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New Somerset Council



Administration of the Code of Conduct for members by the new Somerset Council

To cover today:

- Code of Conduct (“Code”) complaints procedures currently in place at Somerset County Council
- Impact of transition of responsibility for City, town and parish (“Parish”) council complaints to Somerset Council
- Preparations underway to prepare for the transition of parish complaints
- Outline of resource implications

Current procedures for administration of Code of Conduct complaints

- All councils must adopt a procedure for dealing with complaints about members (Localism Act 2011)
- April 2022 - SCC adopted revised Code largely based on the LGA Model Code
- All 4 district councils have adopted the same Code and complaint resolution procedure

Transition of responsibility for Parish council complaints

- On Vesting Day Somerset Council will become responsible for
 - new complaints relating to conduct of members of Parish councils
 - unresolved complaints relating to district and Parish councillors
- Current resolution procedure will need minor amendments to reflect
 - new responsibilities
 - fact that Somerset Council may recommend but not impose sanctions on Parish councillors
- Robust procedures and resources must be in place to deal with demand
- Non-standard version of Code used in some Parishes – complicates procedures
- LGR Governance workstream promoting single version of Code to Parish councils

Impacts on transition of Parish complaints

- 279 Parish councils in Somerset on 1st April 2023
- Demand on Monitoring Officer (“MO”) to deal with complaints will rise
- Currently, complaints at districts and Parishes dealt with by 4 MOs
- April 2023 – one MO dealing with all complaints
- Anticipated that 80% of complaints will relate to Parish councillors (due to sheer number of Parishes)

Complaint numbers – comparable unitary councils

	Cornwall	Dorset	Wiltshire
2020/2021	23	54	72
2021/2022	28	60	52 (part year only)
Number of Unitary members	87	82	98
Number of Parish Councils	196	264	253

Complaints in Somerset 2021/22

	MDC	SDC	SSDC	SWT	Number referred for investigation	Total
Formal Complaints 2021/2022	9	8	29	12	2 (both on hold)	58
Code of Conduct enquiries not proceeding to a formal complaint	12	12	Not known	15-20		Estimated at approx 48 per annum
Advice and guidance to Parish Clerks on governance issues	25-30 per annum	30-40 per annum	1	25-30 per annum		Estimated at over 100 per annum

Impact on resourcing

- Costs of investigation - £2,500 - £20,000 each time
- Single MO responsible for complaints procedure (previously 5)
- Single MO responsibility for maintaining registers
 - Members' interest
 - Gifts and hospitality declarations
- Significant increase in activity after elections in May 2023

Requirement for effective administration of MO duties

- At least 2 Deputy MOs to deal with complaints
- Maintaining registers -estimate
 - 37 hours per week for first 3 months after elections
 - 12 hours per week thereafter
- Sufficient Independent Persons for consultation (legal requirement) – recruitment of 3 (subject to member approval) imminent

Recommendations

1. To note the update including the steps being taken by the LGR Governance Board to ensure a smooth transition of the countywide Code of Conduct complaint process and procedures to Somerset Council;
2. To note the likely impact upon resources and the need for sufficient resource in the new structure.
3. To invite the Committee to comment upon the proposals.