allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishes to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to Andrea Hussey, Community Governance Officer, County Hall, Taunton, Somerset, TA1 4DY 01823 359041 or email ahussey@somerset.gov.uk so that the Chairman of the meeting can inform those present.

We would ask that, as far as possible, members of the public aren't filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

The Council will be undertaking audio recording of some of its meetings as part of its investigation into a business case for the recording and potential webcasting of meetings in the future.

A copy of the Council's Recording of Meetings Protocol should be on display at the meeting for inspection, alternatively contact the Committee Administrator for the meeting in advance

1. Inspection of Papers

Any person wishing to inspect Minutes, reports, or the background papers for any item on the agenda should contact Andrea Hussey (contact details above).

2. Notes of the Meeting

Details of the issues discussed and decisions taken at the meeting will be set out in the Minutes, which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions taken can be obtained from Andrea Hussey (contact details as above)

3. **Public Question Time**

At the Chairman's invitation you may ask questions and/or make statements or comments, or send in a written question about **any matter on the Committee's agenda**. You may also present a petition on any matter within the Committee's remit. **The length of public question time will be no more than 30 minutes in total.**

A slot for Public Question Time is set aside near the beginning of the meeting, after the minutes of the previous meeting have been signed.

Any person wishing to raise a matter under public question time must inform the meeting administrator (Andrea Hussey – contact details as above) by 12 noon **the (working) day before** the meeting.

4. **Emergency Evacuation Procedure**

In the event of the fire alarm sounding, members of the public are requested to leave the building via the signposted emergency exit, and proceed to the collection area outside Shire Hall. Officers and Members will be on hand to assist.

5. **Members' Code of Conduct Requirements**

When considering the declaration of interests and their actions as a councillor, Members are reminded of the requirements of the Members' Code of Conduct and the underpinning Principles of Public Life: HONESTY; INTEGRITY; SELFLESSNESS; OBJECTIVITY; ACCOUNTABILITY; OPENNESS; LEADERSHIP. The Code of Conduct can be viewed at: <http://www.somerset.gov.uk/organisation/key-documents/the-councils-constitution/>

THE STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Friday,
28 October 2016 at 2.30 pm in the Luttrell Room, County Hall, Taunton.

PRESENT

Councillors:

Cllr A Dimmick
Cllr J Edney
Cllr A Gloak (Chairman)
Cllr D Loveridge

Officers:

H Clarke
J Gale
A Hussey

Co-opted Members (non-voting):

V Chapman
R Horton
J Middleton
W Wooding

Apologies:

T Ayre (Independent Person)
M Vacher (Reserve Independent Person)

Also present:

Cllr D Tanswell

1.	MINUTES – agenda item 2
	The Minutes of the meeting held on 8 February 2016 were confirmed as an accurate record and signed by the Chairman.
2.	DECLARATIONS OF INTEREST – agenda item 3
	No declarations of interests were made.
3.	PUBLIC QUESTION TIME – agenda item 4
	There were no questions from the public.
4.	REPORT OF THE MONITORING OFFICER: STANDARDS ARRANGEMENTS – agenda item 5
	<p>The Committee considered a report by the Monitoring Officer which set out options for future standards arrangements as part of a review of the Constitution following the 2017 County Council elections. He highlighted the following points:</p> <ul style="list-style-type: none"> • Although the government had indicated that it would review standards arrangements, there was no sign that this was likely to happen, despite representations from local authorities. The Council’s current arrangements were discretionary. • Officer capacity within the Council for Standards development work was limited and reducing;

	<ul style="list-style-type: none"> • The Council’s new process for dealing with complaints was operating successfully and as most issues could be dealt with by the Monitoring Officer in consultation with the Independent Person, less work was generated for the Committee. Coupled with officer capacity issues, this had led to scheduled meetings being cancelled due to lack of business. This situation was common to the Somerset district councils. Although the need for a standing committee had reduced there would still be a need at times for officers to seek decisions from members on policy / procedure issues. • The role of the co-opted members was now very limited legally, although the Council continued to value their input and advice • The Council would still need access to a group of members to form a Hearing Panel, together with an Independent Person, as and when required. <p>In order to make recommendations to the new Council, the Committee considered the following options for future Standards arrangements:</p> <ol style="list-style-type: none"> 1. No change to current arrangements. The Committee agreed that this could not be justified for the reasons stated above. 2. Standards Committee replaced by a special Members Panel to be convened when needed to hear complaints against members. Panel members would be nominated by Group Leaders. The Committee acknowledged the flexibility of this arrangement but felt that this would be outweighed by problems of training and inconsistency of approach. Also it would not provide a mechanism for dealing with policy or procedural issues relating to member conduct. 3. Combining the Standards and Constitution Committees to form a single Governance & Standards Committee (as set out in para 3.5.3 of the report). Members supported this option in principle as it would be cost-effective and would give a wider role to the elected members involved, as well as the co-opted members. The Committee emphasised the importance of retaining the Independent Person and the co-opted members in overseeing member conduct issues, particularly in terms of transparency and public perception.
	<p>Following further discussion, the Committee:</p> <ul style="list-style-type: none"> • accepted the principles set out in the Monitoring Officer’s report and unanimously supported the option of amalgamating the Standards and Constitution Committees, set out in para 3.5.3. • requested that the new combined committee should include co-opted members and that the political balance rules should be waived, as with the current Standards committee. • asked the Monitoring Officer to prepare a full set of recommendations for the next meeting, following consultation with the current Constitution Committee and research on models used by other authorities.

