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(Standards Committee - 10 November 2022)

STANDARDS COMMITTEE

Minutes of a Meeting of the Standards Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 10 November 2022 at 10.00 am

Present: Cllr J Bailey (Chair), Cllr H Davies, Cllr M Dimery, Alan Hemsley, David Stripp and Cllr B Smedley

Other Members present on Microsoft Teams: Paul Hooper, Robin Horton, Cllr A Dingwall, Cllr M Kravis, Cllr S Osborne and Cllr L Redman

Apologies for absence: Cllr N Cavill

8 **Apologies for Absence** - Agenda Item 1

An apology was received from Councillor Norman Cavill.

Paul Hooper and Robin Horton joined the meeting via Microsoft Teams.

9 **Declarations of Interest** - Agenda Item 2

The Committee noted the details of the personal interests of all Councillors present already declared in relation to their membership of County, District, Town and Parish Councils.

No additional declarations were made.

10 **Public Question Time** - Agenda Item 3

No members of the public had registered to speak.

11 **Minutes of the Previous Meeting of the Standards Committee** - Agenda Item 4

The minutes of the meeting held on Monday 20 October 2022 were approved and signed as a correct record.

12 **Priority One Update** - Agenda Item 5

The Chair advised the update be given under agenda item 7a (minute item 14a).

13 **Annual report on standards of conduct 2021/22** - Agenda Item 6

The Committee discussed the Annual Report and the following was a summary of the areas raised:-

- Members assumed that as the number of councillors had doubled, so would the number of complaints received.

The Monitoring Officer advised that agenda item 7a (minute number 14a) would give feedback on the level of complaints across all five councils and would give assurance on compliance and training.

- Members queried that if a complaint was received and it was taken to a Standards Sub-Committee, would it have Parish or Local Community Network representation to give some parish experience on the panel.
The Monitoring Officer advised that this would be covered under agenda item 7a (minute number 14a)
- Members queried what the resourcing plan was for the New Council in the Monitoring Officer department.
The Monitoring Officer advised this would be covered under agenda item 7a (minute number 14a).

Resolved that the Committee considered the annual report and provided any comments to the Monitoring Officer.

14 **Agenda Item 7 - Agenda Item 7**

- (a) Somerset Councillor and Town and Parish Councils Code of Conduct Complaints Procedure

The Committee discussed the Code of Conduct Complaints Procedure and the following was a summary of the areas raised:-

- The Chair gave an update on what the Priority One Group had discussed which included a focus on the publicity of the complaints process and a suggested adoption of Buckinghamshire's section three of their code for discussion.
- Members suggested that the committee tested the system for the complaints process.
The Monitoring Officer agreed that was a good idea to see how breeches were dealt with by stress testing the system with hypothetical examples.
- Members queried if a Somerset County Council (SCC) Councillor was being investigated under the complaints process, would they be suspended from the committee.
The Monitoring Officer advised that councillors would not be removed from the committee. Only severe levels of complaints would incur sanctions. He further advised that certain sanctions could be used but committee composition was for Full Council to decide.
- Members queried whether the 279 parishes included the Unparished Area of Taunton, soon to be Taunton Town Council.
The Monitoring Officer advised that yes that number did include the Taunton Town Council.
- Members queried whether the Taunton Town Council would adopt the Model Code of Conduct.
The Monitoring Officer advised that he was working with Somerset West and Taunton Council and the Shadow Taunton Town Council to ensure that the Model Code of Conduct was adopted.
- Members queried whether the five Independent Persons, would include the three being proposed in the report for agenda item 7b (minute number 14b).
- Concern was raised on whether two Deputy Monitoring Officers (DMOs) would be enough, Members further suggested that four or five Deputy's would be preferable.

The Monitoring Officer advised that a comparable of what other councils had in terms of resource and complaints received had been given in the presentation.

- Concern was raised that not all the parishes had adopted the Model Code of Conduct, which would lead to the complaints process being quite complicated for the Monitoring Officer, as they would need to refer back to too many different codes.

