

Minutes of a Meeting of the Standards Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Wednesday, 28 June 2023 at 2.00 pm

Present:

Cllr John Bailey (Chair)

Cllr Hugh Davies
Alan Hemsley
David Stripp

Cllr Steven Pugsley (substitute)
Robin Horton (virtually)

10 Apologies for Absence - Agenda Item 1

Apologies were received from Cllr B Smedley, Cllr M Dimery and Cllr F Nicholson who was substituted by Cllr S Pugsley.

11 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Standards Committee held on 19 April 2023 were confirmed as a correct record.

As matters arising from the minutes the following actions were identified:

1. That the Code of Conduct Comparison Document (from Mrs Wellman) to be circulated (action: A Hemsley)
2. The job specification for co-opted member vacancy to be circulated (action: Monitoring Officer [MO])
3. Update on progress filling the co-opted member vacancy to be given (action: MO).

12 Declarations of Interest - Agenda Item 3

There were no declarations of interest.

13 Public Question Time - Agenda Item 4

No members of the public had registered to speak.

14 Priority Group 1 - Code of Conduct Complaints Process and Media Plan - Agenda Item 5

Members considered the report and having noted the officer responses shown in the tracked changes agreed that both the Hearing Procedure and the Guidance on making a complaint should be recommended for adoption. They then considered the two process flow charts, and whilst they agreed that the one produced by officers was more technically accurate, they all believed that the one produced by the Priority Group would be more easily understood by a layman, and should be the one used.

In respect of the Media Protocol the Committee felt that it would be helpful to have the costs of the complaints recorded, not only in case a Freedom of Information request was made, but for their own information and to help them gauge whether the process was adequately resourced or not. They were advised that whilst the Monitoring Officer's time and the individual investigation costs could be recorded, this was not routinely done and that there were also many other ancillary costs to be considered. After a discussion it was agreed that the Protocol should be adopted and that the Monitoring Officer (MO) would report back to the Committee on the feasibility of recording costs (action MO). After which Priority Group 1 would review the need to amend the Protocol in respect of providing costs.

Resolved

To request that the Monitoring Officer report back on what costing options could be provided.

To recommend that Full Council adopt the:

1. Investigations and Hearing Procedure
2. Somerset Council Guidance on making a Code of Conduct Complaint (including process flow chart)
3. Somerset Council Code of Conduct Complaints Media Protocol

15 Priority Group 1 - Committee & Sub-Committee Composition - Agenda Item 6

The Monitoring Officer presented his report and sought recommendations from the Priority Group and Committee upon what amendments to the composition of the

Committee and Sub-Committee they would like implemented and the following points were made:

- Co-opted members did not need to be voting members because the decisions the Committee made were usually consensual.
- Whilst there already was an 'independent person' on sub-committees, it was felt that Co-opted members ought to be included. Although some reservations were raised about the resultant size of the sub-committee.
- The analysis of peer councils that was undertaken provided no evidence to support the inclusion of co-opted members on hearing sub-committees.
- In order to increase the pool of voting members, from which the sub-committee could be selected, it would require a minimum of 5 additional Somerset Council members to maintain its current political balance.
- Any changes to the Committee's structure would, with the requirement for it to be agreed by Full Council, take time to be implemented

After a discussion it was agreed not to change the current composition of the Committee and Sub-Committees (action P2).

Noting that it would take some months for complaints to get to stage 3, and impact upon hearings, they felt that the situation should be monitored, to ensure that should any future changes be needed, they could be implemented in a timely manner (action P1).

16 Priority Groups 2 & 3 - Model Code of Conduct Adoption by City, Town & Parish Councils and Review of Officer Code of Conduct - Agenda Item 7

The Committee first considered the adoption of the Model Code of Conduct by city, town and parish council's and the Chair wished to thank Mr Hemsley for his research.

The Monitoring Officer explained the work done over the past year with all the five higher tier authorities having adopted the Somerset Model Code of Conduct prior to vesting day. After which it had been adapted for city, towns and parish use and promoted to them jointly with the Somerset Association of Local Councils (SALC). He stressed that the role of Somerset Council was encouragement and not enforcement and that, whilst each council had a requirement to adopt a code of conduct, there was no obligation for them to adopt the Somerset one. He was now proposing to follow up this work with a short online survey asking each council to confirm what code of conduct they were using and asking them to provide a link to the document.

Members supported the Monitoring Officer's proposals and requested an update at their next meeting (action MO).

The Committee then considered the Officer Code of Conduct and noted that the observations of Priority Group 3 had been passed to the Workforce Director who would be consulting with the Trade Unions on any proposed changes. Mr Hemsley volunteered to attend any of those meetings, if required, and the Monitoring Officer agreed to pass this on to the Workforce Director. They requested an update to be given at the next meeting (action MO).

Resolved

1. To note the number of City, Town & Parish Councils that had adopted the model code and agree that on behalf of the Committee the Monitoring Officer continued to promote its adoption by means of an online survey.
2. To note that their observations on the Officer Code of Conduct had been presented to the Service Director of Workforce who intended to share it with the Trade unions and any observations and feedback would be presented to the Committee in due course.

17 Future Business - Agenda Item 8

The following points were raised:

- The annual report on Gifts and Hospitality would be coming to the Committee's next meeting in August.
- The Committee would find it useful to have an organisation chart for Democratic Services (action MO/AM).
- Members would like to be advised of complaint hearings rather than reading about it in the local press (action ST).

18 Code of Conduct Complaints Update - Agenda Item 9

The Committee received an update on the number of Code of Conduct complaints received since vesting day and noted that over 30 complaints had been received of which 25% were in respect of Somerset councillors and 7 out of the 10 related to 2 specific incidents. They were also advised that there were 11 complaints from the legacy councils that still had to be concluded.

In response to questions the Monitoring Officer confirmed that the nature of

complaints e.g. the code broken and the source of the complaints was being recorded and that together with SALC and clerks they were looking at what training they could offer. Additionally, the Local Government Association had done some work around social media which may be helpful.

Members agreed that it would be helpful to have monthly updates on the number of complaints received and dealt with (action MO).

A question was raised about whistleblowing and it was agreed that confirmation of whether or not this fell under the remit of the Committee would be provided (action MO).

Resolved

To note the report.

(The meeting ended at 4.13 pm)

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CHAIR