5.	MEMBER COMPLAINTS – agenda item 6
	The Deputy Monitoring Officer reported on three recent complaints, Two had been resolved and the other would be considered when further information had been received.
6	ANY OTHER BUSINESS AND DATE OF NEXT MEETING The Monitoring Officer agreed to bring details of the Member Training & Induction programme for May 2017 to the next meeting. The next meeting would take place on 17 March 2017 (The meeting scheduled for 16 December 2016 would be cancelled.)

The meeting closed at 2.55 pm

CHAIRMAN

This page is intentionally left blank

Somerset County Council

Standards Committee

– 17th March 2017

Report of the Monitoring Officer

Lead Officer & Author: Julian Gale, Governance & Risk Manager and Monitoring Officer
Contact Details: 01823 359047

1. Summary

1.1. This report covers:

- a review of the Council's standards arrangements as discussed initially at the last meeting of the Committee in October 2016
- a review of the recent Hearing Panel process to get feedback from Committee members concerned and the Independent Person involved to see whether any amendments are required to the process
- induction and training plans on conduct issues for members of the new Council
- a verbal update on complaints dealt with since the last meeting of the Committee.

2. Recommendations

2.1. The Committee is invited to:

Review of standards arrangements

Following consideration of the issues in this report, decide whether it wishes to reaffirm the following recommendations to the new Council for consideration after May 2017:

- **To support the option of amalgamating the Standards and Constitution Committees into a single committee.**
- **To recommend that the new combined committee should include co-opted members and that the political balance rules should be waived, as with the current Standards Committee.**

Hearing Panel

Consider and comment on the recent process.

Member Induction and Training

Consider and comment on the plans for member induction and training set out in the report.

3. Background

3.1 Review of standards arrangements

3.1.1 At its last meeting the Committee started to consider the future standards arrangements for the Council. This review was timely given that the Council to be elected in May 2017 will review the Constitution and consider whether any amendments are required to the democratic arrangements of the Council. The Committee's discussion last time focused on:

- The Council's decision to retain a Standards Committee with co-opted members within its membership following the fundamental changes to the relevant legislation in 2011.
- The continuing silence from the government in response to a growing number of representations from many council's for a review of the legislative requirements in respect of member conduct.
- The current legislative requirements which no longer require councils to maintain a separate standards committee but require the appointment of at least 1 'independent person' to advise the Monitoring Officer and the Council in respect of member complaints
- Where a council chooses to retain a standards committee as an 'ordinary' committee of the Council, the reduced status of co-opted members retained on the committee.
- Also the elected membership of a Standards Committee (as an 'ordinary' committee of the Council) is required to represent the political balance of the Council unless all councillors agree otherwise.
- The restricted sanctions now available to the Council for confirmed breaches of the Code.

3.1.2 Having considered the issues the Committee's conclusions as recorded in the minutes of the last meeting were:

Following further discussion, the Committee:

- accepted the principles set out in the Monitoring Officer's report and unanimously supported the option of amalgamating the Standards and Constitution Committees
- requested that the new combined committee should include co-opted members and that the political balance rules should be waived, as with the current Standards committee
- asked the Monitoring Officer to prepare a full set of recommendations for the next meeting, following consultation with the current Constitution Committee and research on models used by other authorities.

3.1.3 The Constitution Committee considered the issue at its meeting on and agreed to approve, in principle, the proposed amalgamation of the Standards and Constitution Committees to form a single Constitution and Governance Committee for recommendation to the new Council in May 2017. Principles to be applied to the proposed amalgamation were:

- Strict political balance was not required to applied to the elected membership of the Committee but that an appropriate level of representation should be given to the political groups according to their size whilst keeping

the overall membership manageable

- Membership of the new committee should include the current co-opted members of the Standards Committee as non-voting members,
- The Chairman of the new committee should be appointed by the Committee itself.