The Monitoring Officer agreed with the comments.

- Members highlighted what was happening with Parish Meetings.
The Monitoring Officer advised that the Parish Meetings were not covered by the 1972 Act and so therefore did not require a Code of Conduct and explained what a Parish Meeting was.
- Members queried whether two DMOs had been factored into the budget to be agreed at Full Council in February 2023.

The Monitoring Officer advised that the budget did not include the finer detail of officer posts. He advised that he had investigated other Local Government Reorganisations to see how many DMOs they had appointed.

- Members repeated their query about the use of parish representatives on Standards Sub-Committees.

The Monitoring Officer advised that they were not part of the decision-making process, however, they could be co-opted onto the panel.

- Members suggested that parish representatives should be included on the Standards Committee of the New Council.

The Monitoring Officer advised that could be part of the work being carried out on the new Constitution.

- Members highlighted that many of the SCC Councillors were also Parish Councillors and suggested that it was an anomaly that all councillors were judged on the same level of conduct.

- Members suggested that when appointing members to the Standards Committee, that 'twin hatters' could be chosen to ensure both county and parish experience was included in the committee.

- Members queried if a councillor did not submit their register of interest form with 28 days of becoming a councillor, would they would cease to be a councillor.

The Monitoring Officer advised that if they did not return their register of interest, they would be in breach of the Code of Conduct.

- Members queried what was happening with Whistleblowing Complaints.
The Monitoring Officer advised that the policy had only just been revised in May 2022 and that the South West Audit Partnership was used for independent reporting.

- Members requested that a schematic should be drawn up for the complaints process to show members of the public how complaints were dealt with and the timescales. They further requested that this should be included in the Constitution.

The Monitoring Officer suggested that the item could be brought back to the January meeting and that a compare and contrast exercise could be debated.

Resolved that the Committee:-

- 2.1 Noted the update including the steps being taken by the LGR Governance Board to ensure a smooth transition of the countywide Code of Conduct complaint process and procedures to Somerset Council.
- 2.2 Noted the likely impact upon resources and the need for sufficient resource in the new structure.
- 2.3 Commented upon the proposals.
- (b) Proposed appointment of Reserve Independent Person for Somerset County Council and recruitment of Independent Persons for Somerset Council

The Committee discussed the recruitment of Independent Persons and the following was a summary of the areas raised:-

- Members queried who the current Independent Person (IP) was.
The Monitoring Officer advised that the appointment of the reserve IP would cover the post until April 2023.
- Members queried whether the IP attended the Standards Committee meetings.
The Monitoring Officer advised that the committee could request their attendance.
- Members queried whether the Monitoring Officer was confident that resource would be in place in time for Vesting Day.
The Monitoring Officer advised that the report would be signed off at the November 2022 meeting of Full Council, so he felt very confident that resource would be appointed in time.

Resolved that the Committee:-

- 2.1 Commented on the Monitoring Officer's proposed recommendations to Council in relation to:-
1. Appointing Lorraine Davey as a Reserve Independent Person under Section 28 of the Localism Act 2011 with immediate effect until 31 March 2023
 2. Authorising the recruitment of three Independent Persons for the new Somerset Council on the basis set out in this report

15 **SALC Update on Town and Parish Councils Codes of Conduct - Agenda Item 8**

The Committee discussed the update from SALC and the following was a summary of the areas raised:-

- Members thanked Justin Robinson from SALC for his presentation.
- Members agreed that the suggested use of sanctions included in the presentation were good and they liked the idea of mediation.
- Members were very keen to work with SALC on training and raising awareness amongst councillors.
- Members agreed that Priority Two Group should pick up on the three points on the final slide.
- Members suggested Priority Two Group should compare what other Unitary Councils had in place for mediation.
- Members thanked Justin Robinson for the survey carried out on the adoption of the Model Code of Conduct.
- Members wanted to ensure that parish councils were supported.

