

MENDIP DISTRICT COUNCIL

Minutes of the Standards Committee meeting held on Tuesday, 12 July 2022 in the Council Chamber, Mendip District Council, Cannards Grave Road, Shepton Mallet, BA4 5BT commencing at 2.00 pm.

Councillors Present: Richard Pinnock (Chair) and Heather Shearer (Deputy Chair), Nick Cottle, Jon Cousins and John Greenhalgh

Online (Teams): Shane Collins

Officers Present:

Helen Bowen Democratic Services Officer
David Clark Head of Law and Governance Services and Monitoring Officer
Claire Dicken Democratic Services Supervisor
Debbie Widdows Democratic Services Officer

Agenda Item	Subject	Actioned by
1	Election of the Chair The Monitoring Officer apologised for the delayed start. He said the first agenda item was the election of the Chair which, according to the Constitution, happens at the first meeting of the Standards Committee after the Council's Annual General Meeting which took place in May. He asked for nominations for the position of Chair. Councillor Heather Shearer nominated Councillor Richard Pinnock. This was seconded by Councillor Jon Cousins. There were no other nominations and Councillor Richard Pinnock was duly elected as Chair of the Standards Committee until April 2023.	David Clark
2	Election of the Deputy Chair Councillor Richard Pinnock then nominated Councillor Heather Shearer for the position of Deputy Chair. This was seconded by Councillor Nick Cottle. There were no other nominations and Councillor Heather Shearer was duly elected as Deputy Chair.	
3	Chair's Announcements The Chair welcomed everyone to the meeting. He then spoke about the recent passing of Cllr Woollcombe-Adams and paid tribute to his fellow councillor. A moments	

	silence was observed to allow Members to reflect and remember Councillor Woolcombe-Adams.	
4	<p>Apologies for Absence</p> <p>Apologies for absence had been received from Councillors Tom Killen and Liz Leyshon. Councillor Shane Collins was attending online via Teams.</p>	
5	<p>Declarations of Interest</p> <p>There were none</p>	
6	<p>Public Participation</p> <p>Items not on the agenda None.</p> <p>Items on the agenda None.</p>	
7	<p>Previous Minutes</p> <p>Councillor Shearer proposed that the minutes of meeting held on 15 March 2022 be approved. This was seconded by Councillor Cottle and agreed unanimously.</p> <p>RESOLVED:</p> <p>That the minutes of the meeting held on 15 March 2022 be approved as an accurate record of the proceedings.</p>	Claire Dicken
8	<p>Model Code Endorsement</p> <p>The Monitoring Officer had prepared a report which said that following the Committee on Standards in Public Life's report into Local Government Ethical Standards (reported previously to the Committee), the Local Government Association (LGA) undertook consultation in Summer 2020 and issued a Model Code of Conduct for Elected Members in May 2021. The Monitoring Officers across the County took the opportunity to promote the model code within their organisations and to City, Town and Parish Councils within their area in the hope that, as far as possible, a single code could be adopted across all tiers of local government in Somerset and to support the transition to the new Somerset Council in 2023.</p> <p>The report continued that whilst moving to the new Model LGA Code of Conduct is not a mandatory requirement, a national single code for all elected Members, with clear wording, additional guidance, working examples and explanatory text introduces benefits for Councillors, Officers and the public.</p>	David Clark

The Model LGA Code had the benefit of written guidance that sits behind it. This guidance provides both those subject to the Code and those charged with assessing complaints, clear expectations and a commonly understood interpretation. This is something which has not been provided since the introduction of the Localism Act in 2011.

The Report noted that there were some omissions from the model code that it was felt to be prudent to address and listed a number of proposed amendments to the model code.

The recommendation within the report was that the Standards Committee:

1. Endorse the LGA Model Code with local variation (Draft Somerset Code of Conduct) as set out in this report and make a recommendation to Full Council to adopt the Draft Somerset Code of Conduct for Mendip District Council.
2. Endorse the Draft Somerset Guidance and Process to accompany the Members Code of Conduct Complaint Form and make a recommendation to Full Council to adopt the Draft Somerset Guidance and Process to accompany the Members Code of Conduct Complaint Form.
3. Endorse the Draft Somerset Code of Conduct Complaint Form and make a recommendation to Full Council to adopt the Draft Somerset Members Code of Conduct Complaint Form.

On completion of the presentation, the Monitoring Officer clarified that all District and Parish Councils would adopt their own Code of Conduct but that for consistency, it was being suggested that Councils adopt the Model Code. Councils could make their own amendments, as was proposed in this report for Mendip District Council. The amendments were compiled by all the Monitoring Officers across the 5 councils and they have been approved by Somerset County Council at the Full Council meeting in May 2022.

In response to questions, the Monitoring Officer gave a definition of “trivial complaints” as those being made in a tit-for-tat way, as a response made to a complaint about a Councillor, rather than a standalone complaint.

It was proposed by Councillor Jon Cousins and seconded by Councillor Nick Cottle to endorse the recommendations.

