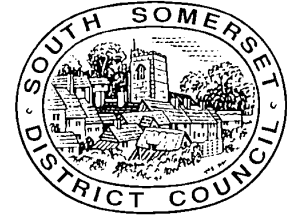


## South Somerset District Council

*Notice of Meeting*



## Standards Committee



*Making a difference where it counts*

# Tuesday 14th October 2014

## 2.15 pm

**Main Committee Room  
Council Offices  
Brympton Way  
Yeovil  
BA20 2HT**

(disabled access is available at this meeting venue)



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Members listed over the page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 6 October 2014.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



INVESTORS IN PEOPLE

# Standards Committee Membership

## SSDC Councillors

Patrick Palmer  
Nigel Mermagen

John Calvert  
Anna Groskop

Jenny Kenton  
Paul Maxwell

## Co-opted Town/Parish Council Representatives (non-voting members of the Standards Committee)

Elizabeth Glaisher and Godfrey Townrow

## The Independent Persons are also invited to attend meetings (not members of the Standards Committee):

Christopher Borland and Peter Forrester

## Terms of Reference

- promote and maintain high standards of conduct by Members and Co-opted Members;
- advise, train or arrange to train Members and Co-opted Members of the Council on matters relating to the Authority's Members' Code of Conduct and wider propriety issues, including issuing guidance where appropriate;
- recommend the adoption or revision of any Council Codes of Conduct for Members and Co-opted Members, and to monitor the operation of such code(s) of conduct;
- deal with the assessment and determination of complaints under the Members' Code of Conduct relating to Members and Co-opted Members (other than where the power to deal with such matters has been delegated to and exercised by the Monitoring Officer). Where the investigation finds evidence of a failure to comply with the Code of Conduct and a local resolution is not appropriate or not possible, then a Hearing Panel of the Committee (comprising 3 voting members of the Standards Committee agreed by the Monitoring Officer in consultation with the Committee Chairman) will consider and decide the complaint.
- to take decisions in respect of a Member and Co-opted Member who is found on hearing to have failed to comply with the Code of Conduct, including –
  - Reporting its findings to Council [or to the Parish Council] for information;
  - Recommending to the member's Group Leader that he/she be removed from any or all Committees or Sub-Committees of the Council (other than the relevant Area Committee);
  - Recommending to the Leader of the Council that the member be removed from the District Executive Committee, or removed from particular Portfolio responsibilities;
  - Instructing the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
  - Removing [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
  - Withdrawing [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
  - Restricting contact to named officers or requiring contact be through named officers; or
  - Excluding [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- advise on the management of statutory and other registers of interest and gifts / hospitality received;
- advise the Council on possible changes to the Constitution (except the Council and Cabinet Schemes of Delegation) in relation the key documents and protocols dealing with members conduct and ethical standards.

# Standards Committee

**Tuesday 14 October 2014**

## Agenda

**1. Minutes (Pages 1 - 4)**

To approve as a correct record the minutes of the previous meeting held on 10 December 2013.

**2. Apologies for absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

**4. Public question time**

*Items for Discussion*

**5. Review of Officer Member Protocol (Pages 5 - 8)**

**6. Update on Registration of Gifts & Hospitality by Members and Officers (Pages 9 - 18)**

**7. Update on matters of interest (Page 19)**

**8. Committee Work Programme and Future Meetings (Pages 20 - 22)**

9. **Exclusion of Press and Public** (Pages 23 - 24)
10. **Complaints Received by the Monitoring Officer in 2014 (Confidential)** (Pages 25 - 33)

# Agenda Item 1

## South Somerset District Council

**Draft Minutes** of a meeting of the **Standards Committee** held in the **Council Offices, Brympton Way, Yeovil** on **Tuesday 10 December 2013**.

(2.15pm – 3.20pm)

### Present:

**District Councillors:** John Calvert, Anna Groskop, Paul Maxwell, Nigel Mermagen, Patrick Palmer (Chairman)

**Parish Representatives:** Godfrey Townrow

**Independent Persons:** Christopher Borland

### Officers:

Ian Clarke	Assistant Director (Legal and Corporate Services)
Angela Cox	Democratic Services Manager
Becky Sanders	Democratic Services Officer

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### 1. Minutes (Agenda item 1)

Parish Representative, Godfrey Townrow, suggested an amendment to the last bullet point in minute 6 so that it read *'acknowledge that the complaint remains unresolved and to pursue any further would not be in the public interest.'*

Members were content that the minutes of the meeting held on 11 February 2013, copies of which had been circulated, be approved and signed as a correct record, subject to the amendment being made to minute 6.