3.1.4 The support of the Constitution Committee to a combined committee was an important step in this process of making recommendations to the new Council. The membership of such a committee is an important matter of detail that the Committee need to discuss today and reach a view on given the views of the Constitution Committee outlined above.

3.1.5 My assessment of other councils' arrangements has focused on County Councils because of the similarity of the arrangements at that level. Both District Councils and Unitary Authorities have slightly different responsibilities as they have responsibility for town and parish council councillor conduct as well as their own district councillors. Having said that there is interest within some of the Somerset Districts in our work on this issue and the Monitoring Officers continue to meet on a regular basis to discuss matters of mutual interest.

3.1.6 I will go into more detail at the meeting itself but my summary assessment of other County Council arrangements leads me to the following observations:

1. Whereas pre the legislative changes in 2011 council arrangements will have been broadly similar and based on the statutory requirement to have a standards committee, there are now a variety of approaches designed to meet local requirements and structures. This reflects the position in Somerset where different approaches have emerged
2. Councils have retained elected member involvement in standards issues in a variety of ways. This is almost a 'given' for me given the common approach of 'hearing panel' arrangements to deal with serious alleged breaches.
3. The variety of approaches can be summarised under the following headings
 - Retain a separate Standards Committee. Some councils' have retained a separate Committee but only in a minority of cases are these meeting on a regular basis and these tend to have a wider range of corporate responsibilities than is the case with our Committee. Examples include responsibility for Council complaints and compliments – where the committee receives summary reports on a regular basis, wide responsibility for officer conduct, and responsibility for considering internal and external audit reports. Some councils who have retained separate committees are clearly suffering the same problem as we are and they are either not meeting very often – 2 to 3 meetings a year is not unusual – or they are showing numbers of cancelled meetings suggesting that there is a limited amount of business to be considered.
 - Amalgamate 'standards' business with wider constitutional considerations or audit considerations in a single committee. This replicates to an extent the conclusions reached so far by this Committee and the Constitution Committee that combining the functions of the Constitution and Standards Committees is a sensible way forward given the compatibility of the business covered by the separate committees. To give two examples, until 2016 Dorset County Council had a Standards and Governance Committee where the primary focus was on standards issues but the responsibilities were widened to include oversight and encouragement of

good governance. This included advising the Council on changes required to the Constitution and not just on members' conduct issues. This committee included co-opted members. Latterly, though they have moved to a new committee arrangement and an Audit and Governance Committee made up of just elected members and which spans the functions of our Audit, Standards and Constitution Committees. Where a hearing panel is required to deal with a complaint against a member then a Sub-Committee is selected from the members of the Committee to consider and determine the complaint. Cambridgeshire County Council has a Constitution and Ethics Committee which seems to cover the functions that were proposed for a combined committee here in the previous discussions.

- Bringing standards committee functions together with Audit Committee functions is an approach used by some council's such as Dorset because of the common 'governance' focus. This is potentially an option open for SCC although would present practical difficulties given the way the Audit Committee operates currently - see below.

3.1.7 The 'expanded' Audit Committee option

On the face of it the Audit, Constitution and Standards Committees cover common ground to the extent that they have the good governance of the Council as their central focus. The Audit Committee is one of the 'main committees' of the Council and has an expansive remit which focuses on ensuring that the Council operates within a framework of robust governance, risk management and control. This framework seeks to ensure that service delivery is strong; that it delivers value for money; and that it safeguards public funds. The specific functions of the Committee as detailed in the Constitution are as follows:

The Committee:

- (a) Approves (but not directs) internal audit's strategy, plan and performance;
- (b) Reviews summary internal audit reports and the main issues arising, and seeks assurance that action has been taken where necessary;
- (c) Considers the reports of external audit and inspection agencies;
- (d) Ensures that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- (e) Ensures that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process and effective financial governance is actively promoted;
- (f) Reviews the financial statements, external auditor's opinion and reports to Members, and monitors management action in response to the issues raised by external audit.
- (g) Approves the annual accounts of the Council and the Annual Governance Statement, together with considering the Matters Arising from the Accounts Audit.

- 3.1.8** The Audit Committee is already a very busy committee meeting at least 8 times a year to cope with its wide governance business remit as set out above. It has a heavy audit focus and my concern with the option of further expanding its remit to deal with Standards and / or Constitution Committee matters is that these would be lost within the list of functions and we would risk losing the ability to focus on the detail of the standards and constitutional arrangements. Also and on a practical basis the Committee's ambition to retain the input of co-opted members could be compromised as this would expand their remit considerably

outside of the reasons for their appointment and the Audit Committee is one of the largest committees on the Council currently with 9 elected members appointed in accordance with the political balance of the Council. Therefore, although there is some logic in combining all governance functions in a single committee from the business perspective the practicalities to doing so work against the idea in my opinion. The Committee will need to discuss this aspect before deciding whether to confirm the recommendations from the October 2016 meeting. If there was an appetite to progress this option then the views of the Audit Committee should be sought.

