
Report of Priority Group One – Committee & Sub-Committee Composition

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1. Summary

- 1.1.** The Localism Act 2011 imposes a duty on local authorities to promote and maintain high standards of conduct by members and co-opted members of the authority, to adopt a code of conduct governing the behaviour of members of the local authority while in office, to make arrangements to investigate and make decisions on allegations that the code of conduct has been breached, and to appoint one or more independent persons (Independent Persons) whose views must be sought and taken into account when deciding on breaches of the code of conduct.

- 1.2.** The Standards Committee and the Standards Hearing Panel are a fundamental element of the Council's framework for managing standards of member conduct and allow the Council to maintain effective oversight of the arrangements put in place and their terms of reference form part of the Council's constitution.

- 1.3.** The Governance Workstream within the Local Government Reorganisation project produced 3 draft documents for consideration by the Standards Committee:
- i. Draft Investigations and Hearing Procedures
 - ii. Somerset Council Guidance on making a Code of Conduct Complaint (incl process flow chart)
 - iii. Draft Somerset Council Code of Conduct Complaints Media Protocol
- 1.4.** As part of their review the Priority Group also considered whether or not it would be appropriate for co-opted members of the Standards Committee to be eligible as voting members of the Standards Hearing Sub-Committee. Under current arrangements a Standards Hearing Sub-Committee is made up of 3 members to be selected from the Somerset Councillors on the Standards Committee. Therefore the 3 members of the sub-committee are selected from a small pool of 5 Somerset Councillors.

2. Recommendations

- 2.1.** That the Standards Committee:

Consider what, if any, changes they wish to recommend to Full Council regarding the membership of the Standards Hearing Sub-Committee or the Standards Committee itself.

3. Background

- 3.1.** The Council has established a Standards Committee. The role of the standards committee is to supervise all of the council's arrangements for maintaining and enforcing standards of Member conduct.
- 3.2.** In the lead up to vesting day the Governance Workstream within the Local Government Reorganisation project produced 3 draft documents for consideration by the Standards Committee. These draft documents sought to improve the guidance and process regarding Code of Conduct Complaints, following the recently published guidance by the Local government Association and local best practice from the 5 legacy Councils.
- 3.3.** The Priority Group has considered options for the inclusion of co-opted members of the Committee on the Standards Hearing Sub-Committee. Having undertaken a peer review of neighbouring Council's approaches the following information was established (further details are available in Appendix A:

- Cornwall Council – Final decision are taken by full Standards Committee with only Cornwall Councillors having voting rights
- Dorset Council – Standards matters are dealt with by a sub-committee of their the Audit and Governance Committee. Co-opted members are not eligible to sit on a sub-committee.
- Wiltshire Council – The Standards Committee consists of 11 Wiltshire Councillors and 4 co-opted (non-voting) members. Hearing sub-committees are made up of 3 members with a maximum of 2 co-opted members.
- Buckinghamshire Council – No co-opted members on their Standards Committee

3.4. Therefore you will see that only Wiltshire Council allows co-opted Members to sit on their Hearing sub-committee although it is unclear if they can have voting rights on the sub-committee if they do not have such rights on the main Standards Committee.

4. Options Considered and any consultation undertaken

4.1. The options available to the Standards Committee include:

- Make a recommendation that co-opted members of the Standards Committee become eligible to be full voting members of the Standards Hearing Sub-Committee.
- Make a recommendation that co-opted members of the Standards Committee become eligible to be advisory members of the Standards Hearing Sub-Committee with no voting rights.
- Make a recommendation that the membership of the Standards Committee is increased to include additional Somerset Councillors.
- Make no changes to the current arrangements.

5. Legal, Equalities, Financial and Other Implications

5.1. The Council has a legal obligation to maintain high standards of conduct of its Members. The effective administration of the code of conduct for members will also reduce the risk of reputational harm to the Council and promote good governance within the Council.

5.2. Following local government reorganisation in Somerset the Council now also administers the Code of Conduct complaints process for all City, Town and Parish Councils within their area.

5.3. Because the investigation and determination of complaints about breaches of the code of conduct is quasi-judicial in nature it is important for that processes adopted should be fair and transparent and that the Council has ready access to eligible members to form the Hearing Panel Sub-Committee.

6. Background papers

6.1. The Committee should refer to the following documents:

- LGA Model Code of Conduct
- LGA guidance on Code of Conduct Complaints Handling

7. Appendices

Appendix A – Other Councils' Standards Committee arrangements

Note For sight of individual background papers please contact the report author