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### 2. Apologies for Absence (Agenda Item 2)

Apologies for absence were received from Peter Forrester and Councillor Jenny Kenton.

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### 3. Declarations of Interest (Agenda Item 3)

There were no declarations of interest.

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### 4. Public Question Time (Agenda Item)

There were no members of public at the meeting.

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## 5. Openness and Transparency on Personal Interests (Agenda Item 5)

The Monitoring Officer introduced the report as shown in the agenda which alerted members to recent advice issued in a publication by the Department for Communities and Local Government. He noted that regarding interests of spouses, there was no requirement to register spouse's interests separately, and members were only required to register interests that they were readily aware of. It was also highlighted that the guidance clarified the situation regarding members making decisions about annual council tax setting, and that it was not considered to be a Disclosable pecuniary interest and therefore dispensations were not required.

During a brief discussion members suggested that the guidance should be circulated to town and parish councils, in addition to district councillors.

**RESOLVED:** That the guidance entitled 'Openness and transparency on personal interests' published by Department for Communities and Local Government (Sept 2013) be circulated to all members and co-opted members of SSDC, and town and parish councils. and to ask that all councillors have regard to it.

*(Voting: Unanimous)*

*Ian Clarke, Assistant Director (Legal and Corporate Services)  
ian.clarke@southsomerset.gov.uk or (01935) 462184*

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## 6. Review of the Members' Code of Conduct (Agenda Item 6)

The Monitoring Officer introduced the report as detailed in the agenda which asked members to consider the review of the Code of Conduct that was adopted in July 2012. It was noted that all the Somerset authorities were going through the same process, and the only change suggested at this time was to adopt the new principles of public life, as shown in appendix B, which gave more description than the current version. Members agreed that a report go to Council recommending adoption of the revised principles.

The Monitoring Officer highlighted points with regard to specific elements of the Code including:

- Parish and town council register of interests were received slowly over a long period of time, and it was a large workload for officers to check and record the many forms from over 100 councils.
- It was easy for any councillor to declare an interest, but there was a need to reinforce that an explanation of how the interest had arisen also needed to be provided, and this was not always the case with some parishes.
- Since the complaints process had been streamlined, very few complaints had proceeded past the first stage.
- There had been some instances where parish or town councils had granted dispensations apparently for no good reason. However parish dispensations were not a matter over which the Standards Committee had jurisdiction.

During discussion members made several comments including:

- Parishes were struggling to recruit and retain clerks. Acknowledgement that breadth of expertise required, and in some cases the role was becoming quite onerous.
- There were issues around training to ensure confidence by and in the clerk.

- The Standards Committee should promote and encourage training for clerks.
- Complaints assessed to date by the Independent Persons had been fairly quickly concluded, often there appeared to be little substance to the complaints.

Members felt that a single annual report to Council was adequate and more regular reporting was not necessary, and it was agreed that that the Chairman and an Independent Person present the report at the May meeting of Council.

**RESOLVED:** It was resolved that:

- (a) The report be noted
- (b) A report goes to Council recommending adoption of the revised principles of public life.
- (c) Reports to Council continue to be made annually only.

*(Voting: Unanimous)*

*Ian Clarke, Assistant Director (Legal and Corporate Services)  
ian.clarke@southsomerset.gov.uk or (01935) 462184*

## **7. Review of Complaints Process (Agenda Item 7)**

The Monitoring Officer summarised the report as shown in the agenda, which asked members to support a number of changes to the existing complaints form and accompanying guidance notes. He explained the changes were mostly updates to reflect that the current complaint process had been in place for over a year, and therefore to delete references to the old process and regime. It was also proposed to highlight key points on the form and guidance notes such as the sanctions available and parishes having their own codes.

Members commented that every parish having its own code was very confusing to the public and that the list of parishes in the guidance notes needed to be corrected to indicate those parishes which were Parish Meetings and hence there were no councillors. The Monitoring Officer noted that Democratic Services would see if it was possible to put links to each of the parish codes on the SSDC website.

Members agreed that a recommendation from the Standards Committee go to Council to adopt the revised complaints form and guidance notes.

**RESOLVED:** That subject to the list of parishes in the guidance notes being corrected, a report go to Council recommending adoption of the revised complaints form and accompanying guidance notes.

