

Minutes of a Meeting of the Standards Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Wednesday, 25 October 2023 at 2.00 pm

Present:

Cllr John Bailey (Chair)

Cllr Brian Smedley (Vice-Chair)

Cllr Hugh Davies

Alan Hemsley

David Stripp

Cllr Frances Nicholson

Robin Horton

Other Members present remotely:

Cllr Martin Dimery

Cllr Simon Coles

Cllr Tessa Munt

Paul Hooper

Cllr Liz Leyshon

Cllr Leigh Redman

25 Apologies for Absence - Agenda Item 1

Apologies were received from Councillor Martin Dimery and Co-opted Member Paul Hooper who joined the meeting virtually.

26 Declarations of Interest - Agenda Item 2

There were no declarations of interest.

27 Public Question Time - Agenda Item 3

Jenny Kenton and Councillor Jason Baker had registered to speak.

Their questions related to Code of Conduct complaints and the way they were handled. In response the Deputy Monitoring Officer made the following points:

- From February 2023 to date £2,750 had been spent in relation to Code of Conduct assessments and investigations.
- Of the complaints listed within the agenda report:

- None had been dealt with by both a Somerset officer and an outside consultant.
- None had waited four months or more to be completed.
- Since becoming a unitary authority the main change to the process was to the information and guidance provided, predominantly in terms of the language used and the inclusion of a process flow chart.
- If anyone feels that the process has not been correctly followed they should contact the monitoring officer.
- When a code of conduct complaint is completed the only people notified were the:
 - Complainant
 - Subject Councillor
 - Clerk - if the subject councillor was a member of a city, town or parish council
 - Independent Person – as part of the process
 - Standards Committee – in the form of anonymous data
- If a complaint progresses to a formal investigation and hearing, then the hearing would normally be held in public and the decision notice published. Where no breach was found following a hearing, the decision notice would only be published with the agreement of the Subject Councillor.

28 Action Sheet and Minutes from the Previous Meeting - Agenda Item 4

Resolved that the minutes of the Standards Committee held on 30th August 2023 be confirmed as a correct record.

The Committee then considered the action plan and noted the following:

- Action 1 - The review of the committee/sub-committee membership was still ongoing with a target date of March 2024.
- Action 2 – On the agenda (agenda item7).
- Action 3 – That an Interim Service Director of Workforce was now in place and that an update should be available for 24th January 2024 meeting.
- Action 4 – The Deputy Monitoring Officer had recently provided details of the key contacts to Full Council and this action was now completed.
- Action 5 – On the agenda (agenda item 9).
- Action 6 – This was being considered at this meeting and could be removed.

- Action 7 – The Priority Groups had met.

29 Review of Gifts and Hospitality - Agenda Item 5

The Committee considered the work undertaken and recommendations from Priority Group 3 and noted that Priority Group 3 highlighted that:

- They had considered the trigger value for declaring gifts and hospitality: currently £50 for councillors, £25 for officers and £5 suggested by Cllr T Munt.
- They had considered the requirement under the Members Code of Conduct (Code) to register any gifts or hospitality valued at £50 or over either received or refused, and also to refuse gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence.
- They recommended that on the Gifts and Hospitality form there should be section for members to indicate whether or not they had accepted the gift or hospitality and their reasons for this.

Priority Group 3 members referenced their recommendations in the appendix and in particular :

1. That the trigger value for Members to register gifts and hospitality should be set at £10.
2. The declaration form should be amended, as shown in the report, so that members can indicate whether or not they have accepted or rejected an offer of gifts and hospitality, and if accepted why they believe it was appropriate to do so.

The Deputy Monitoring Officer advised the Committee that the current value of £50 adopted by Somerset Council had been based on the Local Government Association (LGA) Model Code of Conduct and this had been adopted by the majority of unitary, county and district councils. In addition it had also been adopted by many city, town and parish councils in Somerset.

Concerns were raised by some committee members that point 9.6 of the Code was not adopted by some of Somerset's city, town and parish councils.

Cllr T Munt addressed the Committee and stated her support for the £10 trigger value being recommended. Also, she stated that rather than 'gifts and hospitality' it should read 'gifts, benefits and hospitality' the Chair suggested that reference to 'benefits' be looked at further as part of the work being undertaken by Priority Group 2 on the adoption of the code.

The Deputy Monitoring Officer explained that the LGA and most councils used the term 'gifts and hospitality' to cover gifts and hospitality offered to a member acting in their role as a councillor, not Christmas presents from family, needed to be declared. He also stated that the Code did not require members to declare the reasons for acceptance or refusal of gifts and hospitality and therefore the proposed changes to the declaration form to include this would need approval to the requirements set out in the Code of Conduct.

