

Public Agenda Pack



Minutes of a Meeting of the Standards Committee held in the Luttrell Room - County Hall, Taunton TA1 4DY, on Wednesday, 19 April 2023 at 10.00 am

Present:

Cllr John Bailey (Chair)

Cllr Hugh Davies

Cllr Frances Nicholson

Alan Hemsley

Cllr Martin Dimery

Cllr Brian Smedley

David Stripp

1 Apologies for Absence - Agenda Item 1

It was noted that co-opted members Mr Horton, and Mr Hooper were absent. The Chair asked also those in the meeting room to introduce themselves.

2 Minutes from the last meeting - 2 February 2023 - Agenda Item 2

The minutes of the meeting held on Wednesday 2 February 2023 were agreed as a correct record.

3 Declarations of Interest - Agenda Item 3

Members of the Standards Committee declared the following personal interests in their capacity as a Member of a District, City/Town or Parish Council:

Cllr B Smedley - Bridgwater Town Council.

4 Public Question Time - Agenda Item 4

There were no petitions presented or questions/statements asked by members of the public.

5 Officer support for the Standards Committee - Agenda Item 5

The Chair began by reflecting on the huge amount of work that had been undertaken by the Committee and the support provided by a group of Officers prior to the new Council being formed on 1 April. He thanked Mrs Randell, Mr Wooldridge and Mr Melhuish for their efforts and their work to help and support the Committee. He also thanked both Mr Woodhams and Mrs Wellman for their work in support of the Committee and providing legal advice and he wished them well for their new roles, working with other Local Authorities.

The Chair asked about the Officers that would be supporting the Committee for the forthcoming meetings and he asked the Monitoring Officer, Mr Wooldridge, to provide an update on those arrangements. Mr Wooldridge explained that interim arrangements had been put in place, across the Democratic Services team, to ensure support was provided for the Council's democratic function, pending completion of the final team structure and staffing arrangements.

Members heard that for the interim period Mr Taylor would be the Clerk to the Committee and Mr Clark would attend as the new Monitoring officer should his appointment be confirmed at the next Full Council meeting in May. Mr Clark further explained that the remit of the new Council would include overseeing standards for all the Town and Parish Councils in Somerset, and a number of Deputy Monitoring Officers would be appointed to assist him and the Committee in overseeing this work. Mr Clark also confirmed that once the staffing arrangements of the democratic services team had been finalised, the officers designated to support the Committee would be shared with Members.

The Chair suggested and it was agreed that Mr Clark would confirm the officer support arrangements when they had been finalised.

6 Update on the work of the Priority Groups - Agenda Item 6

The Chair began by reminding the meeting that the Committee had agreed to consider specific areas and 3 groups had completed deep dive reviews. The group known as P1 had looked to establish the procedure for the Investigation and Hearing process, should the Monitoring Officer decide that a Code of Conduct complaint about a Member of the Somerset Council or a Town/Parish Council merited investigation. The P2 group had looked at how that Code of Conduct, which was the Local Government Association (LGA) model, could be adopted by all the Councils in Somerset (approx. 279) thus helping to ensure all Councils were following the same policy. The P3 Group had been looking at refreshing the Officer Code of Conduct. The Monitoring Officer noted that the papers were all new draft documents that the

Committee could recommend for adoption to the new Council. He noted that Paper 1, reflected the work that had been done through one of the Local Government Reorganisation work streams, and this had looked at each of the complaints procedures of the 5 former Councils in Somerset and the P1 Group had sought to develop a new document to capture best practice.

The Monitoring Officer noted that that the P1 Group had considered and deliberated in some detail the 'How to make a complaint' guidance notes document (Paper 2); the 'Complaints about Councillors process – flow chart' (Paper 3) and the draft 'Media Protocol' (Paper 4) to set out how the Council would deal with media enquires about standards matters. Paper 5 was an extract from the Constitution about how Sub-Committees of the Committee would work as Hearing Sub-Committees in determining complaints that had reached that stage.

The Monitoring Officer explained they were being presented for consideration and it would be for Members to decide to recommend them for approval by the Council or if they required further work which they could undertake with the new Monitoring Officer. He noted the new Council's constitution had been agreed last February and the current complaints process and guidance notes were fit for purpose and would remain in place until such time as they were changed.

The Chair suggested that Paper 1 be accepted and considered at the next meeting once the Committee had time to consider and were content with Papers 2 to 4. There was a brief discussion that included the procedure for establishing if a complainant was vexatious and how the media protocols would work in practice, including publicising a determination of a complaint.

In respect of the P1 group, it was agreed that Papers 1 to 4 would be reviewed and considered again at the next meeting to be held on 28 June.