*(Voting: Unanimous)*

*Ian Clarke, Assistant Director (Legal and Corporate Services)  
ian.clarke@southsomerset.gov.uk or (01935) 462184*

## **8. Update on Matters of Interest (Agenda Item 8)**

The Monitoring advised that:-

- 18 complaints had been received, as detailed in the report for agenda item 6.
- Progress on current complaints – some of the information provided with complaints was limited with issues being described rather than stated e.g.

allegations of offensive language being used but not stating what was actually said. There had been an expectation that the number of complaints would reduce under the new procedures but this had not been the case.

- Complaints assessed to date by the Independent Persons had been fairly quickly concluded, often there appeared to be little substance to the complaints.
- The proposed approach to reviewing the protocol on Member/Officer relations would be to consult with a number of staff and members for opinions, and then provide feedback to the Standards Committee to ascertain if there are any issues and then for the committee to consider a revised protocol.

**RESOLVED:** That the verbal updates be noted.

*Ian Clarke, Assistant Director (Legal and Corporate Services)  
ian.clarke@southsomerset.gov.uk or (01935) 462184*

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## **9. Committee Work Programme and Future Meetings (Agenda Item 9)**

The Monitoring Officer commented that he did not wish the Committee to meet unnecessarily, and would only call a meeting if there was substantial business to conduct. It was noted that the item to consider revisions to the Constitution should have referred to 2014 and not 2013 as shown in the agenda.

The Independent Person requested that the item regarding Independent Persons meeting with Political Group Leaders and the Chief Executive should be pursued. In response, the Chairman noted that Political Group Leaders met with the Chief Executive three to four times a year and it should be possible to arrange for them to attend one of the meetings.

- RESOLVED:**
1. That the Work Programme be noted.
  2. That the future meeting dates be noted.

*Ian Clarke, Assistant Director (Legal and Corporate Services)  
ian.clarke@southsomerset.gov.uk or (01935) 462184*

.....  
Chairman



# Agenda Item 5

## **Review of Member / Officer Protocol**

*Strategic Director:* Mark Williams, Chief Executive  
*Assistant Director:* Ian Clarke, Legal & Corporate Services  
*Lead Officer:* As above  
*Contact Details:* [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk) or 01935 462184

### **Purpose of the report**

As part of the agreed regular review of guidance and protocols promoted by this Committee, to seek the views of members on the current Protocol on Member/Officer Relations to identify whether further guidance or advice needs to be given and to agree to consult with a number of members and officers on their experiences in this area and what amendments or other changes they would wish to see introduced.

### **Recommendations**

- (1) To consider whether the Protocol continues to be fit for purpose or whether additional advice or guidance needs to be given or whether additional provisions need to be added.
- (2) To agree to consult with members and officers to seek wider views on the Protocol; and report these back to the next meeting of the Standards Committee.

### **Background**

The Protocol on Member/Officer relations forms part of the constitution of the council. The Standards Committee has a responsibility to promote high ethical standards across the council. The Protocol is one of the methods by which such a responsibility is discharged.

The Protocol was last reviewed in June 2010 and provides that it will be regularly reviewed by this committee. This review is in the committee's work programme as being something to be undertaken every two years.

### **The Protocol**

Members will find attached to this report, as Appendix A, a copy of the current Protocol.

It is felt that all areas of the relationships between members and officers currently fall within the Protocol. Indeed such issues between officers and members are, in any event, thankfully extremely rarely encountered at this council. As a broad rule the relationship between members and officers is regarded as being good and that is to be applauded as much more can be done through co-operation than ever will be achieved through conflict. Notwithstanding this, members of this committee may well feel that certain additional areas are worthy of inclusion within the Protocol. The Protocol as amended by this committee would require council approval before it would form part of the council's constitution. The Protocol whether or not revised would be the subject of further reviews by this committee at 2 yearly intervals and be fed into the committee's work programme.

The Monitoring Officer's view is that the protocol is currently fit for purpose but that both he and this Committee would benefit from hearing the views of other members and officers. To ensure that such views were given without fear or favour it is suggested that all response be

“anonymous” although a distinction made between those received from officers and those received from members. The Monitoring Officer would propose to contact each Assistant Director and ask them to collect any responses from people in their team and likewise with Area Chairs and members within each Area Committee. There have been no issues raised since its adoption by either members or officers that would tend to suggest that it requires significant revision at this stage but the feedback from others may help to flag up issues that are currently just below the surface and be able to take appropriate remedial action.

### **Financial Implications**

There are no financial implications at this stage.

### **Other Implications**

There are no other implications.

### **Carbon Emissions and Climate Change Implications**

None from this report.

