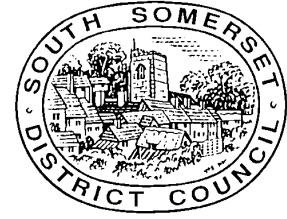


**South Somerset District Council**  
*Notice of Meeting*



**Standards Committee**



*Making a difference where it counts*

**Monday 25th February 2019** (moved from 31/01/2019)

**10.00 am**

**Chamber B  
Council Offices  
Brympton Way  
Yeovil  
BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue) The text is followed by two icons: a wheelchair symbol and a hearing loop symbol.

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Members listed over the page are requested to attend the meeting.

The public and press are welcome to attend.

For further information on items to be discussed, please contact the **Becky Sanders, Case Services Officer (Support Services) - 01935 462596,**

This Agenda was issued on Tuesday 12 February 2019.

*Alex Parmley, Chief Executive Officer*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

# **Standards Committee Membership**

## **SSDC Councillors**

Nick Colbert  
Nigel Gage

Anna Groskop  
Paul Maxwell

Crispin Raikes  
Angie Singleton

## **Co-opted Town/Parish Council Representatives (non-voting members of the Standards Committee)**

Godfrey Townrow

## **The Independent Persons are also invited to attend meetings (not members of the Standards Committee):**

## **Recording and photography at council meetings**

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

## Terms of Reference

- promote and maintain high standards of conduct by Members and Co-opted Members;
- advise, train or arrange to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- recommend the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and to monitor the operation of such code(s) of conduct;
- deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.
- to take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
  - Reporting its findings to Council [or to the Parish Council] for information;
  - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee);
  - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
  - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
  - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
  - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
  - Restricting contact to named officers or requiring contact be through named officers; or
  - Excluding [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- advise on the management of statutory and other registers of interest and gifts / hospitality received;
- advise the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards.

# Standards Committee

**Monday 25 February 2019**

## Agenda

**1. Minutes (Pages 5 - 8)**

To approve as a correct record the minutes of the previous meeting held on 11 July 2017.

**2. Apologies for absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

**4. Public question time**

*Items for Discussion*

**5. Update on matters of interest**

**6. Revision To Member Profiles and Removal from the Council Constitution (Pages 9 - 29)**

**7. Update on the Registration of Gifts and Hospitality by Members and Officers (Pages 30 - 40)**

**8. Complaints Received by the Monitoring Officer - Update (Pages 41 - 65)**

**9. Committee on Standards in Public Life - Review of Local Government Ethical Standards (Pages 66 - 71)**

**10. Update on Matters of Interest (Page 72)**

# Agenda Item 1

## South Somerset District Council

**Draft Minutes** of a meeting of the **Standards Committee** held in **Council Chamber B, Council Offices on Tuesday 11 July 2017.**

(2.00 pm - 3.00 pm)

**Present:**

**Members:** Councillor Anna Groskop (Chairman)

**District Councillors:** Nigel Gage and Crispin Raikes

**Parish Representatives:** Godfrey Townrow

**Independent Persons:** Christopher Borland and Peter Forrester (to 2.50pm)

**Officers**

Ian Clarke	Director (Support Services)
Angela Cox	Democratic Services Specialist
Becky Sanders	Case Services Officer (Support Services)

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**13. Minutes (Agenda Item 1)**

The Director (Support Services) in his role as Monitoring Officer referred to the second paragraph of minute 4, and noted copies of the unanswered correspondence referred to had never been received.

The minutes of the meeting held on 9 February 2016 were approved as a correct record and signed by the Chairman.

**14. Apologies for absence (Agenda Item 2)**

Apologies for absence were received from Councillors Neil Bloomfield, Paul Maxwell and Angie Singleton.

**15. Declarations of Interest (Agenda Item 3)**

There were no declaration of interest.

**16. Public question time (Agenda Item 4)**

There were no members of public present at the meeting.

## **17. Presentation From The Somerset Association of Local Councils (Agenda Item 5)**

The Chairman welcomed Justin Robinson, Chief Executive of the Somerset Association of Local Councils (SALC) to the meeting.

Mr Robinson provided an informative presentation 'Raising Standards: Council Health Checks' which included information about:

- The work of SALC
- Common problem areas
- Developing Council Health Checks
- More detail about the five options available for a health check:
  - Council policy/compliance check
  - Staff review/salary benchmarking exercise
  - Meeting observation
  - Personalised training
  - Council business planning

In response to questions raised during discussion, Mr Robinson clarified that:

- SALC could make suggestions and recommendations to town and parish councils, and if relating to HR issues such matters were usually discussed by the said councils in closed session.
- There were very few self-employed clerks with the majority of town and parish councils now registered as an employer with HMRC.
- There were cases where some clerks are working more than their contracted hours, and this could lead to issues regarding the minimum wage. Councils had been made aware of the issue but in some cases there was reluctance to accept the advice provided.
- Training for parishes about the planning process needed to come from the District Councils, but SALC could provide courses on how to effectively respond to planning applications.
- SALC had templates available to member parishes for creating key documents such as Council Plans and risk assessments etc.

The Director (Support Services) noted he would like to try and work together with SALC in the future to get to the root of problems in some parishes, and commented it would be useful to have an indication of the costs involved.

Mr Robinson explained there was currently no cost structure as the process was in a development stage, however they did charge expenses. Any charges would be structured in such a way so as to be affordable.

At the end of discussion members thanked Mr Robinson for his interesting presentation.

- RESOLVED:** It was resolved that:
1. The presentation be noted.
  2. The way in which the Monitoring Officer could use this service to support town and parish councils in the SSDC administrative area was considered.

## **18. Complaints Received by the Monitoring Officer - Update (Agenda Item 6)**

The Director (Support Services) in his role as Monitoring Officer presented the report which provided an update on complaints received about councillors since the last meeting of the Standards Committee. He noted the sanctions available were limited and reminded members of the current complaints procedure.

It was noted most complaints received about councillors were not Code of Conduct matters, but were more to do with disagreements about decisions made or meeting procedures. He acknowledged that in the absence of a Local Government Ombudsman equivalent for town and parish councils, many complainants may have felt they had no option but to complain to SSDC.

There was no discussion and members were content to note the report.

**RESOLVED:** That the report be noted.

## **19. Update on matters of interest (Agenda Item 7)**

The Director (Support Services) explained that he had put this item on the agenda as there had been speculation there might be changes to the Code of Conduct in the future, but no other information had since come forward.

During a very brief discussion there was reference to adverse publicity and it was felt all councillors, both SSDC and town and parish councils in the SSDC administrative area, should be reminded of the consequences regarding breaches of confidential information and the risks of using social media. It was agreed a reminder should be sent to all SSDC councillors and parish clerks.

**RESOLVED:** That the verbal updates be noted.

## **20. Committee Work Programme and Future Meetings (Agenda Item 8)**

The Director (Support Services) explained that he would be looking for volunteers to help with the review of some documents referred to in the Work Programme, in particular the protocol on Member/Officer Relations as an action had been highlighted by Internal Audit as part of a Healthy Organisation Review.

During discussion it was noted a meeting of the independent members with the political leaders and Chief Executives needed to be arranged. It was agreed that the Democratic Services Manager would try to make arrangements for prior to a meeting of full Council.

The parish representative informed members he may not stand for election in May 2019. It was suggested as there was currently only one representative on the Standards Committee that a new appointment should be sought in order to offer some continuity into the next term. It was agreed a report would be made to the next meeting to agree the process for making a new parish representative appointment to the Standards Committee.

**RESOLVED:** That the Work Programme be agreed subject to the following additional report:

1. Process to make an appointment of parish representative to the

- Standards Committee – October 2017
2. That the future meeting arrangements be noted.

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Chairman



# Agenda Item 6

## **Revision To Member Profiles and Removal from the Council Constitution**

*Director: Netta Meadows, Director - Strategy and Support Services*  
*Lead Specialist: Angela Watson, Lead Specialist - Legal / Monitoring Officer*  
*Lead Officer: Joanna Gale, Scrutiny Specialist*  
*Contact Details: joanna.gale@southsomerset.gov.uk*

### **Purpose of the Report**

To request that the Standards Committee recommend to Full Council approval of the revised member role profiles included in this report and remove them from the constitution making them a companion document.

### **Public Interest**

The purpose of this report is to update the Standards Committee on the findings and recommendations of the Transformation Members Working Group in relation to member roles. The group were tasked to consider how the role of the Councillor is changing and to identify what tools, learning and support is needed to enable the councillor to be effective and efficient in the transformed Council.

### **Recommendations**

That Standards Committee recommend to full Council:

- a) That the Role Profiles and Framework set out in Appendices 1-3 to this report, including the addition of a desirable knowledge and skill set specification, be adopted;
- b) That the existing member role profiles be removed from the Council's Constitution; and
- c) That future revisions to the member role profiles be agreed by a member working group, of political and Area balance, to provide member insight to the learning and development of councillors; such working group to be formed on an 'as needed' basis.