Regarding the work of the P2 group the Chair invited Mr Hemsley to provide the Committee with an update and he spoke to a spreadsheet that was displayed visually to the meeting. The spreadsheet provided information to show which Local Community Network (LCN) each Town or Parish Council had been allocated to and the former District Council area and if they had considered and adopted the LGA model Code of Conduct. It was noted that some Councils had adopted the Code but that sometimes the Somerset Association of Local Councils (SALC) had not been informed. All Councils were required to have a Code of Conduct and Somerset Council itself had adopted and had recommended that the LGA model Code of Conduct be adopted by the 279 Town and Parish Councils. The Council could not enforce, oblige or require the Town and Parish Councils to adopt the LGA model Code but was encouraging adoption so all Somerset communities could benefit

from having a single Code of Conduct that would be applied to all Councillors across the County.

There was a brief discussion about how best to engage with Town and Parish Councils and it was noted that LCN's were not the only way of engaging and Somerset Councillors were good ambassadors for their areas. It was suggested and agreed that the P2 group would meet outside of the meeting to progress this issue. It was suggested that a document from Mrs Wellman be circulated to the Committee.

Regarding the work of the P3 group Cllr Dimery and Mr Hemsley noted they had held a meeting with an Officer in the Council's HR department to discuss the Officer Code of Conduct and they had identified some potential amendments to the Code that had been adopted by the Council last February. The Monitoring Officer noted that by the next meeting he would be able to report on if those amendments fell within the scope of the delegations that allowed him to make amendments to the Code.

For Cllr Nicholson to have a briefing with the Chair and MO.

7 Annual review of the work of the Committee - Agenda Item 7

The Chair noted that he had completed a review of the work undertaken by the Committee and he had circulated his report to all Member of the Committee for comments and he thanked those co-opted Members that had provided feedback. The Chair reflected that the Committee had covered a great deal during a period of huge change as people were often completing multiple tasks and thanked everyone that had been involved with and supported the work of the Committee during that time.

8 Membership of the Committee - Agenda Item 8

The Chair noted that with the Council now taking on responsibility for overseeing Standards matters and possible complaints arising from the Town and Parish Councils in the County it might be that the work requirements on Members of the Committee would increase. He therefore thought it prudent for the Committee to consider its membership and if a member could take on the role of Vice Chair as this would help with ensuring Hearing Sub-Committees could meet.

The Monitoring Officer noted that a recommendation would have to be made for the Committee to have a position of Vice Chair and a Councillor would also need to be appointed. Regarding the possible 'backlog' or carry over of existing complaints that

had yet to be determined he noted this was approx. 13. He further noted that Hearing Sub-Committees were quite unusual and would only occasionally be required at the end of the complaints process. He confirmed there was a vacancy for a co-opted Member to sit on the Committee and that person might be a Town or Parish Councillor and that recruitment process, conducted by the Monitoring Officer could typically take up to 3 months.

It was confirmed that any complaint about a Council member would be judged against the respective Councils own Code of Conduct. Hearing Sub-Committees had to comprise 3 Members of the Standards Committee and an Independent Member, no substitute could be used.

It was not thought that this limited number of people that could sit on Sub-Committees would be problematic, based on the number of times the Sub-Committees had been required over recent years. There was a suggestion that the P1 group might want to consider the membership of Hearing Sub-Committees and there was a brief discussion about the political composition and locations for such meetings.

The Committee agreed, it having been proposed and seconded, to request that a position of Vice Chair be added to the terms of reference and that Cllr Smedley be nominated for the role of Vice Chair and those would be submitted to the next full Council meeting for approval.

9 Action Plan - Agenda Item 9

Agenda item 5 - to clarify officer support - David Clarke - ASAP

Agenda item 6 - P1 Working Group to review documents 1-4 (issued by Monitoring Officer under agenda item 6), circulate to Cttee members and report back to Cttee on 28 June 2023 This to include possible use of co-opted members of the cttee to sit on Hearing Sub-Cttee - by P1 group - 14/06/23

Agenda item 6 - P2 to meet to agree a way forward - P2 group - 14/06/23

Agenda item 6 - P3 - MO to Respond to current P3 amendments and agree the way forward with P3 - MO/P3 - 14/06/23

Agenda item 6 - Chair and MO to provide Cllr Nicholson with a background briefing

Agenda Item 6 - The Monitoring Officer to confirm whether those amendments fell within the scope of the delegations that allowed him to make amendments to the

Code.

Agenda item 8 – Full Council (24 May) requested to amend Constitution to include position of Vice Chair and Cllr Smedley to be nominated

Agenda item 8 – Membership of Hearing Sub-Committee – P1 to review – 14/06/23

Agenda item 8 – Co-opted Vacancy - Job Spec to be considered at future meeting – MO – 14/06/23

(The meeting ended at 12.02 pm)

.....
CHAIR