**Background Papers:**      Constitution of SSDC

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# Appendix A

## Protocol on Member/Officer Relations

### Introduction

This code is intended to offer guidance for members and officers in their dealings with one another. It is intended as a supplement to the members' and officers' codes of conduct and contribute towards the maintenance of high ethical standards across the council.

1. Mutual respect between councillors and officers is essential. The Code of Conduct for Councillors states that members should "not do anything which comprises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority" and they "should treat others with respect". Officers likewise should respect elected members and recognise their role and responsibilities. Members and officers should avoid any close personal familiarity that could give rise to the suspicion of bias or undue influence.
2. In accordance with Council policy, harassment or bullying in the workplace must be avoided ensuring fair treatment and personal dignity for all employees.
3. In general councillors make policy and officers implement the council's policy. In most cases councillors should avoid becoming involved in the operational detail of service delivery. The relationship is best defined as a partnership with Members and staff working together to achieve the overall aims of the Council.
4. Members should have regard to the Members' Job Profiles which form part of this constitution in carrying out their duties.
5. Officers must not normally lobby councillors on personal employment matters except through the agreed procedures as management or trade union representatives. Likewise officers must not lobby on budgetary matters outside of the agreed procedures.
6. Support services (e.g. stationery, IT, photocopying etc.) are provided to elected councillors to assist them in their role as members of the council. They must be used for council business in accordance with agreed guidelines.
7. Councillors shall be provided with the necessary information to enable them to carry out their executive, scrutiny or representative roles.
8. Any elected member of the Council may inspect and make a copy of any document in the possession or under the control of the Council and which the member may require in the course of his/her duties as a member of the Council.
9. A member may not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest
10. The Proper Officer may decline to allow inspection of any document which in his/her opinion discloses exempt information of a description falling within paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).
11. Any document provided for a member and marked "Not for Publication" shall be exclusively for the use of that member and shall not be disclosed to any other person.

12. There will be a close working relationship between a portfolio holder and the relevant senior officer. However, all officers have a duty to the whole of the council. Officers also will be expected to be able to provide advice and support to both the executive and scrutiny function remembering that they serve the council as a whole.
  13. Officers are required to discharge their responsibilities without political bias or favour.
  14. Members must not seek to influence the appointment of council staff other than where they are properly appointed to an appointments panel to consider a chief officer appointment in accordance with the scheme of delegation.
  15. To ensure high standards of conduct members are required to abide by the Code of Conduct for Members and officers are required to abide by the Employees' Code of Conduct (when issued).
  16. This protocol will be regularly reviewed by the Council's Standards Committee. (Date of last review June 2008 – next review due June 2010)
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# Agenda Item 6

## **Update on the Registration of Gifts and Hospitality by Members and Officers**

*Chief Executive:* Mark Williams, Chief Executive  
*Assistant Director:* Ian Clarke, Legal and Corporate Services  
*Lead Officer:* As above  
*Contact Details:* [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk) or (01935) 462184

### **Purpose of the report**

In order to monitor compliance with the code of conduct and to make recommendations should any issues be revealed by its consideration of the matter, the Monitoring Officer intends to produce a regular report to this committee for members' consideration, review and comment.

### **Recommendations**

To note the contents of the report and agree to continue to receive this report on an annual basis.

### **Background**

It is proposed by the Monitoring Officer that he provides regular reports to the Committee regarding the Gifts and Hospitality that have been registered by Members and Officers. This report provides information for the period from September 2013 to date. It is being suggested that an annual update be provided to this Committee.

### **Report**

Members will find attached to this report, as Appendix A, details of any gifts and hospitality which have provided/presented to both Members and officers.

As Members will be aware under SSDC's code of conduct they are required to notify the Monitoring Officer of all gifts and hospitality with a value in excess of £25 which they accept from any person or body (other than SSDC!) and which has been given to them in their capacity as a Member. The details of such a gift or hospitality will then be placed on a public register as it forms part of the Member's register of interests. Members have been provided with guidance on gifts and hospitality (as endorsed by this Committee) and this Guidance forms part of the Council's constitution (See Appendix B). The register does not include any gifts and hospitality which have been accepted by the Chairman in his official capacity as the Council's formal civic representative. These are already reported to Council as part of his list of engagements.

Members will also be aware that there is no longer any statutory code of conduct and therefore no requirement that councils have any provision in relation to gifts and hospitality. If a town and parish council have adopted our code of conduct then their Members will be subject to the same requirements set out above. However if they have adopted a different code, including that provided by the National Association of Local Councils (NALC), then they may not be subject to this requirement. A number of our town and parish councils have adopted other codes.