### **Background**

The Member Leadership and Development for Transformation Project formed part of the People and Change Transformation Workstream. This project was led by the Communities Lead, Transformation and was supported by the Scrutiny Specialist who worked collaboratively with a cross party and all area representative elected member working group (the Transformation Member Working Group). The Group formed and commenced work in October 2017 tasked to aid the development and implementation of Transformation, with specific tasks that included:

- Examining how the role of the councillor is changing.
- How the member roles need to evolve to reflect the transformed Council building on the 'One Team' approach and ensuring the Council and councillors work both efficiently and effectively.
- Highlighting the transferable skills and experience of the councillor role to attract a more diverse and representative elected Council.

## Report

The Transformation Member Working Group met on several occasions to understand the future councillor role and to revise the Councillor Role Profiles to ensure they are fit for purpose. The Group considered:

- Area+ and Locality working, including project work and assessing local needs
- 21<sup>st</sup> Century Councillor - Foot note required
- Staff Attitudes and Approaches Framework
- Changing needs and expectations of customers
- Other authorities role profiles
- New technology that will be available to residents and businesses of South Somerset
- New tools and technology that will be available to staff and councillors
- Different elements of the District Councillor role
- Draft councillor induction programme
- The proposed approach to learning and development moving forward learning from experiences to date and recognising both collective and individual needs
- The desirable skills and knowledge of the various role profiles/special responsibilities
- The barriers to being an effective councillor and potential mitigation measures to attract and retain a more representational group of elected members for South Somerset

The Group concluded:

- a) Councillors should have a clear role profile, which takes account of the digital world. This should be a companion document to the Constitution, which is being revised and simplified separately.
- b) The Attitudes and Approaches Framework is applicable to councillors with modifications. The emphasis for councillors is to recognise the needs and particulars of the wider community, rather than the narrower customer focus adopted in the staff document. The practical application of this framework needs to be built into councillor training i.e.: *being an effective Councillor* and will help to ensure that staff and councillors respect each other's roles and work well together in their complementary roles.
- c) Councillors should have a clear framework of expectations within which they operate that is easy to use, within which they feel supported in their role and which all political groups are signed up to and follow.

The Group created a revised Member Role Profile (Appendix 1) and accompanying Member Attitude and Approaches Framework (Appendix 2) which was circulated with an information pack for consultation to all elected members on 15 November 2018. Some members raised questions about both documents in response to the consultation, but no member made suggestions to alter the structure or content or stated that they did not support the revisions.

Following the wider elected member support for the revised Profile, the Group reviewed all the role profiles and supported refinement to:

- Build on the 'One Team' concept
- Improve consistency of language and terminology
- Include a form of specification providing desirable knowledge and skills for the Special Responsibility role profiles, to aid understanding of the demands and expectations of the role, and to help inform development plans and training programmes.

The revised Special Responsibility role profiles are attached at Appendix 3.

The Group suggested the Role Profiles, the Framework, and the Knowledge and Skill Set documents should be a companion to the Constitution and not be part of it, as they are not a statutory requirement and this will allow for a simpler and quicker process if alterations are required.

### **Financial Implications**

There are no financial implications of this report.

### **Council Plan Implications**

None

### **Carbon Emissions and Climate Change Implications**

None from this report.

### **Equality and Diversity Implications**

None from this report.

### **Other Implications**

***Background Papers:*** None other than author's own papers used to compile the report.

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## Councillor Role Profile

### Decision Maker & Council Representative

- Prepare for, attend and participate effectively in meetings of the Council and your Area Committee, taking well informed decisions for the benefit of the District as a whole
- Participate constructively in the good governance of the District and effective running of the Council
- Play an active part in the development and scrutiny of Council policies, budget strategies and service improvement
- Play an active part in the development of corporate strategies and Area plans, taking account of engagement and consultation with local people
- Participate in other member committees and groups as required
- Represent the Council on outside bodies as appointed and report back to the relevant member level body as appropriate
- Represent the Council as a whole, to partners, other agencies and in the wider community

### Community Leader and Ward Representative

- Champion your ward, advocate local views within the Council and to other agencies
- Deal with ward casework and meet individual residents and community groups, as appropriate, to discuss and help to resolve problems
- Balance different views within your ward, mediating different interests and representing your ward as a whole
- Attend town and parish meetings to discuss their issues and to explain Council activities and how they affect the ward
- Keep in touch with residents and engage with all groups

### Day to Day Councillor

- Interact with officers, partners, communities and fellow councillors, adhering to the SSDC Code of Conduct and the Councillor Attitudes and Approaches Framework
- Take personal responsibility for your own development, participating fully in the training and development programme in order to build understanding, knowledge and skills that you need to undertake your role effectively
- Communicate by using all relevant communication methods whilst adhering to corporate guidance on media, social media and internet use
- Operate effectively, fully utilising the Council provided digital technology

### Key skills

The desirable key skills of a Councillor include:

- Good communication and listening skills
- Public Speaking
- Advocacy
- Negotiation
- Basic IT

## **Knowledge**

The desirable knowledge of a Councillor include:

- An understanding of the legislation relating to the duties, obligations and rights of councillors
- An understanding of how the Council works
- An understanding of the Councillor's Code of Conduct, including ethics and standards
- A basic understanding of local government finance and audit processes, and the ability to interpret Council budgets and accounts
- Knowledge of issues affecting local government
- Knowledge of the Council's priorities and key projects
- Detailed knowledge of local issues and needs

## Councillor Attitudes and Approaches Framework

All councillors will adhere to this Framework:

### 1. Open and Challenging

- a) You champion continuous improvement and gain confidence to voice your ideas and opinions when you see a better way of doing things
- b) You are respectful of other's views and seek/are receptive to constructive feedback
- c) You understand that it is not a weakness to ask for help and willingly draw on the strengths of others to achieve the most ambitious outcomes for customers

### 2. Positive and Flexible

- a) You work with commitment and embrace a can-do attitude to ensure that you are an effective Councillor
- b) You are ambitious for the Council, able to respond to change with flexibility and enthusiasm

### 3. Trust and Support

- a) You value each other (councillors and officers) and listen actively to understand the views of others
- b) You promote the values of diversity, fairness and mutual respect for all
- c) You ensure that you deliver on promises by effectively keeping commitments and communicate when things go wrong
- d) You support and encourage each other and create an environment where effective working relationships are maintained

### 4. Taking Responsibility

- a) You take ownership of your role and are proactive in using your initiative to ensure that problems are identified and solutions found
- b) You focus on continuous improvement, striving to be the best for yourself, the Council and ultimately our communities in South Somerset
- c) You participate in training and through continual learning and development improve your skills and knowledge

### 5. Team Working

- a) You collaborate with others and share responsibility to reach a common goal
- b) You are mindful of people's personalities and you promote knowledge, resource and skill sharing throughout the Council by building networks internally and externally

There are 3 additional leadership competencies:

### 1. Setting Direction

- a) You set the Vision and strategic direction for the Council
- b) You demonstrate ambition for the Council and make decisions

### 2. Leading and Developing People

- a) You prioritise developing and enabling the people around you, inspiring, coaching and mentoring others to continually improve

### 3. Delivering Results

- a) You deliver results, ensuring that things within your remit are performance and outcome focused
- b) You take initiative to lead change activities and you seek excellent results

## Leader of the Council Role Profile

These responsibilities are in addition to the Councillor and Executive Member role profiles.

### Responsibilities:

To provide political leadership to the Executive and the Council.

- Work with officers to set the Council's Strategic direction, budget and associated policies and frameworks.
- Lead the development of the Council's strategic direction, budget, strategies and policy framework with officer support.
- Lead the work of the District Executive, chairing all meetings, and ensuring all members of the Executive are fully briefed; to attend pre-agenda meetings for the Executive and other briefings with officers where necessary.
- Allocate portfolios to the members appointed to the District Executive and support the portfolio holders, meeting with them regularly to discuss the implementation of the Council's plan to achieve its ambition, plans and priorities.
- Represent the Council on all relevant matters, in consultation with the portfolio holder as appropriate; to develop and promote the reputation and interests of the Council locally, regionally and nationally.
- Liaise regularly with the media to ensure the Council's policies and activities are publicised, respond to questions and comments from the media, and be the principal spokesperson for the Council.
- Liaise regularly with the Chief Executive and provide political leadership to the Chief Executive and Directors on the overall Council plan and priorities of the Council.
- Represent the Council in the community and work with community representatives and stakeholders to develop effective policies, strategies and policies.
- Organise representation on outside bodies, events and training seminars, as required (subject to consultation with the Portfolio Holder with responsibility for member development); to sift and disseminate information to other members as appropriate.
- Work with officers and members to ensure that Executive members develop the necessary skills to contribute effectively.
- Attend official openings, familiarisation and fact-finding visits as required, including consulting with the business community and other interested parties in the district.
- Hold a portfolio as allocated and carry out the responsibilities set out for appointed portfolio holders
- Take decisions in line with Part 3 of the Council's Constitution

## **Key skills**

The desirable key skills of the Leader include:

- Advanced leadership skills
- Ability to lead and manage complex change
- Ambassadorial and negotiation skills to represent the Council at a sub-regional, regional, and national level
- Excellent communication skills
- The ability to work constructively as part of a team with officers, councillors, partners, the media, members of the public and other organisations
- Advanced chairing skills
- Ability to work under pressure, managing conflicting priorities

## **Knowledge**

The desirable knowledge of the Leader includes:

- A thorough understanding of the challenges and issues facing local government and the practical implications
- Detailed understanding of the national policy framework and its impact on local policy development
- Understanding the relationship between national politics and local political leadership
- Understanding the role of each of the Special Responsibilities and the committees
- Knowledge of the work of national, regional and sub-regional bodies and understanding the role of the Leader and Council within them



## **Deputy Leader Role Profile**

These responsibilities are in addition to the Councillor and Portfolio Holder role profiles.

