

## SWT Standards Committee - 26 July 2022

Present:

Councillors Hugh Davies, Mark Lithgow, Martin Peters, Steven Pugsley, Simon Coles and Ed Firmin

Officers: Amy Tregellas and Marcus Prouse

Also Present: Louise Somerville-Williams (Independent Person)

(The meeting commenced at 6.15 pm)

### 1. **Appointment of Chair**

The Committee resolved to elect Councillor Mark Lithgow as the Chair of the Standards Committee for the remainder of the 2022/2023 municipal year.

### 2. **Appointment of Vice-Chair**

The Committee resolved to elect councillor Martin Peters as Vice Chair of the SWT Standards Committee for the remainder of the 2022/2023 Municipal Year.

### 3. **Apologies**

Apologies were received from Cllrs Baker, R Lees, Trollope-Bellew, Prior-Sankey and Venner.

Cllrs Coles and Firmin substituted for Cllrs Baker and Prior-Sankey respectively.

### 4. **Declarations of Interest**

Name	Minute No.	Description of Interest	Reason	Action Taken
Cllr S Coles	All Items	SCC & Taunton Charter Trustee	Personal	Spoke and Voted
Cllr H Davies	All Items	SCC	Personal	Spoke and Voted
Cllr M Lithgow	All Items	Wellington	Personal	Spoke and Voted
Cllr M Peters	All Items	Taunton Charter Trustee	Personal	Spoke and Voted
Cllr S Pugsley	All Items	SCC	Personal	Spoke and Voted

No other declarations were made by members present.

5. **Public Participation**

No members of the public were in attendance at the meeting or had requested to speak.

6. **Update on the Committee on Standards in Public Life report and the response from the Government**

This matter fell under the responsibility of the Leader of the Council, Cllr F Smith-Roberts.

The purpose of this report was to update Members following the response from the Government made in March 2022 to the report on Local Government Ethical Standards published by the Committee on Standards in Public Life (CSPL) in January 2019. Members were asked to note both the report and the response.

The Monitoring Officer set out a following summary and background on this issue;

- The report looked at Ch. 7 of the Localism Act 2011 and its effectiveness in dealing with complaints about Councillors and Declarations of Interests.
- Prior to that legislation there had been a national model code of conduct. There used to be a Standards Board for England.
- Sanctions that used to be available such as suspension.
- Legally the Councils Code of Conduct only had to detail the Nolan Principles and detail on pecuniary and non-pecuniary interests.
- The multiplicity of Codes of Conduct that may apply to Councillors who are twin-hatters could lead to confusion.
- The Government reform in 2011 had been instigated due to the perceived volume of complaints and their often tit for tat nature. The Government felt the ballot box was the ultimate censure.
- This report set out a number of recommendations and best practice ideas.

During the discussion of this item, Members made comments and asked questions which included:-

- Comment was made that the uncertainty with the Government position's on these matters made this look not very promising to be implemented which was regretful, due to some of the changes requiring passage of primary and secondary legislation.
- Clarification was sought on Member's designation as prescribed persons.

**RESOLVED** that the Standards Committee;

1. Noted the Committee on Standards in Public Life Report on Local Government Ethical Standards and the Government Response.

## 7. Somerset wide Code of Conduct

This matter fell under the responsibilities of the Leader of the Council, Cllr F Smith-Roberts.

The report set out the review of the Council's Members Code of Conduct that had taken place with the benefit of the LGA's Model Code as part of the Local Government Reorganisation work, in collaboration with the Monitoring Officers of the County and District Councils. There were a number of suggested recommendations to Full Council to make including the adoption of the LGA Model Code, with local amendments, and that that this was incorporated into the Councils Constitution.

The Monitoring Officer set out a following summary and background on this issue;

- The Local Government Association had drafted a new model code based off the recommendation flowing from the Committee on Standards in Public Life Report best practice recommendations.
- Local changes were proposed under Use of Position in clarifying that decision makers should not participate in the scrutiny of such.
- The Consideration of Advice section had been strengthened in relation to legal and financial advice given by statutory officers.
- An update had been inserted to give specificity on the Gifts and Hospitality section on a monetary value basis of £50 for declaration, but that any offer had to be notified.
- The new model code referred to Social Media.
- All Town and Parish Councils were written to before May this year and asked to adopt this code at their AGMs.

During the discussion of this item, Members made comments and asked questions which included: -

- Concern was raised that the guidance on Bias and Pre-determination did not form part of the Code, and an opinion was expressed that this should be.
- *There is a separate section in the Localism Act dealing with Bias and Predetermination. The document would still be included in the SWT Constitution.*
- A query was raised as to whether the Committee could be privy to those that had not adopted the Model Code or with their Register of Interests and this was confirmed.

**RESOLVED** that the Standards Committee recommended to Full Council:

1. The adoption of the LGA Model Code of Conduct with local amendments (Appendix A).
2. That the revised Code of Conduct be incorporated into the Council's Constitution and would replace the existing Code.