3.1.9 Following consideration of the issues the Committee will need to decide whether is confirm or amends its recommendations from the October 2016 meeting as set out in 3.1.2 above.

3.2 Hearing Panel considerations

3.2.1 Members will be aware of the recent hearing panel process dealt with by way of written representations. The comments of the Committee members and the Independent Person are invited on the process and any 'learning points' arising. This includes whether any amendments are required to the process.

3.3 Member induction and training on Code of Conduct issues

3.3.1 Plans are being made for member induction and training following the Council elections. The Committee rightly should have an overview of the plans and have the chance to comment and steer as necessary.

3.3.2 The induction of members of the new Council is always a challenge in terms of the need to impart a lot of information in a short space of time to enable members, particularly those newly elected to the Council, to get up to speed with the role as quickly as possible. The immediate priority following election is to sort out the necessary paperwork so that they can get on with the job. A welcome day event is planned for the 9th May to focus on these immediate requirements. The key paperwork in relation to Code of Conduct requirements at this stage is the registration of interests by members which has to be done within 28 days of election. This includes the critical registration of Disclosable Pecuniary Interests. They are also required to sign the Declaration of Acceptance of Office which includes their commitment to abide by the Code of Conduct. Without signing this they are not able to operate as a councillor. We considered whether to try and run a full Code of Conduct session on that day for newly elected members but the view of officers is that this would be too much on this day which is intended to be relatively light touch and informal. The plan instead is to:

- Within the letter welcoming successful candidates which they will receive at the election count, stress the need for them to be aware of the contents of the Code of Conduct prior to them signing the Declaration of Acceptance of Office.
- Also with the letter they will receive written guidance on the completion of the registration of interest requirements together with a form to complete. The existing guidance and form is attached as Appendix A to this report for comments by the Committee. It is designed to be user friendly and the form is similar to those used by the Somerset District Councils. The information registered by the members is public information and is

published on the website as well as held in hard copy on a register which is available for public inspection on request.

- On the Welcome Day we will be running ‘All your questions answered’ sessions focused on newly elected councillors but open to all which will include a ‘quick hit’ headlines session on the Code of Conduct and with a particular focus on the registration of interests as a ‘number 1 priority’. The general briefings will be followed on the Welcome Day by an opportunity for members to have a 1 on 1 discussion with an officer to get immediate clarification on any aspect of being a councillor including Code of Conduct issues and the registration of interests.
- After the Welcome Day event and as part of the wider induction programme we will run two opportunities for members to attend a dedicated Code of Conduct training session. The primary focus will be on those members who are new to the council but all will be encouraged to attend to refresh their knowledge. If members are unable to attend these sessions then we may add on smaller group briefings or 1 to 1 sessions as required. The basic training material in the form of a power-point is attached for comment as Appendix B to this report. This will be updated / refreshed before the 4th May so any comments are welcome.
- Beyond this priority training, the intention is to add further sessions to cover:
 - (a) Member / officer relations – with a particular focus on ‘behaviours’ as set out in various protocols in Part 2 of the Constitution. This includes the Member / Officer Protocol which focuses heavily on the need for mutual respect.
 - (b) Partnership working – to help members understand the different rules that they may encounter as members of partnerships or when appointed to outside bodies including the implications for member conduct.
 - (c) There will also be committee specific training for members appointed to committees. A good example is the Regulation Committee which deals with planning matters. As a matter of policy the Council will not allow a member to sit as a member or substitute member this Committee without having had relevant training. This is because of the high risk of legal challenge to the Committee’s decisions. The training will cover conduct issues including the rules around predetermination and bias.

The Committee’s comments on these plans including the contents of the Appendices are invited.

3.4 Member complaints

- 3.4.1** A verbal update will be given on complaints that have been resolved since the last meeting of the Committee.

4 Consultation

- 4.1** As described

5 Legal Implications

- 5.1** These are covered in the report

6 Equalities, Community Safety, Sustainability, Health & Wellbeing and Risk Implications

6.1 There are no implications identified under the headings of Equalities, Community Safety, Sustainability, Health & Wellbeing or Risk.

7. Background papers

7.1. None

Note: For sight of individual background papers please contact the report author.