### **Responsibilities:**

Deputise for the Leader of the Council as required.

### **Key skills**

The desirable key skills of the Deputy Leader include:

- Leadership skills
- Ambassadorial and negotiation skills to represent the Council at a sub-regional, regional, and national level
- Excellent communication skills
- The ability to work constructively with officers, councillors, partners, the media, members of the public and other organisations
- Advanced chairing skills
- Competent working under pressure, managing conflicting priorities

### **Knowledge**

The desirable knowledge of the Deputy Leader includes:

- A thorough understanding of the challenges and issues facing local government and the practical implications
- Detailed understanding of the national policy framework and its impact on local policy development
- Understanding the relationship between national politics and local political leadership
- Understanding the role of each of the Special Responsibilities and the committees
- Knowledge of the work of national, regional and sub-regional bodies and understanding the role of the Leader and Council within them

## **District Executive Member Role Profile**

These responsibilities are in addition to the Councillor and Portfolio Holder role profiles.

### **Responsibilities:**

To work with the Leader and other members of the Executive to ensure coherent direction and action by the Council through the following:

- Playing a leading role in the management of the Council and in decisions about the service it provides and how it provides them
- Agreeing Council priorities and objectives for consideration by the Council  
Monitoring performance and reviewing the priorities and objectives annually
- Making recommendations to the Council on overall budget priorities and an annual budget
- Attending relevant official openings, familiarisation and fact-finding visits as required, including consulting with the business community and other interested parties in the district

### **Key skills**

The desirable key skills of Executive Members includes:

- Leadership skills for areas of individual responsibility
- Ability to work as part of an executive team to drive forward the continuous improvement of the Council
- Good communication skills
- Ability to challenge the status quo and deal with complex strategic challenges
- Competent working under pressure
- Ability to represent the Council in the community and at external events and meetings
- Ability to work constructively with officers, councillors, partners, the media, members of the public and other organisations

### **Knowledge**

The desirable knowledge of an Executive Member includes:

- Detailed understanding of local government finance and audit processes and the ability to interpret Council budgets and accounts
- A good understanding of the strategic planning cycle

## Portfolio Holder Role Profile

These responsibilities are in addition to the Councillor role profiles.

### Responsibilities:

- To hold a portfolio for part of the Council's activities, such as one or more services or cross-cutting issues, and to steer the preparation, development and implementation of policies and plans relevant to the portfolio
- To develop with officers an annual programme of work to deliver the relevant Council priority (to be reported to Council as part of the Annual Portfolio Holder Statements), and to liaise with relevant officers to bring forward items and monitor progress
- To attend meetings of the Scrutiny Committee and its Scrutiny Commissions (Task and Finish) activities as requested
- To represent the Council as required on issues relating to the portfolio, including briefing the media as appropriate, and to be the spokesperson for the portfolio in consultation with the Leader
- To develop and maintain effective consultation with all members of the Council, partner bodies and outside organisations, and take account of their views when making decisions
- To organise representation on relevant outside bodies as required.
- To meet regularly with the Leader and ensure the Leader is fully briefed on key issues relating to the portfolio
- To attend briefings with officers and other relevant meetings related to the portfolio, as required
- To take decisions in line with Part 3 of the Council's Constitution

### Key skills

The desirable key skills of a Portfolio Holder include:

- Leadership skills for areas of individual responsibility
- Ability to work as part of an executive team to drive forward the continuous improvement of the Council
- Good communication skills
- Ability to challenge the status quo and deal with complex strategic challenges
- Competent working under pressure
- Ability to represent the Council in the community and at external events and meetings
- Ability to work constructively with officers, councillors, partners, the media, members of the public and other organisations

### Knowledge

The desirable knowledge of a Portfolio Holder includes:

- Detailed understanding and in-depth knowledge of the respective portfolio, the scope and range of the relevant services for which they are responsible, and an awareness of current agreed priorities and policies in respect of those services
- A thorough understanding of the national policy framework and its impact on local policy development for areas of individual responsibility
- Detailed understanding of local government finance and audit processes and the ability to interpret Council budgets and accounts
- A good understanding of the strategic planning cycle

## Area Chair Role Profile

These responsibilities are in addition to the Councillor and Portfolio Holder role profiles (the Area Chair is also the Area Portfolio Holder).

### Responsibilities:

- Represent the Council as required on issues relating to the Area, including briefing the media as appropriate, and to be the spokesperson for the Area in consultation with the Leader
- Chair Area Committee meetings
- Prepare for and attend other meetings and briefings related to the committee's work
- Attend planning briefings with officers, having prepared in advance and taking all relevant paperwork to any formal meeting
- Take a collaborative approach, ensuring the advice of specialist officers is given appropriate weight and is referred to at the meeting, so as to present an effective open and transparent decision making platform
- Make sure that contributions by the public are facilitated and controlled in accordance with the agreed procedure
- Ensure all members of the Area Committee are kept informed about local matters
- Sit on the District Executive and ensure the Executive is fully briefed on Area matters
- Organise representation on relevant outside bodies
- Liaise regularly with the Area Director and the relevant officers over issues within the Area
- Develop and maintain effective consultation with parish councils, partners and other outside organisations in the Area
- Meet regularly with the Leader and ensure the Leader is fully briefed on key issues relating to the Area
- Organise annual meetings of parish councils in the Area
- Act as the formal consultee with officers in delegated decisions as delegated by the committee or as set out in the terms of approved procedure(s)
- Encourage the highest standards of behaviour and probity
- Work with officers and members to ensure that committee members develop the necessary skills to contribute effectively to the work of the committee

### Key skills

The desirable key skills of an Area Chair include:

- Leadership for the Area
- Advanced chairing skills
- Ability to work as an Area ambassador to drive forward the continuous improvement of the Council
- Good communication skills
- Ability to challenge the status quo and deal with complex strategic challenges
- Competent working under pressure
- Ability to represent the Council in the community and at external events and meetings
- The ability to work constructively with officers, councillors, partners, the media, members of the public and other organisations

## **Knowledge**

The desirable knowledge of an Area Chair includes:

- Detailed understanding and in-depth knowledge of the respective Area and an awareness of current agreed priorities and policies in respect of those services
- In-depth knowledge of legislation regulating the work of the committee
- A thorough understanding of the national policy framework and its impact on local policy development for areas of individual responsibility
- Detailed understanding of local government finance and audit processes and the ability to interpret Council budgets and accounts
- A good understanding of the strategic planning cycle

## **Chairman of Scrutiny Committee Role Profile**

These responsibilities are in addition to the Councillor role profile.

### **Responsibilities:**

To lead the Overview and Scrutiny Committee and champion the overview and scrutiny function by:

- Chairing Scrutiny Committee meetings
- Ensuring the Executive, officers and the Council's statutory partners are properly held to account, in accordance with legislation
- Providing leadership and direction to the Overview and Scrutiny Committee to make a positive contribution to the development of policy and the continuous improvement of the Council
- Promoting the role and work of overview and scrutiny, and encouraging all members to participate or contribute to Task and Finish work
- Working with officers and members to ensure that committee members develop the necessary skills to contribute effectively to the work of the committee
- Having oversight of Task and Finish reviews
- Agreeing that Urgent Executive Decisions may be taken in cases where they are not on the Executive Forward Plan and have not been publicly available for 5 clear days
- Ensuring that the Committee acts in accordance with the Council's Constitution
- Engaging with any consultation from the Leader of the Council on forthcoming matters and the Executive Forward Plan
- Representing Scrutiny Committee at District Executive and boards as appropriate.