In relation to Officers, attached as Appendix C is an extract from the staff code of conduct which deals with the treatment of gifts and hospitality. Members will note that the provisions which relate to Officers are considerably more restrictive as arguably they should be. However there are occasions when common-sense has to prevail to avoid waste or unnecessarily upsetting the person who wishes to record their appreciation in some small way. The register lists all the gifts and hospitality received and how each were dealt with. It is important that this information is recorded to remove any suggestion that it has had any influence over how an Officer may have carried out their responsibilities. The Council's approach sends out a clear message to the public that no Officer will benefit from any gifts or hospitality (other than to the very small extent identified in the register) and thus their decision making will not be influenced by such matters.

Whilst it is accepted in relation to Members and Officers that the register only captures what both reveal as the gifts and hospitality they have received, the Monitoring Officer can confirm that no complaints have been received during this period that either a Member is in breach of the code of conduct for not registering a gift or hospitality or that an officer has accepted something and either not registered it or failed to follow the process set out in the staff code of conduct. Similarly, no complaint has been received by the Monitoring Officer about any town or parish Members in relation to such matters.

Without a formal mechanism for reviewing the relevant Register of Gifts and Hospitality, the Council risks not discovering failings in the maintenance of it or inappropriate behaviour. This could lead to reputational damage to the Council and personal action against individual Members or Officers. This risk will be considerably reduced by regularly reviewing the Register to ensure that advice and guidance is provided to Members and Officers on the proper upkeep and entry on the Register.

### **Financial Implications**

There are no financial implications at this stage.

### **Other Implications**

There are no other implications.

**Background Papers:** Constitution of SSDC

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## APPENDIX A - Gifts and Hospitality – September 2013 to date

### SSDC District Councillors

Member	Date of Receipt	Nature of Gift or Hospitality	Donor
Ian Martin	3 June 2014	Rail ticket lunch and dinner – FGW Rail conference. Ian is Heart of Wessex Line representative	First Great Western

### Parish / Town Councillors

Member	Name of Council	Date of Receipt	Nature of Gift or Hospitality	Donor
NONE				

### SSDC Officers / Departments

Name / Department	Date of Receipt	Nature of Gift or Hospitality	Donor	Reason for Acceptance / Refusal and Actions taken
Leisure	24 Sept 13	Bouquet of flowers	Broadway Walking Group	To say thank you to x for all the work she has done with their group. X is taking a 2 year secondment to lead an expedition in the North Pole. Accepted, as to do otherwise would have offended.
Finance Manager	25 Sept 13	Bag of bramley apples from Parish Cllr	Local Parish Cllr	Accepted and shared with the Finance team.
Housing	1 November	Bunch of flowers	Customer – member of the public	Accepted and placed in the central office for all to enjoy.
Area East staff	11 Dec 13	2 small boxes of biscuits	Gift from SSDC members	Consumed
Area South housing staff	11 Dec 13	1 x chocolates and 1 x biscuits	Gift from Customer	Put in Lord Larder's charity box – ssdc Christmas charity 2013
Area South housing staff	18 Dec 13	Box of chocs	No name – member of public	Put in Lord Larder's box
HR Team	18 Dec 13	Box of chocs	Sue Martin, ILM trainer – thank you to team	Put in Lord Larder's box