This page is intentionally left blank

GUIDANCE NOTES – MEMBERS’ INTEREST AND CODE OF CONDUCT REQUIREMENTS

Code of Conduct

The County Council and the 5 district councils in Somerset have adopted in essence the same Code of Conduct for elected and co-opted members. The County Council Code will therefore be familiar to existing district councillors. The Code is based on the Seven Principles of Public Life and includes 3 categories of Interests:

1. *Disclosable Pecuniary Interests (DPIs)*

1.1 The legislation requires you to register these and the Council is required to publish the register on the Council’s website. Failure to abide by the DPI requirements is punishable by a fine not exceeding £5000 (currently) or disqualification as a member for a period not exceeding 5 years. Any complaints received against members in respect to DPIs will be referred to the police for investigation.

1.2 The only exception to the website publication requirements is if the Monitoring Officer agrees that a particular interest is a ‘sensitive interest’. The detail of sensitive interests can be omitted from the public register on the grounds that publication of the detail of the interest *could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*

1.3 You are required to register not only your own interests but also those of your spouse/civil partner (or person with whom you are living as such). Please note that for website publication purposes we are not required to detail which of the declared interests are yours and which are not – they will all simply be listed under your name.

1.4 Your attention at this time needs to be on the immediate DPI registration requirements. You must register DPIs within 28 days of signing your ‘Declaration of Office’ form. A blank form is enclosed with this guidance on which you are asked to detail your DPI registrations.

2. *Personal Interests*

2.1 The Council requires you also to register a range of significant personal interests which mainly relate to membership of various bodies. You are only required to register your own interests under this section and not those of your partner / spouse etc.

2.2 Provision is made for you to register your personal interests on the enclosed blank form. Your Personal Interests as declared will be published on the Council’s website alongside the DPIs unless you indicate that you do not want your Personal Interests published in this way. If you don’t want your

Personal Interests published on the Council's website you can indicate this on the form in the relevant place. If you don't tick the box your Personal Interests will be published on the website.

3. *Prejudicial Interests*

3.1 The Code outlines the circumstances in which the Council requires Prejudicial Interests to be declared at meetings alongside Personal Interests. The Code does not require the registration of Prejudicial Interests.

3.2 Complaints received in relation to members and Personal and Personal and Prejudicial Interests will be dealt with under the Council's complaints handling arrangements.

If you need any advice to help complete the form please feel free to contact:

Michael Bryant	Senior Community Governance Officer	01823 359048
Julian Gale	Monitoring Officer	01823 359047
Honor Clarke	County Solicitor	01823 355022

REGISTER OF MEMBERS' INTERESTS

GENERAL NOTICE OF REGISTRABLE INTERESTS

I, Councillor

a Member of Somerset County Council ('the Council') give notice that

Either

I / my spouse/civil partner (or person with whom I am living as such) have no registrable interests which are required to be declared under the Council's Code of Conduct, and I have put '**none**' where I / my spouse/civil partner (or person with whom I am living as such) have no such interests under any heading.

Or

I have set out below under the appropriate headings my interests, and those of my spouse/civil partner (or person with whom I am living as such) of which I am aware, which I am required to declare under the Council's Code of Conduct. These include any Disclosable Pecuniary Interests (sections 1 to 5 below) as defined by Sections 29 to 31 of the Localism Act 2011 and in the secondary legislation made under that Act particularly in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, and I have put '**none**' where I / my spouse/civil partner (or person with whom I am living as such) have no such interests under any heading. Section 6 of the form relates to Personal Interests.

Notes:

1. *Where you consider that information relating to any of your interests is a 'Sensitive Interest' you need not include that interest provided you have consulted with the Monitoring Officer and they agree that it need not be included. A 'Sensitive Interest' is an interest which could create or is likely to create a serious risk that you or a person connected with you may be subjected to violence or intimidation.*
2. *Where the interest is no longer a 'Sensitive Interest' you must notify the Monitoring Officer within 28 days of that change.*
3. *This form gives general guidance, but is not comprehensive. The County Council's Code of Conduct gives precise requirements. Continuation sheets should be used where needed and clearly marked.*
4. *The contents of the Disclosable Pecuniary Interests (sections 1 to 5 of the form) must be published on the Council's website subject to the omission of any Sensitive Interests – see note 1 above.*
5. *The contents of section 6 which relate to Personal Interests will be published on the Council's website unless you indicate otherwise in the appropriate place.*