### **Key skills**

The desirable key skills of the Chairman of Scrutiny committee include:

- Good leadership skills
- Advanced chairing skills
- Ambassadorial skills representing and championing the overview and scrutiny function inside and outside the Council
- Ability to work constructively with officers, councillors, partners, the media, members of the public and other organisations
- Good communication skills
- Advanced listening skills and questioning skills
- Ability to obtain and weigh up evidence and make recommendations based on that evidence

### **Knowledge**

The desirable knowledge of the Chairman of Scrutiny committee includes:

- Detailed understanding of the legal and constitutional arrangements relating to the overview and scrutiny function
- Detailed understanding of the Council's approach to overview and scrutiny and its relationship with the other parts of the Council's decision-making structures

- A thorough understanding of the challenges facing overview and scrutiny
- A good understanding of the strategic and budget planning cycles
- A good overview of the Councils strategies, plan, priorities and projects

## **Chairman of Audit Committee Role Profile**

(Suggested revised profile from Paul Fitzgerald, Section 151 Officer)

These responsibilities are in addition to the Councillor role profile.

### **Responsibilities:**

To lead the Audit Committee and champion the Audit function by:

- Ensuring the Audit Committee acts in accordance with the Council's Constitution, and supports good governance principles and their practical application towards achieving the Council's objectives
- Having an interest in and knowledge of financial and risk management, audit, accounting concepts and standards, and the regulatory regime
- Attending briefings with officers as required in advance of the committee meetings
- Working with officers and members to ensure that committee members develop the necessary skills to contribute effectively to the work of the committee
- Ensuring the Audit Committee membership displays unbiased attitudes and treating auditors, the Executive and management fairly
- Challenging the Executive and senior management when required

### **Key skills**

The desirable key skills of the Chairman of Audit committee include:

- Ability to plan the work of the committee over the year and beyond
- Good leadership skills
- Advanced chairing skills including:
  - Promoting objective, apolitical, open discussion
  - Managing meetings to cover all business and encouraging a candid approach from all participants
- Ambassadorial skills representing and championing the Audit function
- Ability to work constructively with officers, councillors, partners, the media, members of the public and other organisations
- Good communication skills
- Advanced listening skills and questioning skills
- Ability to obtain and weigh up evidence and make recommendations based on that evidence
- A focus on improvement and securing agreement on actions



## Knowledge

The desirable knowledge of the Chairman of Audit committee includes:

- A detailed understanding of the legal and constitutional arrangements relating to the Audit function
- A clear understanding of the Audit Committee's role and place within the Council's governance structures and framework
- A sound understanding of the seven principles of the CIPFA/Solace Framework for good governance and the requirements of the Annual Governance Statement
- A sound understanding of the Local Code of Governance
- A thorough understanding of the Council's financial procedure rules, risk management approach, counter fraud arrangements and related policies and procedures
- A sound understanding of the strategic and budget planning cycles
- A sound understanding of the Council's objectives and major functions
- A clear understanding of the arrangements for delivery of the internal audit service, and a sound understanding of the principles and standards applying to internal audit
- A sound understanding of the treasury management strategy, risks, policies and procedures
- A good understanding of the Seven Principles of Public Life and the Council's arrangements to uphold ethical standards
- Awareness of the whistleblowing arrangements in the Council

## **Chairman of Licensing Committee Role Profile**

These responsibilities are in addition to the Councillor role profile.

### **Responsibilities:**

To lead the Licensing Committee and champion the Licensing function by:

- Ensuring the Licensing Committee acts in accordance with the Council's Constitution
- Attending briefings with officers as required in advance of committee meetings
- Work with officers and members to ensure that committee members develop the necessary skills to contribute effectively to the work of the committee

### **Key skills**

The desirable key skills of the Chairman of Licensing committee include:

- Good leadership skills
- Advanced chairing skills
- Ambassadorial skills representing and championing the Licensing function
- The ability to work constructively with officers, councillors, partners, the media, members of the public and other organisations
- Good communication skills
- Advanced listening skills and questioning skills
- The ability to obtain and weigh up evidence and make recommendations based on that evidence

### **Knowledge**

The desirable knowledge of the Chairman of Licensing committee includes:

- A detailed understanding of the legal and constitutional arrangements relating to the Licensing function
- A thorough understanding of the functions under the Licensing Act 2003 and related licensing matters.

## **Council Chairman Role Profile**

These responsibilities are in addition to the Councillor role profile.

### **Responsibilities:**

The Chairman of Council will:

- Represent the Council in a civic and ceremonial capacity at Council, stakeholder and public events
- Chair meetings of the Council and attend briefings and other meetings with officers as required
- Make presentations of grant cheques and other awards to community organisations and to present long-service and retirement awards to employees
- Remain above party politics and be available to be approached by any councillor, member of staff or member of the public who wishes to speak in confidence on a matter that affects them

### **Key Skills**

The desirable key skills of the Chairman of Council include:

- Advanced chairing skills
- Ambassadorial skills in representing the Council
- Public speaking
- Excellent communication skills

### **Knowledge**

The desirable knowledge of the Chairman of Council includes:

- A detailed understanding of the Council's Constitution
- A good overview of the Council Plan, priorities and projects

## **Council Vice-Chairman Role Profile**

These responsibilities are in addition to the Councillor role profile.

### **Responsibilities:**

To deputise for the Chairman of the Council.

### **Key Skills**

The desirable key skills of the Chairman of Council include:

- Advanced chairing skills
- Ambassadorial skills in representing the Council
- Public speaking
- Excellent communication skills

### **Knowledge**

The desirable knowledge of the Chairman of Council includes:

- A detailed understanding of the Council's Constitution
- A good overview of the Council plan, priorities and projects

## **Regulation Committee Member Role Profile**

These responsibilities are in addition to the Councillor role profile.

### **Responsibilities:**

To determine planning applications referred to the Committee by Area Committees, and to:

- Ensure that the Committee acts in accordance with the Council's Constitution
- Engage with any consultation regarding the signing of second resolutions for deemed planning permission in respect of applications not regarded as significant
- Attend briefings with officers as required in advance of the Committee meetings

### **Key skills**

The desirable key skills of Regulation Committee members include:

- Good communication skills
- Advanced listening and questioning skills
- The ability to obtain and weigh up evidence and make recommendations based on that evidence

### **Knowledge**

The desirable knowledge of Regulation Committee members includes:

- A thorough understanding of planning regulation and processes
- A detailed understanding of the legal and constitutional arrangements relating to the Regulation function

# Agenda Item 7

## **Update on the Registration of Gifts and Hospitality by Members and Officers**

*Monitoring Officer:* Angela Watson, Lead Specialist (Legal)  
*Lead Officer:* As above  
*Contact Details:* [angela.watson@southsomerset.gov.uk](mailto:angela.watson@southsomerset.gov.uk) or (01935) 462183

### **Purpose of the report**

To enable the committee to consider and review the operation of the Council's policy in relation to the provision of any gifts or hospitality to members and officers, and to enable the committee to make any recommendations to ensure continued compliance with the Council's Code of Conduct.

### **Recommendations**

To note the contents of the report.

### **Background**

This report provides an update on any gifts and hospitality that have been registered by members or officers in the period 1<sup>st</sup> January 2017 to 30<sup>th</sup> November 2018. It is proposed by the Monitoring Officer that she provides annual reports to the Committee regarding any gifts and hospitality that may have been received.

### **Report**

Members will find attached to this report, at Appendix A, details of the gifts and hospitality that has been provided or presented to both Members and officers.

As Members will be aware, under SSDC's Code of Conduct, they are required to notify the Monitoring Officer of all gifts and hospitality with a value in excess of £25 which they accept from any person or body (other than SSDC), and which has been given to them in their capacity as a Member or officer.

The details of such a gift or hospitality received will then be placed on a public register, as it forms part of the Member's register of interests. Members have been provided with guidance on gifts and hospitality (as endorsed by this Committee) and this guidance forms part of the Council's Constitution (See Appendix B). The register does not include any gifts and hospitality which have been accepted by the Chairman in his official capacity as the Council's formal civic representative. These are already reported to Council as part of the Chairman's list of engagements.

In relation to officers, attached as Appendix C is an extract from the staff Code of Conduct which deals with the treatment of gifts and hospitality. Members will note that the provisions which relate to officers are considerably more restrictive as arguably they should be. The register lists all the gifts and hospitality received and how each was dealt with. It is important that this information is recorded, to remove any suggestion that it has had any influence over how an officer may have carried out their responsibilities. The Committee should note that the staff Code of Conduct needs to be reviewed and up-dated, but similar (if not identical) provisions on gifts and hospitality will be included in any new code.

Whilst it is accepted in relation to Members and Officers that the register only captures what both reveal as the gifts and hospitality they have received, the Monitoring Officer can confirm that no complaints have been received during this period that either a Member is in breach of their Code of Conduct for not registering a gift or hospitality, or that an officer has accepted something and either not registered it or failed to follow the process set out in the staff Code. Similarly, no complaint has been received by the Monitoring Officer about any town or parish Members in relation to such matters.

### **Financial Implications**

There are no financial implications at this stage.

### **Other Implications**

There are no other implications.