Name / Department	Date of Receipt	Nature of Gift or Hospitality	Donor	Reason for Acceptance / Refusal and Actions taken
Cemetery Team	20 Dec 13	3 tins of bics and one small box of chocs	Thanks from local residents for the team's work and support	£10 donation was given to Lord's Larder and the team were allowed to keep the gifts
Food Safety	20 Dec 13	4 x 600g Ivy's Vintage Reserve Cheddar	Wyke Farms	Held over until 3 <sup>rd</sup> Jan. Lords Larder will not accept perishable goods so cheese shared out in the team.
Env. Protection	23 Dec 13	750g tin of celebration chocolates	Eason Funeral services	Asst. Director agreed the team could consume.
Housing	14 Jan 14	Tin of Biscuits; Box of Chocolates	Local residents saying thank you for assistance	Put in the Lord Larders Box held at SSDC Area South, Petters House, Yeovil
Housing	12 Feb 14	Box of chocolates	Thank you from local resident	As above
Housing	12 March 14	2 bouquets of flowers	Thank you from Mrs X Somerton – she has accepted a tenancy on SSDC land at Pitney, Langport	Agreed that flowers should be displayed at the Housing office, Petters Way for all to enjoy.
Chard Community Assistants	6 May 14	2 necklaces value £3 each	Thank you from resident for helping with bidding on the Homefinder Somerset housing register	Agreed that the staff could purchase at £3 each and send the £6 to Welfare and Housing Manager to buy food for the Homeless – box in Petters Way reception all the time. The Chard members of staff felt the resident would be upset not to see them wearing the necklaces albeit aware of SSDC gifts policy. X duly informed.
Area South Regen Officer	14 June 14	Small bunch of Flowers and small box of chocs	Thank you from the Westfield Residents for the active part played by X in establishing a post office facility at their local store.	Accepted as to do otherwise with over 1500 people present would have looked bad. Agreed that flowers and chocs should be kept by X.
Safetyshop, Stockport	17 June 14	England Football and £10 M and S Voucher	Sent as a freebie	Passed to Chairman of Council for future charitable raffle
Welfare Housing, Petters	1 July 14	Chocolates – value £1	Thank you from resident	Agreed by Manager, that the chocolates could be shared in the team – very small box.
Revs and Bens	1 Aug 14	Small bunch of fresh flowers	Thank you from resident	Agreed to keep, given their size and the fact that they would not last over the weekend



## Appendix B

### Extract from the SSDC Constitution

#### Guidance for Members on Gifts and Hospitality

##### 1. Introduction

- 1.1 This guidance is for members of the Council and independent and co-opted members (voting and non-voting).

##### 2. General Caution

- 2.1 Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. You may consider that the reputation of local government is enhanced by you adopting a position of refusing to accept any offer or gift, favour or hospitality that is made to you personally.
- 2.2 You will appreciate that your personal reputation and that of the Council can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.
- 2.3 It is true that the acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

##### 3. Criminal Law

- 3.1 It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Council.
- 3.2 The onus would be on **you** to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Council.

##### 4. Limits of Guidance

- 4.1 This guidance does not apply to:-
- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
  - The acceptance of facilities or hospitality provided to you by the Council.
  - Gifts given to the Council that you accept formally on the Council's behalf and are retained by the Council and not by you personally.

##### 5. Meaning of Gifts and Hospitality

- 5.1 The expressions "gifts" and "hospitality" have wide meanings and no conclusive definition is possible. Gifts and hospitality include:-

- The free gift of any goods or services.
  - The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
  - The opportunity to obtain goods or services not available to the general public.
  - The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.
- 5.2 Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

## **6. Appropriate Gifts and Hospitality**

- 6.1 There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.
- Civic hospitality provided by another public authority.
  - Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
  - Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Council or bodies to which you have been appointed by the Council, and the tickets are offered in relation to that sponsorship or promotion.
  - Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).
  - Drinks or other modest refreshment in the normal course of socialising arising consequentially from Council business (e.g. inclusion in a round of drinks after a meeting).
  - Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Council has a business connection.
  - Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

## **7. Principles to apply in relation to Gifts and Hospitality**

- 7.1 In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:-
- Do not accept gifts or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
  - “Reward” includes remuneration, reimbursement or fee.
  - Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
  - Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:-
    - (a) From parties involved with the Council in a competitive tendering or other procurement process.
    - (b) From applicants for planning permission and other applications for licences, consents and approvals.

- (c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
- (d) From applicants for benefits, claims and dispensations.
- (e) From parties in legal proceedings with the Council.

- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.
- In terms of identifying value always err on the side of caution and if in doubt register.
- It matters not what part you accept, it is the value that is on offer that you use in calculating whether it exceeds the £25 threshold e.g. if invited to a champagne reception then the fact that you choose to only drink the water you brought yourself doesn't alter the fact that what was on offer was valued in excess of £25 so should be registered.

## **8. Gifts Received and Donated to the Chairman's Charities**

- 8.1 Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Chairman for use in relation to the Chairman's Charities. Members should indicate this intention to the provider and make this clear on their register of interests.

## **9. Registration of Gifts and Hospitality**

- 9.1 The revised Code of Conduct for Members and Co-opted Members provides that members will have a personal interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom they have received a gift or hospitality with an estimated value of at least £25.
- 9.2 This interest must be registered in the register of members' interests. You should register the interest as soon as possible after acceptance of the gift or hospitality and by no later than 28 days of acceptance. The registration should include the source and nature of the gift or hospitality. A form is available for this purpose.
- 9.3 You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Council at which business is considered to which the interest relates (i.e. business relating to the interests of the person or body giving the gift or hospitality). The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.
- 9.4 Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £25, members are encouraged to register any significant gift or hospitality they receive below this value. There is however no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £25 in value. It is also recommended as good practice that members register all gifts or hospitality which they refuse to accept irrespective of value and include the details of the source and the nature of the gift or hospitality that has been refused.