3. That the Monitoring Officer developed and promoted Member update training to support the implementation of the revised Code of Conduct; and
4. That the adoption of the revised Code of Conduct continued to be promoted with Somerset Association of Local Councils (SALC) for adoption by Town and Parish Councils.

## 8. **Somerset wide procedure for dealing with Standards Allegations**

This matter fell under the responsibility of the Leader of the Council, Cllr F Smith-Roberts.

The report set out detail on the review of the Council's arrangements for dealing with Standards Allegations which was part of the Local Government Reorganisation work, in collaboration with the Monitoring Officers of the County and District Councils.

The Monitoring Officer set out a following summary and background on this issue;

- This work had been undertaken by the Local Government Reform Workstream.
- All Districts and the County Council would then be using the same process and ease the transition on Vesting Day next year.
- The new forms would be used immediately upon passage by the Council on 6<sup>th</sup> September, if adopted.

During the discussion of this item, Members made comments and asked questions which included: -

- A query was raised about those outstanding complaints still being processed and the investigative work underway being completed by the adoption of the new procedure and forms.
- *Any that are received up to the 6<sup>th</sup> September will be on the previous forms and procedures.*
- Concern was raised over the proposed removal of the Evening telephone option and this was suggested to be amended to Landline or Alternative number alongside the mobile.
- *Officers took this suggested amendment on board and indicated that it would have been unusual for any calls to take place outside of business hours.*

**RESOLVED** that the Standards Committee recommended to Full Council:

1. The adoption of the Procedure for dealing with Standards Allegations (Appendix A).
2. The adoption of the revised Code of Conduct for Councillors complaint form (Appendix B).
3. That Appendix A and Appendix B be incorporated into the Council's Constitution and will replace the existing documents.

4. That delegated authority is given to the Monitoring Officer to work with colleagues in the LGR governance workstream to determine when this will be introduced.

9. **Town and Parish Councillors Register of Interests - Verbal Update**

The Monitoring Officer provided a verbal update.

The Town and Parish Council Elections had taken place in May 2022. Useful information was sent to all of the Clerks prior to the election including the recommendation to adopt the Model Code and to send copies of their signed Register of Interests forms. Each member of the Governance team had been assigned a number of Parish Councils to liaise with and receive forms. Two thirds of the forms had been received, checked, redacted, scanned and uploaded to the website. The team were at various stages of completing these. The Monitoring Officer would give further updates on this. Some of the Councils are still going through co-options.

During the discussion of this item, Members made comments and asked questions which included: -

- The Chair thanked Officers for all the work they did in processing the forms.
- A query was raised on the timescale for co-options being finalised?
- *It was 35 clear days after the Election without doing the notice for casual vacancy. Ten or more members of the public would have to request for it to go to a formal by-election. They could then go to co-option if that threshold was not met.*

10. **Access to Information - Exclusion of the Press and Public**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business (Agenda Item 11) on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 and 2 respectively of Part 1 of Schedule 12A of the Act, namely information relating to an individual and which is likely to reveal the identity of an individual.

11. **Monitoring Officer Verbal Update**

The Monitoring Officer advised that if Councillors wished to receive more detail then there would be a need to go into confidential session.

An update was given on Gifts and Hospitality, and since July 2021 there had been 13 declarations from members, and most relating to the Chair and Vice-Chair of SWT Council and the Mayor and Deputy Mayor of Taunton. There had been 14 declarations from Officers. The Monitoring Officer's ethical newsletter

also reminded people to make these declarations. The first newsletter had been issued and a second would follow shortly. It would included practical examples on Standards conduct for members awareness. Following the election all town and parish clerks had been written to to offer training, and some sessions were in the pipeline. An update would be given at the next meeting on those that had taken up the offer of training. There were six closed complaints and four open complaints.

During the discussion of this item, Members made comments and asked questions which included: -

- A query was raised as to whether these registrations refer to those declined/refused and it was confirmed that it did.
- A query was raised as to where closed complaints were reported and it was confirmed that these would be reported to this Committee. The intention was that the next meeting would include a formal report with statistics and reason for closure. This would be reported in confidential session due to the likely disclosure of identifying information.
- The Independent Person stated that the Standards Regime was not designed to suit the person that has complained to satisfaction, and in twenty years' experience this is rare.

## 12. **Future Meetings - dates, times and Forward Plan**

The Monitoring Officer sought guidance from Councillors on how often they would like to meet, as it was set up to meet as appropriate. Some Councillors voiced support for meeting as and when required by business. A suggestion was made that the meetings were put in Quarterly. The Chair and others concurred. The Independent Person preferred that the meetings were held in the day.

Councillor Pugsley asked it to be put on record his thanks to the Monitoring Officer and colleagues for the huge amount of work that had been undertaken on the reports for this Agenda.

**RESOLVED** that the Standards Committee confirmed that their meetings would continue in the evenings at 6.15pm on a quarterly basis as required.

(The Meeting ended at 7.10 pm)