**Background Papers:**      The Council's Constitution

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## APPENDIX A – Summary of Gifts and Hospitality – 1<sup>st</sup> January 2017 – 30<sup>th</sup> November 2018

### SSDC District Councillors

Member	Date of Receipt	Nature of Gift or Hospitality	Donor
NONE			

### Parish / Town Councillors

Member	Name of Council	Date of Receipt	Nature of Gift or Hospitality	Donor
NONE				

### SSDC Officers / Teams

Name / Department	Date of Receipt	Nature of Gift or Hospitality	Donor	Reason for Acceptance / Refusal and Actions taken
Development Control	4 Jan 17	2 tins of biscuits	Customer	Accepted and placed in Lord Larder's box held at Petters House.
Area East Office	27 Feb 17	Invite to local event with light refreshments	Private estate near Castle Cary	One officer attended as it was an opportunity to engage with new owners.
Asst. Director	7 Mar 17	Lunch	Arlingclose (SSDC Financial Advisers)	Accepted. Director due to leave SSDC. Arlingclose travelled from London to take her out for lunch in thanks for her professional work over a number of years.
Welfare Benefits	28 Apr 17	Flowers	Customer	Accepted as this was on a Friday, prior to bank holiday.
Leisure	12 Jul 17	Chocolates	Resident	Accepted and placed in the Homeless Food Box at Petters House.
Welfare Benefits	13 Jul 17	Chocolates	Customer	Accepted and placed in the Homeless Food Box at Petters House.



Name / Department	Date of Receipt	Nature of Gift or Hospitality	Donor	Reason for Acceptance / Refusal and Actions taken
Welfare Benefits	11 Aug 17	Candle holder	Customer	Taken to St Margaret's Hospice for their monthly raffle.
Council Tax	20 Sep 17	Small bag of Maltesers	Customer	Shared within team as short shelf life.
Development Control	5 Oct 17	Small box of chocolates	Resident	Given to Charity Raffle held on 30 November at the Quicksilver Mail - Yeovil for Women -v- Cancer.
Welfare Benefits	6 Oct 17	Fresh flowers	Customer	Accepted as late on a Friday afternoon and would not be enjoyed over the weekend.
Development Control	20 Dec 17	Luxury hamper (mainly toiletries)	Resident	Thank you sent. Hamper of oils and herbs raffled within the planning team for the Lord's Larder – agreed by the CEO – and the money sent to Lord's Larder. £80 raised for the charity.
Legal	22 Dec 17	£20 gift vouchers	Sheriff's Office	Thank you sent. Vouchers given to St Margaret's Hospice Yeovil for their monthly raffle.
Environmental Health	18 Jan 18	£20	N/A	£20 raised on sale of one item of property not claimed by any family following public health burial. Money donated to St Margaret's Hospice, Yeovil.
Welfare Benefits	25 Jan 18	Box of chocolates	Customer	Thanked. Placed in the food for homeless box held at Petters House.
Development Control	3 Apr 18	Easter Egg	Resident	Thanked. Placed in the food for homeless box held at Petters House.
Welfare Benefits	2 May 18	Small box of wine gums	Customer	Consumed by housing due to short shelf life. Box not in mint condition and hence unsuitable to place in food box or donate to charity.
Director	27 Jun 18	Hospitality at Municipal Journal Awards	Civica	Accepted as SSDC had been entered for an award.
Housing	7 Aug 18	Tissues and a packet of mints	Customer	Accepted. Placed in the food for homeless box held at Petters House.

Name / Department	Date of Receipt	Nature of Gift or Hospitality	Donor	Reason for Acceptance / Refusal and Actions taken
CHAC/Museum	3 Oct 18	2 Boxes of biscuits	Local group	Accepted. Placed in the food for homeless box held at Petters House.
Revenues & Benefits	29 Nov 18	Large box of chocolates	Customer	Accepted, and placed in the Christmas Lord's Larder Box at Brympton Way.

## 1. Introduction

- 1.1 This guidance is for members of the Council and independent and co-opted members (voting and non-voting).

## 2. General Caution

- 2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. You may consider that the reputation of local government is enhanced by you adopting a position of refusing to accept any offer or gift, favour or hospitality that is made to you personally.
- 2.2 You will appreciate that your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.3 It is true that the acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

## 3. Criminal Law

- 3.1 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council.
- 3.2 The onus would be on **you** to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

## 4. Limits of Guidance

- 4.1 This guidance does not apply to:-
- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
  - The acceptance of facilities or hospitality provided to you by the Council.
  - Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

## 5. Meaning of Gifts and Hospitality

- 5.1 The expressions "gifts" and "hospitality" have wide meanings and no conclusive definition is possible. Gifts and hospitality include:-
- The free gift of any goods or services.
  - The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
  - The opportunity to obtain goods or services not available to the general public.
  - The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

- 5.2 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

## **6. Appropriate Gifts and Hospitality**

- 6.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

## **7. Principles to apply in relation to Gifts and Hospitality**

- 7.1 In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:-

- Do not accept gifts or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- “Reward” includes remuneration, reimbursement or fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:-
  - (a) From parties involved with the Council in a competitive tendering or other procurement process.
  - (b) From applicants for planning permission and other applications for licences, consents and approvals.
  - (c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
  - (d) From applicants for benefits, claims and dispensations.
  - (e) From parties in legal proceedings with the Council.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.
- In terms of identifying value always err on the side of caution and if in doubt register.

- It matters not what part you accept, it is the value that is on offer that you use in calculating whether it exceeds the £25 threshold e.g. if invited to a champagne reception then the fact that you choose to only drink the water you brought yourself doesn't alter the fact that what was on offer was valued in excess of £25 so should be registered.

## **8. Gifts Received and Donated to the Chairman's Charities**

- 8.1 Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charities. Members should indicate this intention to the provider and make this clear on their register of interests.

## **9. Registration of Gifts and Hospitality**

- 9.1 The revised Code of Conduct for Members and Co-opted Members provides that members will have a personal interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.
- 9.2 This interest must be registered in the register of members' interests. You should register the interest as soon as possible after acceptance of the gift or hospitality and by no later than 28 days of acceptance. The registration should include the source and nature of the gift or hospitality. A form is available for this purpose.
- 9.3 You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Council at which business is considered to which the interest relates (i.e. business relating to the interests of the person or body giving the gift or hospitality). The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.
- 9.4 Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £25, members are encouraged to register any significant gift or hospitality they receive below this value. There is however no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £25 in value. It is also recommended as good practice that members register all gifts or hospitality which they refuse to accept irrespective of value and include the details of the source and the nature of the gift or hospitality that has been refused.

## **10. Reporting of Inappropriate Gifts and Hospitality Offered**

- 10.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.
- 10.2 You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- 10.3 You may thereafter be required to assist the Police in providing evidence.

## **11. Enforcement**

- 11.1 The Council's Standards Committee has responsibility for overseeing compliance with this guidance.
  - 11.2 Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.
  - 11.3 Any failure to meet the guidance will itself be treated as a breach under the code of conduct.
  - 11.4 This guidance will be subject to annual review by the Standards Committee.
-

## Appendix C

### Extract from Staff Code of Conduct

#### Gifts

Section 117(2) of the Local Government Act 1972 states:-

"An officer of a local authority shall not under colour of his office or employment accept any fee or reward whatsoever other than his proper remuneration."

It is a criminal offence, the penalty for which is a fine of up to £2500. Therefore if there is any shadow of doubt in your mind the safest answer is always "No" - certainly where money, extravagant gifts or bargain purchases are concerned. It should be borne in mind that in a case of alleged corruption the onus in law is upon a person receiving a gift or favour to prove that it was not corruptly given to him/her.

**The Council does not favour acceptance of gifts by employees.** All gifts should always be tactfully refused; you should refer to this Code of Conduct as being the reason for the refusal to avoid inadvertently causing any offence. In any event, your Manager must, for your own safety, be told that the offer has been made.

If gifts are delivered or handed to an employee and cannot reasonably be returned then they should be declared and handed to the Chief Executive's Executive Assistant. The gifts or any proceeds from the disposal will be given to the charity(ies) supported by the Chairman of the Council. Similarly perishable gifts may be donated to local charities for the homeless. **The Chief Executive's Executive Assistant will keep a central record of all such gifts and how they were dealt with.**

#### Bequests

In some circumstances money or some other item may be left to an employee in a will as appreciation for services rendered to the deceased. **An employee will not be allowed to accept a bequest unless its value is under £10.** Where an indication is made that an employee might expect to receive some gift under a person's will the employee should encourage that person to take proper and independent legal advice in the preparation of their will. It would also be sensible for the employee to seek legal advice from the Solicitor to the Council to safeguard his/her position. It would reflect badly on the Council if, at a later time, claims were made by relatives or others, that undue influence had been placed on the deceased to make the gift. If proved true, the Council would consider this to be a serious disciplinary matter.

The Council have issued special guidance about bequests, or gifts by will, to members of staff working in sheltered schemes. Where bequests are made generally to the Council or a particular warden serviced housing scheme, the gift should be used in accordance with the wishes of the giver. Where these wishes are not made known, the money will be used to fund a project, event or to purchase equipment or furnishings that will be of joint benefit to the Council's clients and staff in that particular scheme.

