

## 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**