A vote was taken and it was approved unanimously and

	<p>RESOLVED:</p> <p>To</p> <ol style="list-style-type: none"> 1. Endorse the LGA Model Code with local variation (Draft Somerset Code of Conduct) as set out in this report and make a recommendation to Full Council to adopt the Draft Somerset Code of Conduct for Mendip District Council. 2. Endorse the Draft Somerset Guidance and Process to accompany the Members Code of Conduct Complaint Form and make a recommendation to Full Council to adopt the Draft Somerset Guidance and Process to accompany the Members Code of Conduct Complaint Form. 3. Endorse the Draft Somerset Code of Conduct Complaint Form and make a recommendation to Full Council to adopt the Draft Somerset Members Code of Conduct Complaint Form. 	
<p>9</p>	<p>Independent Person Recruitment</p> <p>The Monitoring Officer presented a report regarding the recruitment of an Independent Person (IP), following the resignation of the existing IP in May 2022.</p> <p>The report stated that under the Localism Act, the Council is required to have at least one Independent Person. The Council decided when originally setting up the system to have one Independent Person with a reserve Independent Person being available from our Somerset Council Partners, if required.</p> <p>Each Member who is the subject of a complaint has the right to discuss the matter with the Independent Person, and the Monitoring Officer or his deputies has an obligation to consult the Independent Person on each case.</p> <p>An application pack for the role of Independent Person had been prepared and the opportunity was being advertised on the Council's website and in local newspapers.</p> <p>The report continued that Somerset County Council were also looking to recruit a Reserve Independent Person, therefore, both roles had been advertised as a single opportunity.</p> <p>The Recommendation within the report was:</p> <ol style="list-style-type: none"> 1. That a recruitment process for a new Independent Person is commenced and the role of Independent 	<p>David Clark</p>

Person should be advertised on the Council's website and in local newspapers.

2. That Members note that in due course Full Council will be required to appoint the successful candidate.
3. Note that the position will be advertised jointly with Somerset County Council for their Reserve Independent Person and the remuneration of the Mendip District Council role will be £1,392 pa and £500 pa for the Somerset County Council role.
4. Delegate authority to the Head of Law & Governance Services and Monitoring Officer to undertake all steps necessary in relation to the recruitment process.

On completion of the presentation of the report, Councillor Heather Shearer wished to recognise the good work of Shirley Eden and hoped the Council would be able to recruit someone as good. There was concern that as the job was only going to last until the vesting day of the new Somerset Council, it may be difficult to attract a good standard of applicant. The Monitoring Officer advised that he had already spoken to a number of interested individuals and that the successful candidate would be in a good position to be retained by the new Somerset Council.

He advised that the position was already being advertised on the Council website, on various local council sites and on the "Indeed" job website.

It was proposed by Councillor Jon Cousins and seconded by Councillor Nick Cottle to approve the recommendations within the report.

A vote was taken and it was approved unanimously and

RESOLVED:

1. That a recruitment process for a new Independent Person is commenced and the role of Independent Person should be advertised on the Council's website and in local newspapers.
2. That Members note that in due course Full Council will be required to appoint the successful candidate.
3. Note that the position will be advertised jointly with Somerset County Council for their Reserve Independent Person and the remuneration of the

	<p>Mendip District Council role will be £1,392 pa and £500 pa for the Somerset County Council role.</p> <p>4. Delegate authority to the Head of Law & Governance Services and Monitoring Officer to undertake all steps necessary in relation to the recruitment process.</p>	
10	<p>Updates to the Constitution</p> <p>The Monitoring Officer had provided a report which set out amendments to specific elements of the Council's Constitution which have been made with delegated powers by the Monitoring Officer since the Constitution was last approved by full Council on 23 May 2022.</p> <p>In accordance with the Constitution these amendments have, where necessary, been developed in consultation with the following people:</p> <ul style="list-style-type: none"> • The Leader of the Council • The Chair of any Board or Committee affected by the change. <p>The report said that Mendip's Constitution had been amended at the following Sections in order to bring it into alignment with the make-up of the current arrangements for Cabinet:</p> <p>5.10.2 a Assets of Community Value Panel; to remove the Deputy Leader from the list of Members and to add the Portfolio Holder for Strategic Policy and Climate Change.</p> <p>5.10.2 b Phoenix Board; to remove the Deputy Leader from the list of Members.</p> <p>5.10.2 c Asset Management Group; to remove the Deputy Leader from the list of Members</p> <p>Members were asked to note the revised sections of the Constitution.</p> <p>Members noted the report.</p>	David Clark
11	<p>Gifts and Hospitality Annual Report</p> <p>The Monitoring Officer had provided a report which gave details of all entries in the Council's Gifts and Hospitality Register in respect of acceptance of gifts/hospitality made to both Members and Officers during the period of 1 June 2021 to 31 May 2022. It was for Members to note.</p> <p>The Chair asked that when the new Code of Conduct was</p>	David Clark

	<p>adopted, Members be reminded about the requirements to notify the Council of any Gifts or Hospitality offered and/or accepted and the criteria of the value of the gift that should be notified.</p> <p>Members noted the report.</p>	
	<p>The Monitoring Officer took the opportunity to give Members an update on the progress of collating and publishing the Parish Council Declaration of Interest forms which should have been published 28 days after the May election. Although this deadline had passed there had been good progress by Democratic Services with only a small percentage not received. A number had been returned due to errors or missing information.</p>	
12	<p>Exclusion of the Press and Public</p> <p>Councillor Nick Cottle proposed that the meeting resolve to exclude the press and public. Councillor John Greenhalgh seconded the proposal, which was carried unanimously.</p> <p>RESOLVED:</p> <p>That the press and public be excluded from the meeting during consideration of item 13 of the agenda, on the grounds that exempt information (as defined in Schedule 12A Local Government Act 1972, as amended) of the following description is likely to be disclosed:</p> <p>Category 1 - information relating to any individual. Category 2 - information which is likely to reveal the identity of an individual.</p>	
13	<p>Register of Complaints Received</p> <p>The Monitoring Officer provided a summary of the Register of Complaints against Members received since the last meeting.</p> <p>He advised that there had been 8 complaints of alleged breaches of the Code of Conduct. In 5 of the cases the Councillor was found not to have breached the Code of Conduct and the complaints were closed. Another enquiry had not progressed as a formal complaint had not been submitted by the complainant and the case was closed. 2 cases remained open as investigations were ongoing.</p> <p>Members noted the report.</p>	David Clark

The meeting finished at approximately 3 pm.

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