#### Hospitality

This is probably a more difficult area than that of gifts. Occasional entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the Council's relationships should be cordial; but an appearance of improper influence is easily created.

Where a firm (or an individual) is already doing business with the Council and their representatives, and employees of the Council have to work closely together, working meals **which can be reciprocated by the employees** concerned are normally be acceptable provided no extravagance is involved. If a meal is provided subsistence is not to be claimed unless authorised expenditure has in fact been incurred.

An invitation to a social / business function to which members, other employees, or outside people or bodies, are invited, an invitation to attend a Society or Institute function, or a general celebration would normally be acceptable again provided no extravagance is involved. However, offers of holidays, hotel or other accommodation, meals other than working meals or a theatre/match ticket, would be unacceptable. If you are unsure whether you should accept or refuse an offer of hospitality ask your Manager or Director.

You should always ask yourself two crucial questions before accepting any gift or hospitality from anybody:

1. Is the offer made because you are a local government employee or because you have some other connection with the person making the offer which is clearly unconnected with your job in local government?
2. In your job are you in a position to influence the Authority's affairs, conduct or activities to the extent that you could help the person making the offer to gain some advantage from the

Some employees employed in the enforcement of sanctions may always have to say "No" to any kind of favour however small or apparently innocuous and the reality is that there is little any local government employee can properly accept in the way of gifts or hospitality.

It could be the case that some employees, particularly those involved in the letting of contracts or placing of orders for goods or services, may have to take particular care in their ordinary business dealings in private life even though the people with whom they deal have not previously done business with the Council - circumstances can arise which may cast suspicion upon employees whose personal circumstances have never been and would never be anything but "above board".



# Agenda Item 8

## **Complaints Received by the Monitoring Officer - Update**

*Monitoring Officer:* Angela Watson, Lead Specialist (Legal)  
*Lead Officer:* As above  
*Contact Details:* angela.watson@southsomerset.gov.uk or 01935 462183

### **Purpose of Report**

The Committee is asked to note the following report of complaints received by the Monitoring Officer during the period 1<sup>st</sup> August 2017 to 30<sup>th</sup> November 2018.

### **Public Interest**

Any complaints under any code of conduct applying to elected members in South Somerset (at District, Town or Parish level) are considered by the District Council's Monitoring Officer in consultation with the Independent Persons. It is important that the Committee consider what cases have been dealt with and, where action has been requested, that it be followed up. This report summarises the complaints that have been received by the Council's Monitoring Officer since the last update. Although there are now very limited sanctions that can be applied should any breach of the code of conduct be established, it is still important that there remains a route through which such concerns can be considered.

### **Recommendation**

That the Committee:

- 1) Approves the revision to the complaints process document as set out at Appendix B; and
- 2) Notes the remainder of the report.

### **Background**

Under the current standards regime, all complaints are now considered in the first instance by the Monitoring Officer who, in consultation with the Independent Persons as necessary, decides what action (if any) should be taken.

The whole focus of the complaints process is on reaching a local settlement wherever possible and that any action taken and time spent on complaints is proportionate. The process actively engages with the councillor complained about at the outset, as they are given details of the complaint and invited to make comments and respond to any allegations. All this is then taken into consideration before making a decision on the appropriate outcome.

Whilst the decision on what action should be taken rests with the Monitoring Officer, she meets where appropriate with the Independent Persons first to discuss the case.

### **Latest Position**

From 1<sup>st</sup> August 2017 to 30<sup>th</sup> November 2018, the Monitoring Officer received 18 complaints, the overwhelming majority of which relate to town or parish councillors. There have also been numerous other "matters" raised by the public about the behavior of local councils and their members, but these have been dealt with outside of the Code of Conduct process as they have been classed as "Not Code" at the outset.

The table attached as Confidential Appendix A is a summary of the complaints received and the stage they have reached.

The Monitoring Officer will verbally update the Committee on individual cases, if required.

### **Proposed revision to Complaints Process**

The majority of the complaints received during this update period were made in relation to town and parish councils, and half of these were made either by one councillor against another or by the clerk against a councillor. However, in most cases there was little or no evidence provided to demonstrate that the town or parish council had attempted to resolve matters before the complaint was submitted to the Monitoring Officer.

Assessing and investigating a complaint involves spending public money, as well as costing officer and member time. It is therefore proposed that no complaint of the type described above will go beyond the 'Preliminary Stage' unless the complaint is accompanied by evidence that the Council has itself taken steps to attempt to resolve the dispute. If such evidence is not provided or forthcoming, the complaint may be held in abeyance whilst such steps are taken or may be rejected.

### **Financial Implications**

There are no financial implications of this report.

### **Council Plan Implications**

None

### **Carbon Emissions and Climate Change Implications**

None from this report.

### **Equality and Diversity Implications**

Any printed material relating to the process for complaining about the conduct of councillors is available in large type and other languages as required. The guidance material and complaint form is regularly reviewed, and the Monitoring Officer checks how well the form is completed when used and also records any issues raised about the accessibility of the forms and process.

### **Other Implications**

There are no other implications. The processes referred to in this report have been carried out having regard to the current guidance, relevant regulations, the obligations under the Data Protection Act 1998, The Human Rights Act 1998 and the Regulation of Investigatory Powers Act 2000.

**Background Papers:** *None other than author's own case papers used to compile the report.*

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## APPENDIX B



# Guidance and Process Relating to

How to make a

# Complaint

about the behaviour of a  
local authority Councillor  
in South Somerset

**If you would like this document translated into other languages or into Braille, large print, audio tape or CD, please contact:**

** 01935 462462**

Dokument ten jest na życzenie udostępniany w językowych polskim.

Este documento encontra-se disponível em Português, a pedido.

## **CODE OF CONDUCT FOR COUNCILLORS: INFORMATION AND GUIDANCE FOR POTENTIAL COMPLAINANTS**

### **The complaints regime**

The responsibility for considering written complaints against elected or co-opted councillors of South Somerset District Council and the town and parish councils within our area for breach of a Code of Conduct still sits with this Council's Standards Committee.

The complaints process are overseen by the Standards Committee who together with the Council's Monitoring Officer and appointed Independent Persons help maintain and promote high ethical standards and deal with complaints about members. The Monitoring Officer can refer any complaint to the Standards Committee where he considers it appropriate in all the circumstances.

### **Is this a complaint that can be dealt with?**

The points listed below will help you decide whether this is something that can be dealt with by the Monitoring Officer and/or Standards Committee. You should speak to the Monitoring Officer if you are not clear if either can consider your complaint.

Please note that trivial, frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

The Monitoring Officer or the Standards Committee (as appropriate) will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the councillor(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a councillor, cannot be considered.
- Your complaint must be about one or more named councillors of the authorities listed on the attached Schedule A.

- Your complaint must be that the councillor(s) has, or may have, breached their Council's Code of Conduct.
- The alleged breach must have occurred when the councillor was acting in their "official capacity" – they must be clearly acting as a representative of the council when the alleged breach occurred. A Councillor is entitled to private life and what a councillor does in their private life is not a matter for the Code of Conduct and not something which can be dealt with under this process.
- **Complaints by one member against another member of the same council, or by the clerk against a member of their council, will not normally be progressed unless accompanied by evidence which demonstrates that other processes (e.g. informal mediation or political group processes) have been attempted and exhausted."**
- Complaints about dissatisfaction with a decision or action of the council or one of its committees, a service provided by any council or its procedures or decision making do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the council e.g. the Clerk of a local council, also do not fall within the jurisdiction of the Standards Committee.
- **Your complaint must be in writing.** If a disability prevents you from making your complaint in writing then please let us know and we will provide you with appropriate assistance.

**It is important to note that only a very small percentage of complaints that fall within the jurisdiction of the Standards Committee will be referred for investigation.** The Monitoring Officer or the Standards Committee (as appropriate) must decide when this is appropriate. The Monitoring Officer will endeavour to resolve or deal with most complaints without the need for a formal investigation. The factors to be taken into account in reaching a decision about the appropriate action to be taken in relation to a complaint are:-

- Whether a substantially similar allegation has previously been made by you to the Standards Committee, or the complaint has been the subject of an investigation by another regulatory authority;
- Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
- Whether the allegation is anonymous;
- Whether the breach is technical and relatively minor in nature;
- Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and:-
  - (i) the resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
  - (ii) whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation;

- Whether the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat;
- Whether the complaint suggests that there is a wider problem throughout the authority;
- Whether it is apparent that the councillor complained about is relatively inexperienced, or has admitted making an error and the matter would not warrant a more serious sanction;
- Whether a simple apology, training or conciliation would be the appropriate response;
- Whether a reasonable offer of local resolution is offered by the councillor the subject matter of the complaint but is rejected by you.

## **What happens once you submit your complaint?**

**Preliminary Stage** - When you submit your complaint we will write to you to let you know we have received it, usually within 10 working days. The Monitoring Officer will then consider whether the complaint falls within the scope of this process, at what Level and that there is some evidence which would suggest there may have been a material breach of the code.