Disclosable Pecuniary Interests

1	Employment, Office, Trade, Profession or Vocation	
1.1	Disclose any employment, office, trade, profession or vocation carried on for profit or gain, including the name of any person or body who employs or has appointed you.	
1.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
2.	Sponsorship	
2.1	Declare any payment or provision of any other financial benefit (other than from the Council) made or provided within the last 12 months in respect of expenses incurred by you in carrying out your duties as a member, or towards your election expenses. <i>Note - This includes any payment or financial benefit from a trade union.</i>	
2.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
3.	Securities	
3.1	Detail any beneficial interest in securities of a body which has to your knowledge a place of business or land in the County of Somerset and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital, or one hundredth of the total issued share capital of any class of shares issued.	
3.2	And of your spouse/civil partner (or person with whom you are living as	

	such) of which you are aware.	
4. Contracts		
4.1	Detail any current undischarged contract made between you, or a body in which you have a beneficial interest, and the Council under which goods or services are to be provided or works are to be executed.	
4.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
5. Land, Licences and Corporate Tenancies		
5.1	<u>Land</u> Detail any beneficial interest in land within the County (excluding any easement, or right in or over land which does not carry the right to occupy or receive income).	
5.2	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
5.3	<u>Corporate Tenancies</u> Detail any tenancy where to your knowledge, the Council is the landlord and the tenant is a body in which you have a beneficial interest.	
5.4	And of your spouse/civil partner (or person with whom you are living as such) of which you are aware.	
5.5	<u>Licences</u> Detail any licence (alone or jointly with others) to occupy land in the County for a month or longer.	
5.6	And of your spouse/civil partner (or person with whom you are living as	

	such) of which you are aware.	
--	-------------------------------	--

Personal Interests (please detail appointments to the 4 specific categories below)

6. Membership of other bodies	
6.1 Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by Somerset County Council.	
Name of Organisation	Address
6.2 Any body exercising functions of a public nature of which you are a member or in a position of general control or management (eg District Council membership).	
Name of Organisation	Address

--	--

6.3 Any body established for charitable purposes of which you are a member or in a position of general control or management.

Name of Organisation	Address

6.4 Any body, one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management.

Name of Organisation	Address

Personal Interests (as detailed in Section 6 above)

Please tick the box if you **do not** consent to your Personal Interests being published on the Council's website.

7. Disclosure of Gifts and Hospitality

7.1 You must reveal the name of any person from whom you have received a gift or hospitality with an estimated value of at least £25 which you have received in your capacity as a member of the Council.

Date of receipt of Gift / Hospitality	Name of Donor	Reason and nature of Gift / Hospitality

You are reminded that you must update the register within 28 days of receiving any further gift or hospitality with an estimated value of at least £25 by informing Community Governance, Julia Netherton (01823 359027) (email jnetherton@somerset.gov.uk).

8. Changes to Registered Interests

8.1. I understand that I must, within 28 days of becoming aware of any new or change in the above interests, including any change in relation to a Sensitive Interest, provide written notification thereof to the Council's Monitoring Officer.

8.2. I recognise that it is a breach of the Council's Code of Conduct to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading; and
- (3) fail to give further notices in order to:
 - bring up to date information given in this notice; and
 - declare an interest that I acquire after the date of this notice and have to declare.

and that any breach of the Code of Conduct can be referred to the Standards Committee.

8.3 I understand that failure (without reasonable excuse) to register or disclose any Disclosable Pecuniary Interest in accordance with section 30(1) or 31(2), (3) or (7) of the Localism Act 2011, or participating in any discussion or vote in contravention of section 31(4) of the Localism Act 2011, or taking any steps in contravention of section 31(8) of the Localism Act 2011 is a criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

Signed: **(Councillor)**

Date:

RECEIVED:

Signed: **(Monitoring Officer)**
(Somerset County Council)

Date:

This page is intentionally left blank

Standards of Conduct for Members

Programme

Welcome, introduction and aims
Wider legal framework for decision-making
Code of Conduct
“Danger zone”
FOI and DPA
Summary and closing remarks

Honor Clarke, County Solicitor

10 May 2013

WWW.SOMERSET.GOV.UK



Aims

- Have a basic appreciation of the legal framework within which members operate including criminal and civil laws, bribery and corruption, pre-determination and bias, freedom of information and data protection
- Understand the requirements of the members' code of conduct
- Recognise and know how to deal with “danger zones”
- Know where to get help

WWW.SOMERSET.GOV.UK



Wider legal framework

1. Criminal law
 - Misconduct in public office
 - Corruption
 - Failing to disclose a DPI
2. Civil liability
 - Breach of trust
 - Defamation
 - Mifeseance in public office
3. Invalidating a Council decision
 - Ultra Vires – beyond the powers
 - Exercise powers in the public interest
 - Reasonable
 - Bias/apparent bias
 - Pre-determination

WWW.SOMERSET.GOV.UK



Code of Conduct

- All local authorities are required to adopt a code of conduct, which sets out rules governing the behaviour of their members
- All elected, co-opted and independent members of local authorities are required to abide by their own, formally adopted Code. Somerset County Council adopted its Code on 18 July 2012 and amended on 24 April 2013
- The Code of Conduct seeks to ensure that members observe the highest standards of conduct when carrying out their role. The current Code incorporates the seven 'Nolan' principles set out by the Committee on Standards in Public Life

WWW.SOMERSET.GOV.UK



Code of Conduct

When does it apply?