## **10. Reporting of Inappropriate Gifts and Hospitality Offered**

- 10.1 It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Council.
- 10.2 You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- 10.3 You may thereafter be required to assist the Police in providing evidence.

## **11. Enforcement**

- 11.1 The Council's Standards Committee has responsibility for overseeing compliance with this guidance.
  - 11.2 Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.
  - 11.3 Any failure to meet the guidance will itself be treated as a breach under the code of conduct.
  - 11.4 This guidance will be subject to annual review by the Standards Committee.
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## Appendix C

### Extract from Staff Code of Conduct

#### Gifts

Section 117(2) of the Local Government Act 1972 states:- "An officer of a local authority shall not under colour of his office or employment accept any fee or reward whatsoever other than his proper remuneration."

It is a criminal offence, the penalty for which is a fine of up to £2500. Therefore if there is any shadow of doubt in your mind the safest answer is always "No" - certainly where money, extravagant gifts or bargain purchases are concerned. It should be borne in mind that in a case of alleged corruption the onus in law is upon a person receiving a gift or favour to prove that it was not corruptly given to him/her.

**The Council does not favour acceptance of gifts by employees.** All gifts should always be tactfully refused; you should refer to this Code of Conduct as being the reason for the refusal to avoid inadvertently causing any offence. In any event, your Manager must, for your own safety, be told that the offer has been made. If gifts are delivered or handed to an employee and cannot reasonably be returned then they should be declared and handed to the Chief Executive's Executive Assistant. The gifts or any proceeds from the disposal will be given to the charity(ies) supported by the Chairman of the Council. Similarly perishable gifts may be donated to local charities for the homeless.

**The Chief Executive's Executive Assistant will keep a central record of all such gifts and how they were dealt with.**

#### Bequests

In some circumstances money or some other item may be left to an employee in a will as appreciation for services rendered to the deceased. **An employee will not be allowed to accept a bequest unless its value is under £10.** Where an indication is made that an employee might expect to receive some gift under a person's will the employee should encourage that person to take proper and independent legal advice in the preparation of their will. It would also be sensible for the employee to seek legal advice from the Solicitor to the Council to safeguard his/her position. It would reflect badly on the Council if, at a later time, claims were made by relatives or others, that undue influence had been placed on the deceased to make the gift. If proved true, the Council would consider this to be a serious disciplinary matter.

The Council have issued special guidance about bequests, or gifts by will, to members of staff working in sheltered schemes. Where bequests are made generally to the Council or a particular warden serviced housing scheme, the gift should be used in accordance with the wishes of the giver. Where these wishes are not made known, the money will be used to fund a project, event or to purchase equipment or furnishings that will be of joint benefit to the Council's clients and staff in that particular scheme.

#### Hospitality

This is probably a more difficult area than that of gifts. Occasional entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the Council's relationships should be cordial; but an appearance of improper influence is easily created.

Where a firm (or an individual) is already doing business with the Council and their representatives, and employees of the Council have to work closely together, working meals **which can be reciprocated by the employees** concerned are normally be acceptable provided no extravagance is involved. If a meal is provided subsistence is not to be claimed unless authorised expenditure has in fact been incurred.

An invitation to a social / business function to which members, other employees, or outside people or bodies, are invited, an invitation to attend a Society or Institute function, or a general celebration would normally be acceptable again provided no extravagance is involved. However, offers of holidays, hotel or other accommodation, meals other than working meals or a theatre/match ticket, would be unacceptable. If you are unsure whether you should accept or refuse an offer of hospitality ask your Manager or Director.

You should always ask yourself two crucial questions before accepting any gift or hospitality from anybody:

1. Is the offer made because you are a local government employee or because you have some other connection with the person making the offer which is clearly unconnected with your job in local government?
2. In your job are you in a position to influence the Authority's affairs, conduct or activities to the extent that you could help the person making the offer to gain some advantage from the Authority, or give something in return at the expense of the Authority?

Some employees employed in the enforcement of sanctions may always have to say "No" to any kind of favour however small or apparently innocuous and the reality is that there is little any local government employee can properly accept in the way of gifts or hospitality.