**Level 1 Complaint** - Complaints which are about procedural issues or unhappiness with decisions and are not code related or which do not contain any evidence of any breach of the code or are technical minor breaches will be determined at this stage by the Monitoring Officer without further inquiry and the complainant advised accordingly within 20 working days or as soon as possible thereafter. **The decisions which could be reached by the Monitoring Officer are (i) Not Code (ii) No Further Action – Potential Technical or Minor Breach But Not Proven.** For these complaints the Monitoring Officer will not automatically notify the councillor about the complaint although should the member become aware of the complaint and wish to know what has been alleged and the identity of the complainant, then this information will be provided to them. If the Monitoring Officer receives numerous complaints about a member all of which could be classed as minor or technical then the Monitoring Officer can decide to treat any complaint as a Level 2 Complaint.

**Level 2 Complaint** - If the complaint doesn't fall within Level 1 then we will notify the councillor to whom the complaint relates, provide details of the complaint and invite them to make representations. These should be received by the Monitoring Officer usually within 20 working days of receiving the notification but additional time can be allowed for this stage by the Monitoring Officer. If appropriate, the Monitoring Officer may also contact the clerk of the Town or Parish Council.

You and such other persons as the Monitoring Officer feels appropriate may be required to provide additional information in order that they can complete this assessment. On the completion of this initial assessment the Monitoring Officer will contact you to advise you whether your complaint relates to a

breach of the code of conduct and what action is proposed, if any. Before making that decision, the Monitoring Officer will discuss your complaint with our “Independent Persons”. These are individuals who are not councillors and who South Somerset District Council is required by law to appoint to assist it in dealing with complaints against councillors. **The decisions which could be reached by the Monitoring Officer are (i) No Further Action – No Breach (ii) No Further Action – Potential Breach - Not Proven (iii) Other Action – Potential Breach - Not Proven but Action Recommended (e.g. advice and guidance to be given) and (iv) Potential Breach – Refer for Investigation.**

**Investigation Stage** - If the Monitoring Officer or Standards Committee considers that the complaint is both very serious in terms of the potential breach of the code and an investigation is warranted in the public interest to establish the facts and the extent of any alleged breach, the Monitoring Officer or someone acting on their behalf will undertake this investigation. **Only very exceptionally will a complaint result in an investigation.**

The Monitoring Officer will let all those involved know that this is the case and the process that will be followed. If an allegation relates to disclosable pecuniary interests then these are matters for the Police and will be referred to them to deal with. Irrespective of the outcome of any Police investigation, these are not matters which will be investigated by this Council although the Council will consider whether advice, guidance or training should be offered to the councillor. At the end of an investigation, the Monitoring Officer will issue a draft report and invite comments which must be received within 10 working days. The Monitoring Officer will send a copy of the final investigation report to you, the Standards Committee, the councillor complained about, the Independent Person and the Clerk to the Town/Parish Council (where relevant). If a hearing is required and reaches a finding that there has been a failure to comply with the Code then there is a very limited range of sanctions that can be imposed.

**Outcome 1** - If an investigation reveals no failure to comply with the code or a minor/technical breach may have occurred or identifies a training requirement as opposed to any sanction as being the appropriate response then the Monitoring Officer, after consulting with the Independent Persons is authorised to issue guidance to either party, close the matter and issue his report to the complainant and the councillor complained about. The Monitoring Officer has the discretion to refer the matter to the Standards Committee before exercising that power if he considers it appropriate.

**Outcome 2** - If the investigation reveals a more significant failure to comply with the code (which is not minor or technical in nature or where a need for training is not really the issue) then the Monitoring Officer in consultation with the Independent Person is authorised to seek a local resolution of the complaint providing all parties agree (acting reasonably). In the unlikely case that a local resolution is not appropriate or not agreed by the parties then the outcome of the investigation will either (i) be reported to a **Hearings Panel** for a local hearing (Note: the Hearings Panel will consist of three elected members from the Standards Committee who determine whether there has been a breach of the Code of Conduct and if so what sanction, if any, should be imposed) or (ii) form the basis of an **Investigation Outcome Report** which will be both published and issued to all parties and set out the nature of the



complaint, the outcome of any investigation, the local resolution suggested by the Monitoring Officer and the response from the parties to this. The decision whether to proceed with either option (i) or (ii) above rests with the Monitoring Officer who will consult with the Independent Persons before deciding and will have regard to the relative costs involved and which option best serves the public interest.

**Hearing Stage** - If a hearing is required it will be held in public and will be conducted on a relatively informal basis however both parties will be able to make representations and call witnesses. At the end of the Hearing, the Hearings Panel, after consulting with the Independent Person will decide whether, on the balance of probabilities there has been a failure to comply with the Code of Conduct and what "sanction" or "sanctions" should be imposed.

There is no right of appeal against the decisions of the Monitoring Officer, Standards Committee or Hearings Panel, however if you are unhappy with the outcome then you are still entitled to complain to the Local Government Ombudsman or challenge any decision through the Courts by way of Judicial Review.

The procedure the Council has adopted is designed to be proportionate, timely, cost effective and fair to both sides. Its overriding objectives are to seek to provide pragmatic local solutions to local problems unless that proves to be impossible and also to avoid costly and time consuming investigations except for the very most serious of cases where an investigation is very clearly in the public interest.

## **How should I set out my complaint?**

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish to be considered. If a complaint does not contain sufficient information then it will be dealt with accordingly.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate to the Monitoring Officer or Standards Committee that you have reasonable grounds for believing that the councillor(s) complained about has breached the Code of Conduct.

## **I am the complainant but I don't want my identity revealed**

If you ask for your identity to be withheld, this request will be considered by the Monitoring Officer at the initial assessment stage.

As a matter of fairness and natural justice, the councillor you complained about should usually be told who has complained about them and receive details of the complaint. However, in very exceptional circumstances, the Monitoring Officer may withhold your identity if on request from you, or otherwise, they are satisfied that you have reasonable grounds for believing that you or any witness relevant to the complaint may be at risk of physical harm, or employment may be jeopardised if your or their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with their or your identity being disclosed.

If the Monitoring Officer decides to refuse your request for confidentiality, they will offer you the option to withdraw the complaint, rather than proceed with your identity being disclosed. However the Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh your wish to have your identity withheld and in very exceptional cases further action may be taken in relation to your complaint even where you have asked that it be withdrawn. We will contact you to discuss the matter beforehand to explain our position.

### **What you should do if you wish to submit a written complaint**

- Get a copy of the code of conduct for the relevant council to see whether the behaviour you wish to complain about is covered by their code. **If it is not covered by the relevant code then we will not be able to deal with it.** Copies of all codes are available on our website.
- Talk to / raise the matter with the Council's Monitoring Officer for general advice before submitting a formal complaint.
- Fully complete the attached complaints form (or ensure your letter of complaint addresses, in full, all of the issues covered in the complaint form).
- Submit the written complaint by post, e-mail or fax to the address set out below, **as soon as possible after the date of the alleged breach.**

### **Address for submission of a written complaint**

Angela Watson, & Monitoring Officer  
South Somerset District Council  
The Council Offices  
Yeovil  
Somerset.  
BA20 2HT

Tel: 01935 462462

Email: [angela.watson@southsomerset.gov.uk](mailto:angela.watson@southsomerset.gov.uk)

## **Schedule A**

### **List of Authorities subject to South Somerset District Council's Standards Committee's Jurisdiction**

South Somerset District Council  
Abbas & Templecombe  
Aller  
Ash  
Ashill  
Ansford  
Babcary  
Barrington  
Barton St. David  
Barwick  
Bayford & Stoke Trister  
Beercrocombe  
Brewham  
Broadway  
Bruton  
Brympton  
Buckland St. Mary  
Cary Moor (Grouped - Alford, Lovington, North and South Barrow)  
Castle Cary  
Chaffcombe  
Chard  
Charlton Musgrove  
Charlton Mackrell  
Charlton Horethorne  
Chilthorne Domer  
Chiselborough  
Combe St. Nicholas  
Compton Dundon  
Corton Denham  
Crewkerne  
Cudworth  
Curry Rivel  
Curry Mallett  
Donyatt  
Dowlish Wake  
Drayton  
East Chinnock  
East Coker  
Fivehead  
Hambridge & Westport  
Hardington Mandeville  
Haselbury Plucknett  
Henstridge  
High Ham  
Hinton St. George  
Horsington  
Horton  
Huish Episcopi  
Ilchester

Iminster  
Ilton  
Isle Abbots  
Keinton Mandeville  
Kingsbury Episcopi  
Kingsdon  
Langport  
Long Sutton  
Long Load  
Lopen  
Marston  
Magna  
Martock  
Merriott  
Milborne Port  
Misterton  
Montacute  
Mudford  
North Cadbury (Grouped - North Cadbury and  
Yarlington) North Perrott  
North Vale (Grouped - North Cheriton, Maperton and  
Holton) Norton-Sub-Hamdon  
Odcombe  
Pen  
Selwood  
Pitcombe  
Pitney  
Queen Camel  
Rimpton  
Seavington (Grouped Parish of Seavington St. Mary & Seavington St.  
Michael) Shepton Beauchamp  
Shepton Montague  
Somerton  
South Cadbury  
South  
Petherton  
Sparkford  
Stocklinch  
Stoke-Sub-Hamdon  
Tatworth & Forton  
Tintinhull  
Wayford  
West Camel  
West Chinnock  
West Coker  
West Crewkerne  
Wincanton  
Whitestaunton  
Winsham  
Yeovil Without  
Yeovil Town  
Yeovilton