- Applies to all members and co-opted members of local authorities
- Does not apply to officers or other employees of authorities
- Acting in official capacity – but the 7 Principles of Public Office apply at all times
- Please ask for help if required
- BUT compliance with the code is your personal responsibility

WWW.SOMERSET.GOV.UK



Code of Conduct

General Obligations

When undertaking Council business you must:

- Treat others with respect
- Not use or attempt to use your position improperly or give yourself or any other person an advantage or disadvantage
- When reaching decisions consider any relevant advice

WWW.SOMERSET.GOV.UK



Cont...

- Act in accordance with the Council's constitution
- Not use the Council's resources improperly
- Avoid doing anything which may cause the Council to breach a statutory duty
- Comply with equality and discrimination law
- Not bully any person

Code of Conduct

Confidential Information

Members must not disclose confidential information except in very limited circumstances:

- Have consent of a person authorised to give it
- Required by law
- For the purpose of obtaining professional advice and adviser agrees not to disclose it
- ALL 4 requirements of the public interest test are met
 - Reasonable
 - Public interest
 - Good faith
 - Comply with reasonable requirements of the Authority

WWW.SOMERSET.GOV.UK



General Principles of Public Life

Whole group exercise

7 Principles of Public Life (Nolan Principles)

1. SELFLESSNESS
2. INTREGITY
3. OBJECTIVITY
4. ACCOUNTABILITY
5. OPENNESS
6. HONESTY
7. LEADERSHIP

7 Principles of Public Life

Why are they important?

Whole group exercise

Code of Conduct - Interests

Disclosable Pecuniary Interests (DPIs)

Other interests

- Personal
- Personal and prejudicial

NB it is possible that an interest could be categorised as both a DPI and a personal or a personal and prejudicial interest. If so you must treat it as a DPI.

WWW.SOMERSET.GOV.UK



DPIs

A 'Disclosure Pecuniary Interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

Interest

Employment, office, trade, profession or vacation	Licences
Sponsorship	Corporate tenancies
Contract	Securities
Land	

Personal Interests

You have a personal interest in any business of the Council where:

- (a) It relates to or is likely to affect –
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
 - (iii) any body –
 - (aa) exercising functions of a public nature;
 - (bb) established for charitable purposes; or

Cont...

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(b) Where a decision in relation to any business of the Council might be regarded as affecting your well-being or financial position or the well-being or financial position of a significant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division, as the case may be, affected by the decision.

WWW.SOMERSET.GOV.UK



Prejudicial Interests

Where you have a personal interest in any business of your Council you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business –

(a) affects your financial position or the financial position of a significant person or a body described in relation to personal interests (other than another town, parish, or district council of which you are also a member).

(b) relates to determining any approval, consent, licence, permission or registration in relation to you or any significant person or a body described in relation to personal interests (other than another town, parish, or district council of which you are also a member).

WWW.SOMERSET.GOV.UK



DPIs

- You must register them
- Apply if your own interest or the interest of your spouse or civil partner or person with whom you are living as if they were your spouse or civil partner
- Where any business of the Council relates or affects a DPI and you attend a meeting at which that business is being considered. You may not participate in any discussion of, vote on, or discharge any function relating to any matter in which you have a DPI unless a dispensation is granted

Other Interests

- Personal
- You must given written notice of any personal interest to the Monitoring Officer
- If you have a personal interest in any business of the Council and you attend a meeting of the Council at which the business is considered you must disclose that interest
- You may opt out of having your personal interest published on the Council's website

WWW.SOMERSET.GOV.UK



Protocol on Members/Officers Relations

- Part of Council's Constitution
- Sets framework to promote good working relationship between Members and officers
- Breaches of protocol may amount to breaches of the Code of Conduct

Danger Zone

Do not promise anyone anything that you are unable to do

Bear Trap for Members - Parking penalty challenges

- Do not express an opinion on an individual case!
- Advise individuals to follow the instructions on the back of the PCN.
- Detailed guidance on challenges/ representations is available to the public on line or on the telephone.
- For policy advice contact the Parking Services Manager.

WWW.SOMERSET.GOV.UK



Information Security

Elected Members

WWW.SOMERSET.GOV.UK



What we will cover

- **Data Protection Act 1998**
 - Personal data
 - Notification
 - Disclosure of data and offences
- **Freedom of Information Act 2000**
 - SCC Commitment to FOI
 - What information is covered
- **Information Security**
 - Passwords
 - GCSx and PSN – The Government's secure network

WWW.SOMERSET.GOV.UK



Personal / Sensitive Data

Personal Data :

Information from which a living individual can be identified (on its own or with other information, name address, phone number, photo, handwriting etc)

Can be electronic information or **structured** paper filing systems

Sensitive Personal Data:

Racial or ethnic origin, Political opinions, Religious beliefs, Trade Union membership, Physical or mental health, Sexual life, Criminal offences or proceedings.