It could be the case that some employees, particularly those involved in the letting of contracts or placing of orders for goods or services, may have to take particular care in their ordinary business dealings in private life even though the people with whom they deal have not previously done business with the Council - circumstances can arise which may cast suspicion upon employees whose personal circumstances have never been and would never be anything but "above board".

# Agenda Item 7

## **Update on Matters of Interest**

*Chief Executive:* Mark Williams, Chief Executive  
*Assistant Director:* Ian Clarke, Legal and Corporate Services  
*Lead Officer:* As above  
*Contact Details:* [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk) or (01935) 462184

## **Purpose of Report**

This report is submitted for information to update members on any recent information regarding matters of interest to the Standards Committee, and for the Monitoring Officer or Independent Persons to verbally update members on any ongoing matters.

## **Recommendation**

That members note the verbal updates as presented by the Assistant Director (Legal and Corporate Services).

***Background Papers:*** None

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# Agenda Item 8

## **Committee Work Programme and Future Meetings**

*Strategic Director:* Mark Williams, Chief Executive  
*Assistant Director:* Ian Clarke, Legal and Corporate Services  
*Lead Officer:* As above  
*Contact Details:* [ian.clarke@southsomerset.gov.uk](mailto:ian.clarke@southsomerset.gov.uk) or (01935) 462184

### **Purpose of Report**

To seek members' approval of the work programme and to advise members of the proposed future meeting arrangements.

### **Public Interest**

In order that the work of the committees is planned effectively and to enable the public to see when items that may be of interest to them are to be discussed, it is important that a work programme is produced, agreed and updated.

### **Recommendation:**

- 1) That Members agree the Work Programme as attached as Appendix A
- 2) That Members note the future meeting arrangements

### **Work Programme**

The suggested Work Programme to be agreed by the Committee is attached as Appendix A. Members may also wish to suggest other items for future consideration. The Terms of Reference of the Standards Committee are shown at the front of this agenda so that members can see the scope of their responsibilities and how this may suggest matters for the Programme

### **Meeting Arrangements**

The Committee is scheduled to meet on the following dates:

10<sup>th</sup> February 2015  
9<sup>th</sup> June 2015  
13<sup>th</sup> October 2015

The next meeting of the Standards Committee is scheduled for 2.15p.m. on Tuesday 10<sup>th</sup> February 2015 in the Main Committee Room, Brympton Way, Yeovil.

**Background Papers:** None

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## Appendix A

### Standards Committee Work Programme 2014/15

Report	Timetable	Report Author	Comments
Receive regular update reports from Independent Person	Each meeting of Standards Committee	Chris Borland/Peter Forrester	May be a verbal update
Receive reports from the Monitoring Officer regarding complaints received	Each meeting of Standards Committee	Ian Clarke	Only report if complaints received
Progress reports from Monitoring Officer in relation to current complaints.	Each meeting of Standards Committee	Ian Clarke	Report will contain performance data and not personal details
Consider Dispensation Applications	As required	Ian Clarke	Agreed process in place
Review Guidance for Members on Gifts and Hospitality	February 2015	Ian Clarke	Review every 2 years thereafter
Annual Report to Council by Chairman of Committee and Independent Person	June 2015	Chairman	
Consider annual report on receipt of Gifts and Hospitality for Members and Officers	October 2015	Ian Clarke	
Assess and respond to training and support requirements of members of the District, Town and Parish Councils in relation to the Code of Conduct	October 2015	Ian Clarke Angie Cox Jo Gale	
Review Guidance and Process for dealing with Complaints.	October 2015	Ian Clarke	Review annually
Review Protocol on Member/Officer relations.	October 2016	Ian Clarke	Review every 2 years thereafter
Consider revisions to the Constitution	As required	Ian Clarke	A major review of the Constitution is planned for 2014

<b>Report</b>	<b>Timetable</b>	<b>Report Author</b>	<b>Comments</b>
Consider complaints (where not delegated to the Monitoring Officer)	As required	Ian Clarke	No such complaints currently
Consider investigation reports (Hearings Panel) where required	As required	Ian Clarke	No investigations currently
Impose or recommend sanctions where there has been a breach of the Code of Conduct	As required	Ian Clarke/Hearings Panel	No hearings needed currently
Independent Persons to meet with Political Group Leaders and Chief Executive annually.	To be confirmed	Committee Admin to organise	
Consider the Ombudsman's Annual Report	To be determined	Ian Clarke	

# Agenda Item 9

## **Exclusion of Press and Public**

The Committee is asked to agree that the following item (agenda item 10) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 1:

“Information relating to any individual.”

It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

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# Agenda Item 10

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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