## Behaviour covered by the Code of Conduct

You can complain about a councillor breaking any part of their council's Code of Conduct. Each council is entitled to adopt their own code so there is no standard code of conduct that applies to all local authorities. This means you need to have seen the code of conduct that applies to the councillor about whom you wish to complain and that the behaviour you wish to complain about is covered by that code. **The Monitoring Officer/Standards Committee cannot consider any complaints that fall outside of the relevant code of conduct. As mentioned previously, they cannot consider complaints about employees or any behaviour where the councillor is not acting in their official capacity as a councillor. What they do in their private lives are not matters for the code and this complaints process.**

The code that relates to councillors of South Somerset District Council covers the following areas:-

- unlawfully discriminating against someone
- failing to treat people with respect
- bullying any person
- intimidating any person involved in any investigation or proceedings about someone's misconduct
- doing something to prevent those who work for the authority from being unbiased
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- using their position improperly, to their own or someone else's advantage or disadvantage
- misusing their authority's resources
- allowing their authority's resources to be misused for the activities of a registered political party
- failing to register financial or other interests
- failing to reveal a personal interest at a meeting
- taking part in the discussion or making a decision where they have a "disclosable pecuniary interest" or an interest that is so significant that it is likely to affect their judgement (known as a 'prejudicial interest')

- improperly influencing a decision about a matter in which they have a “disclosable pecuniary interest” or prejudicial interest
- Failing to register any gifts or hospitality (including its source) that they have received in their role as a member worth over £25.

Any breaches in relation to the requirements around “disclosable pecuniary interests” are matters for the Police as a criminal offence may have been committed. We suggest you speak to the Council’s Monitoring Officer first as he should be able to advise you whether or not it is a matter for the Police. In any event they are not matters where the Council will carry out an investigation.

Although we have encouraged the Town & Parish Councils to adopt similar provisions they are not required to do so. Accordingly their code may look quite different so you do need to see a copy. The Clerk to the relevant Town or Parish Council should be able to provide you with a copy of their code. The code of conduct adopted by South Somerset District Council is on our website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

## Sanctions available to Standards Committees

The **only** sanctions available to the Standards Committee are as set out below. These sanctions can only be imposed after a formal investigation and hearing. In relation to the councillors of Town & Parish Councils in our area, it is important to appreciate that we can only recommend the imposition of a particular sanction to those councils; we **do not** have the power to enforce or require compliance.

- Report its findings to Council or Town/Parish Council for information;
- Recommending to the member’s Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee) ;
- Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
- Instructing the Monitoring Officer to arrange training for the member;
- Removing from all outside appointments to which he/she has been appointed or nominated by the authority;
- Withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
- Restricting contact to named officers or requiring contact be through named officers; or
- Excluding the member from the Council’s offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

# Agenda Item 9

## **Committee on Standards in Public Life – Review of Local Government Ethical Standards**

*Monitoring Officer:* Angela Watson, Lead Specialist (Legal)

*Lead Officer:* As above

*Contact Details:* [angela.watson@southsomerset.gov.uk](mailto:angela.watson@southsomerset.gov.uk) or (01935) 462183

### **Purpose of the report**

To enable the committee to consider the report of the Committee on Standards in Public Life (“CSPL”), following its review into local government ethical standards.

### **Recommendations**

To note the contents of the report.

### **Background**

This report provides an opportunity for members to consider the review of local government ethical standards conducted by the CPSL, and to request the Monitoring Officer to action any points.

### **Report**

The CSPL is undertaking a review of local government ethical standards. The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing code and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
3. Make any recommendations for how they can be improved
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

On 29<sup>th</sup> January 2018, the CPSL launched a consultation in relation to the review, and SSDC’s response to the consultation (one of 317 submitted) is attached at the Appendix to this report.

The CPSL is due to publish its report on its review on 30<sup>th</sup> January 2019; a copy of the report will be circulated to members as soon as it is available in order for this committee to consider and discuss the findings.

### **Financial Implications**

There are no financial implications at this stage.

### **Other Implications**

There are no other implications at this stage.

**Background Papers:**      The Council's Constitution

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## Review of Local Government Ethical Standards

### SSDC Stakeholder Consultation response

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.

The sanctions that can be applied are too limited; whilst for the majority of cases the available sanctions would be sufficient to address and correct the behaviour, there is no effective way of dealing with the most serious or persistent breaches.

The responsibility for town/parish council complaints resting with the district council monitoring officers represents a significant drain on district council resources, not least because much of what is referred is outside their jurisdiction in any event; an independent process for dealing with breaches at town/parish council level would ensure that such complaints were dealt with in a more timely way whilst ensuring that monitoring officers are able to focus on the other aspects of their role.

- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

As above, an appropriate level of sanction for the more serious and persistent cases, and an independent body to deal with complaints at town/parish level.

#### *Codes of conduct*

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?

Generally yes, but because most principal councils have adopted very similar codes. Greater consistency could be achieved through a single code for principal authorities and a single code for town/parish councils and this would assist with clarity.

- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

There is a lack of clarity for some councillors around the distinctions between disclosable pecuniary, personal and personal & prejudicial interests, and this confusion is more evident at town/parish level. There is too much scope for local interpretation around disclosure, which is unhelpful given the criminal sanctions attached to disclosable pecuniary interests.

### *Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?

What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

We have good processes in place for investigating and deciding allegations, however local authority meeting arrangements can make it difficult to run hearings in confidential session and this poses a risk to running a fair process. There is also the risk that member level panels will be subject to political influence. An independent panel would not be constrained by local authority meeting arrangements and would be outside of political influence.

However, the process is expensive and time consuming, especially given the limited sanctions available, and so is rarely used. Monitoring officers will try to resolve complaints informally rather than proceed to an investigation.

- i. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?

Yes, the existence of the Independent Person provides a helpful check for the monitoring officer and is a source of support.

- ii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

We would always use someone else to undertake any formal investigation so as to avoid such a conflict.

### *Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?  
What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

Yes for the less serious breaches that we resolve informally, e.g. by apology or training.

Should local authorities be given the ability to use additional sanctions? If so, what should these be?

The sanctions are adequate for less serious matters, but not for the more serious breaches. A power to withhold allowances and to suspend for a limited period (i.e. up to 6 months) would be a powerful deterrent and appropriate for breaches that require a hearing.

#### *Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.

A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?

Broadly yes in terms of registration, but the requirement to disclose is quite limited; it would provide greater clarity for the public if DPis had to be disclosed at a meeting in the same way as personal and prejudicial interests.

What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

We include an item for declarations on every agenda of all decision-making meetings. We provide training to councillors on the Code of Conduct, and the monitoring officer is available at any time to discuss with any individual member about a potential conflict of interest. However, the declaration of a personal or prejudicial interest is a matter for the individual member and requires judgment on their behalf, and so it is difficult to achieve consistency.

#### *Whistleblowing*

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

We have a Whistleblowing Policy in place which appears to be satisfactory.

#### *Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?

Provide more training to town and parish councils if resources allowed, and provide refresher training for district members on an annual or bi-annual basis.

- j. What steps could *central government* take to improve local government ethical standards?

1. Give councils greater sanctions to deal with breaches.

2. Empower town and parish councils to deal with their own complaints or establish an independent body to deal with the same.
3. Empower Standards Committees to be able to “call in” individual councillors where there are concerns about behaviour, rather than relying on a formal complaint being made.

*Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?  
What measures could be put in place to prevent and address this intimidation?

Petty and/or persistent complaints, particularly at the town/parish level, aren't uncommon and the complainant will abuse the local standards process to try to sway matters in their favour.

Town/parish clerks have to deal with a lot of petty or spiteful behaviour and they may also, in frustration, refer matters to the monitoring officer because they feel they have no other avenue to deal with the complainant.

Greater clarity/power to identify a complaint as vexatious might help to limit (perceived or real) intimidation.

# Agenda Item 10

## **Update on Matters of Interest**

*Monitoring Officer:* Angela Watson, Lead Specialist (Legal)

*Lead Officer:* As above

*Contact Details:* [angela.watson@southsomerset.gov.uk](mailto:angela.watson@southsomerset.gov.uk) or (01935) 462183

## **Purpose of Report**

This report is submitted for information to update members on any recent information regarding matters of interest to the Standards Committee, and for the Monitoring Officer to verbally update members on any ongoing matters.

## **Recommendation**

That members note the verbal updates as presented by the Monitoring Officer.

*Background Papers:* None

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