WWW.SOMERSET.GOV.UK



Notification

Annual registration to the Information Commissioner

- Purposes of processing
- Types of personal data processed
- Categories of data subjects
- Sources and disclosures of data
- Any transfers outside of the EEA

The Information Commissioner wrote to all Councils reminding them that all Elected Members must register with the ICO as data controllers.

WWW.SOMERSET.GOV.UK



Notification - Elected Members

- **Three Roles**
- As a member of the Council performing work for the County Council you are covered by the SCC Notification.
- As a member of a political party carrying out work for a political party you must be covered by the notification of that party.
- However, as an Elected Member carrying out work for a constituent, dealing with complaints and issues you must be registered with the ICO as a data controller.
 - SCC will organise the process and pay the annual fee of £35, but as an Elected Member you need to sign up to the responsibilities this entails.

WWW.SOMERSET.GOV.UK



Disclosure of Personal Data & Data Sharing

All disclosures of personal data must be:

- Fair and lawful
- Within your legal powers
- Covered by the notification
- You need to know what the recipients will do with your data
- Some exemptions, eg prevention and detection of crime

Information sharing protocols set out

- Who will share the data
- What will be shared and for what purposes
- Data Protection responsibilities for all parties

WWW.SOMERSET.GOV.UK



Individual Rights

Individuals have the rights:

- To access to their own personal data
- To prevent processing causing damage or distress
- To correct, block or erase data
- To object to direct marketing
- To compensation for contravention of the Act causing damage or distress

If an elected member in the course of Council or Constituency business processes personal data it becomes subject to the rights above.

WWW.SOMERSET.GOV.UK



It is an Offence to:

- Obtain and / or disclose data without authority
- Sell data obtained unlawfully
- Fail to comply with ICO enforcement notice
- Fail to notify the ICO
- Tamper with data required for a request

Now backed by imprisonment and a £500,000 fine

WWW.SOMERSET.GOV.UK



Advice for Elected Members

When processing personal data

- Always use a secure PCs / tablets / IPad / Smartphone
- Process / store personal securely
 - *The most secure method is to use the SMART SCC encrypted laptops*
- Use your SCC mail account for Council business
- Use encrypted memory sticks
- Keep all papers relating to personal information secure.
- If you use Outlook Web Access follow SCC Email Policy

WWW.SOMERSET.GOV.UK



The Freedom of Information Act

Government commitment to Transparency

Pro's

- Openness and accountability
- Greater right of access to information
- The general public are entitled to know

Con's

- Extensive use by media, press and TV etc
- Disruption for front line staff
- Costs of administration

WWW.SOMERSET.GOV.UK



SCC commitment to FOI

- Monitoring and Management of FOI Requests
- Publication of FOI requests to the SCC website
- Enhancement of the SCC publication scheme
- Publication of the Senior Officers salaries
- Publication of £500+ transactions

What information is covered?

All information SCC hold as a public body including information held as an elected Member on Council business and Constituency matters

Applies to all formats, eg electronic, email, paper, CCTV, video and voice recordings. FOI regards very little as confidential

Note : If you receive a email or letter which is a request for information, held by SCC, forward it to the Information Governance Team

WWW.SOMERSET.GOV.UK



Information Security

- Paper records – take care of them, at home lock them away in filing cabinets, on the move lock them in a briefcase or the boot of your car
- Passwords – use complex passwords, Use 8 digits with capital letters, numbers and punctuation to disguise the word
- Government Connect – GCSx & PSN
- Encryption – use encrypted PCs and USB sticks
- Don't answer emails that ask for your username and password

WWW.SOMERSET.GOV.UK



GCSx - PSN

GCSx = Government Connect Secure Extranet soon to become the PSN = Public Secure Network

- Mandatory requirements for Secure email and file transfers between Govt depts (DWP), Police, Health, Local Government.
- To protect this network and the data it contains SCC has invested over £1 million in meeting these requirements, firewalls, encryption, anti-virus, Dual Factor Authentication which have been implemented over the past 18 months.

WWW.SOMERSET.GOV.UK



More Information

Intranet – for policies and guidance

<http://intranet.somerset.gov.uk/information-governance/>

Information Governance Officer

- Peter Grogan, Corporate Information Governance Manager
- 01823 357175
- PTGrogan@somerset.gov.uk

WWW.SOMERSET.GOV.UK