Justin Robinson confirmed that both SALC and non-SALC members were included in data sharing.

- Members agreed that SALC played an important part in the work being carried out in the lead up to the New Council.
- Concern was raised on the number of parishes that had not adopted the Model Code of Conduct.
- Members queried whether those parishes who had not adopted the Model Code, would be followed up with a contact and work on possibly adopting the Model Code.

Justin Robinson advised that he was keen to work with those who had not adopted the Model Code.

- Members suggested that the Monitoring Officer would need a database of those who had and had not adopted the Model Code of Conduct.
- Members requested that the presentation be attached to the minutes.

16 **Work Programme 2022/23 - Agenda Item 9**

The Chair advised that the Work Programme had been discussed throughout the meeting and points would be highlighted in agenda item 10 (minute number 17).

17 **Action Plan - Agenda Item 10**

The Committee discussed the Action Plan and the following was a summary of the areas raised:-

Action	By Whom	By When
Agenda Item 4 – Minutes. 4.1 – D Stripp analysis, useful as a checklist	P1/P2/P3 note	
Agenda Item 7a – Code of Conduct 7.1 – P1 Review – test drive the format of complaints procedure, publicity for complaints, vexatious claims 7.2 – P2 to review Parish Council Adoption of the Model CoC, agree measures of success, contact SALC to discuss 7.3 – Officer to review of CoC, produce schematic, include complaint process in Constitution, publication of findings	P1 P2 Tom Woodhams/ Melanie Wellman	By next meeting, 21/11/22 By next meeting, 08/12/2022 02/02/2023
Agenda Item 8 – SALC Update 8.1 – P2 to review support for last slide and to compare with Buckinghamshire 8.2 – Support for non-SALC	P2	08/12/2022

members		
Agenda Item 9 – Work Programme 9.1 – P1/P2/P3 agree virtual meetings and agree appointment of Chair for each Priority Group 9.2 – Appointment of Chair for February meeting		08/12/2022

(The meeting ended at 12.35 pm)

CHAIRMAN

Together we are delivering your

New Somerset Council



Administration of the Code of Conduct for members by the new Somerset Council

To cover today:

- Code of Conduct (“Code”) complaints procedures currently in place at Somerset County Council
- Impact of transition of responsibility for City, town and parish (“Parish”) council complaints to Somerset Council
- Preparations underway to prepare for the transition of parish complaints
- Outline of resource implications

Current procedures for administration of Code of Conduct complaints

- All councils must adopt a procedure for dealing with complaints about members (Localism Act 2011)
- April 2022 - SCC adopted revised Code largely based on the LGA Model Code
- All 4 district councils have adopted the same Code and complaint resolution procedure

Transition of responsibility for Parish council complaints

- On Vesting Day Somerset Council will become responsible for
 - new complaints relating to conduct of members of Parish councils
 - unresolved complaints relating to district and Parish councillors
- Current resolution procedure will need minor amendments to reflect
 - new responsibilities
 - fact that Somerset Council may recommend but not impose sanctions on Parish councillors
- Robust procedures and resources must be in place to deal with demand
- Non-standard version of Code used in some Parishes – complicates procedures
- LGR Governance workstream promoting single version of Code to Parish councils

Impacts on transition of Parish complaints

- 279 Parish councils in Somerset on 1st April 2023
- Demand on Monitoring Officer (“MO”) to deal with complaints will rise
- Currently, complaints at districts and Parishes dealt with by 4 MOs
- April 2023 – one MO dealing with all complaints
- Anticipated that 80% of complaints will relate to Parish councillors (due to sheer number of Parishes)

Complaint numbers – comparable unitary councils

	Cornwall	Dorset	Wiltshire
2020/2021	23	54	72
2021/2022	28	60	52 (part year only)
Number of Unitary members	87	82	98
Number of Parish Councils	196	264	253