The Committee discussed the proposed amendments and some concerns raised over deviating from the LGAs model code and the code being promoted to city, town and parish councils within Somerset.

They considered the trigger value at which gifts and hospitality need to be declared and agreed (3 votes to 1) that it should be amended from the current £50 to £10.

Next they considered the need for boxes on the declaration form (or radio buttons for forms completed online) for members to indicate whether or not they had accepted the gift or hospitality and the need for a box for members to give the reasons for accepting or declining the gift or hospitality offered. Noting that it was not a requirement within the Code to give reasons they believed that a box could be added but that it would not be right to make its completion mandatory.

It was then agreed (2 votes for, 1 vote against and 1 abstention) that:

1. Boxes be added to the form to indicate whether the gift and hospitality being declared had been accepted or not.
2. That a non-mandatory box be added to the form to allow members to give reasons, should they wish to do so, as to why they accepted or refused the gift or hospitality being declared.
3. The Council's Code of Conduct paragraphs 9.5 and 9.6 be amended to reflect the above recommendations 1 and 2.

Resolved

To recommend Full Council amend the Section 9 (Gifts and hospitality) of the Members Code of Conduct, Part H of Somerset Council's Constitution, as follows:

1. The value at which gifts and hospitality need to be declared by members be amended from the current £50 to £10.

2. Boxes be added to the form to indicate whether the gift and hospitality being declared had been accepted or not.
3. That a non-mandatory box be added to the declaration form to allow members to give reasons, should they wish to do so, as to why they accepted or refused the gift or hospitality being declared.
4. That paragraph 9.5 of the Members Code of Conduct be amended to 'I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £10 within 28 days of its receipt.'
5. That paragraph 9.6 of the Members Code of Conduct be amended to 'I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £10 that I have been offered but have refused to accept within 28 days of the offer. It is recommended that a member sets out their reasons for either refusing or accepting.'

30 Code of Conduct Complaints - Agenda Item 6

The Committee considered the quarterly update report from the Monitoring Officer on the number of code of conduct complaints received.

Concerns were raised over a complaint made by a co-opted member which due to confusion regarding which officer had picked it up, coupled with annual leave, had resulted in it slipping past the recommended timescales. They were advised that generally, getting information from all the parties involved in a complaint was one of the main factors that impacted upon the timescales. They were re-assured that whilst the majority of complaints were dealt with within the set timeframe, if for some reason it couldn't, the complainant was now informed and given the reason why and a new date given. An unresolved complaint from 2022 was also raised and it was agreed that this would be looked into outside of the meeting.

The Committee considered the need for the name of the officer dealing with each case or the external investigator to be listed in the report. But upon reflection decided that it would not be appropriate. However, they did request that within the table listing the number of complaints received each month it should state how many had been reconciled.

They noted that only one of the 18 complaints detailed related to a Somerset Councillor. The Deputy Monitoring Officer explained that there were well over 2,000

city, town and parish councillors within Somerset and that one of the advantages with them adopting the LGA code of conduct was that there was a significant amount of training and support available to them.

31 Code of Conduct Adoption - City, Town and Parish Councils - Agenda Item 7

The Committee considered the results of the short online survey sent out to all the city, town and parish councils within Somerset asking them to confirm what code of conduct they were using and to provide a link to the document.

With more qualitative data being available Priority Group 2 agreed to look into the survey results and also consider if there was anything else that could be done to increase the poor response rate.

32 Work Programme and Actions - Agenda Item 8

The Committee considered the work programme and agreed that the Annual Report should be co-presented and taken to the May 2024 Full Council meeting.

Members then noted the following new and updated actions:

	Actions	By Whom	By when
1.	<u>Matters arising from 28/6/23</u> Officer Code of Conduct to HR Carried forward	SW	Update 24/1/24
2.	<u>Agenda Item 5</u> 2.1 - £10 - Amend recommended level to Full Council. Code of Conduct - Sections - 9.5/9.6 to be amended 2.2 - Amend form and include reasons - to Full Council	SW SW	20/12/2023 20/12/2023
3.	<u>Agenda Item 6</u> 3.1 - Complaint No's (page 24) Add in reconciled to P.24 Two individual experiences of the complaint process were raised. - To be resolved individually	SW Individuals	Next quarterly update Next meeting

	- Also use as test of complaints efficiency	SC	24/1/24 Next meeting 24/1/24
4.	<u>Agenda Item 7</u> 4.1 - P2 - requested info on qualitative responses to Question 5 (survey) 4.2 - P2 - Look at improving response levels to survey and uptake of Code of Conduct	SW P2	Next meeting 24/1/24
5.	P2 - Requested consideration of diaries to be kept on SC calendar	P2	Next meeting 24/1/24

(The meeting ended at 4.19 pm)

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CHAIR