Complaints in Somerset 2021/22

	MDC	SDC	SSDC	SWT	Number referred for investigation	Total
Formal Complaints 2021/2022	9	8	29	12	2 (both on hold)	58
Code of Conduct enquiries not proceeding to a formal complaint	12	12	Not known	15-20		Estimated at approx 48 per annum
Advice and guidance to Parish Clerks on governance issues	25-30 per annum	30-40 per annum	1	25-30 per annum		Estimated at over 100 per annum

Impact on resourcing

- Costs of investigation - £2,500 - £20,000 each time
- Single MO responsible for complaints procedure (previously 5)
- Single MO responsibility for maintaining registers
 - Members' interest
 - Gifts and hospitality declarations
- Significant increase in activity after elections in May 2023

Requirement for effective administration of MO duties

- At least 2 Deputy MOs to deal with complaints
- Maintaining registers -estimate
 - 37 hours per week for first 3 months after elections
 - 12 hours per week thereafter
- Sufficient Independent Persons for consultation (legal requirement) – recruitment of 3 (subject to member approval) imminent

Recommendations

1. To note the update including the steps being taken by the LGR Governance Board to ensure a smooth transition of the countywide Code of Conduct complaint process and procedures to Somerset Council;
2. To note the likely impact upon resources and the need for sufficient resource in the new structure.
3. To invite the Committee to comment upon the proposals.

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Adoption of the new model code of conduct in town and parish councils

JUSTIN ROBINSON
CHIEF EXECUTIVE,
SOMERSET
ASSOCIATION OF
LOCAL COUNCILS

Why should councils adopt the LGA model code?

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- SALC were approached by the Somerset Monitoring Officers Group in February 2022 to help promote the adoption of the new LGA model code of conduct
 - Having all councils across the three tiers using the same code should help to provide clearer interpretation, training and guidance
 - The new code is much clearer when it comes to defining what constitutes appropriate member behaviour
 - Previously around two thirds of councils were using the NALC (National Association of Local Councils) model code, with the other third adopting the Somerset Monitoring Officers code for the district and county councils
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Where are we now?

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- SALC has recently undertaken a short survey of its members to ascertain the current position
 - 163 councils responded (around 60% of all local councils in Somerset)
 - 82.2% have adopted the LGA model
 - 8% are still using the old NALC model
 - 5.5% are still using the old MO code (former district/county code)
 - 4.3% are using an "other" model
 - 11 of the 29 councils not currently using the LGA model intend to adopt it
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Positives of the new model

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- Recognition that it will be easier to provide training and interpretative guidance on the code (NALC has commissioned some guidance due by the end of the year as part of its Civility and Respect project - [Civility and Respect Project \(nalc.gov.uk\)](http://nalc.gov.uk))
 - Acknowledgement that the new unitary Monitoring Officer will have a challenging job
 - Clerks appreciate the clear definitions of respectful behaviour, what constitutes bullying and harassment and the additional information on other obligations
 - We have seen more councillors attend our code training sessions (up 300% on last year)
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But there are still some challenges

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- There is a broad perception within the sector that the current sanctions regime is not fit for purpose – government is still dragging its heels on implementing recommendations from the Committee for Standards in Public Life
 - Some councils feel that complaints are not always treated seriously and are too easily dismissed
 - There are still behavioural issues within local councils – although recently, we have seen an increase in councils having to deal with challenging behaviour from members of the public
 - How do we persuade councils still using the older models to adopt the LGA code?
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Looking to the future

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- Will the new Somerset Council have the resources to provide a robust standards regime?
 - As sanctions are in the hands of the government, can we explore different approaches to managing conflict within councils - could Somerset Council provide access to some form of mediation service and also open up its HR expertise to local councils?
 - Training remains crucial - not just on the code itself but on related matters such as roles and responsibilities and basic employment law. We are keen to work with the new unitary MO to expand the current offer
 - SALC will continue to engage with NALC and our membership on the Civility and Respect Project and encourage councils to sign the Civility and Respect pledge
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