

Report of the Monitoring Officer

Cabinet Member: All

Division and Local Member: N/A

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1. Summary

- 1.1 This report sets out proposals for decisions on appointments and constitutional matters, the proposed scale of fees and charges for the May 2022 elections, proposals relating to revised Contract Procedure Rules and Standing Orders and a proposed revised Members Code of Conduct.

2. Recommendation(s)

2.1 Council is recommended to:-

Preparing for the May 2022 elections

- (1) **Approve the scale of fees and charges for the elections on 5 May 2022 as set out in Appendix 1 and to delegate authority to the Returning Officer to agree any subsequent variations.**

Proposed revised Contract Procedure Rules and Standing Orders

- (2) **Approve the revised Contract Procedure Rules and Standing Orders as set out in Appendix 2; including the updated approach to assessing the Most Economically Advantageous Tender of 60% price, 30% quality and 10% social value.**

Proposed revised Members Code of Conduct

- (3) **Agree the adoption of the revised Members Code of Conduct as set out in Appendix 3 for implementation from 6 May 2022 following the elections;**
- (4) **Agree that the revised Code of Conduct is incorporated into the Council's Constitution from 6 May 2022;**
- (5) **Authorise the Monitoring Officer to develop and promote a Member Development programme to support the implementation**

- of the revised Code of Conduct;**
- (6) Agree that the revised Code of Conduct is promoted with Somerset Association of Local Councils (SALC) for adoption by City, Town and Parish Councils for implementation from 6 May 2022;**
 - (7) Endorse the Monitoring Officer to review and make any appropriate amendments to the Council's complaints procedures for handling allegations about potential breaches of the Members Code of Conduct with reference to the LGA Guidance.**

Proposed additional meeting of the County Council

- (8) Agree to hold a meeting of the County Council on Wednesday 27 April 2022 to approve the minutes of Committee meetings and other procedural matters before the elections are held in May 2022**

3. Background

3.1 May 2022 elections – scale of fees and charges

The Government has set out its proposals for the election of 110 councillors to Somerset County Council to be held on 5 May 2022 and to serve a five year term of office. Subject to the Government's approval of its Structural Changes Order (expected in early March 2022), for 2022/23 the 110 councillors will have responsibility for all current County Council services and oversee the local government reorganisation to establish a single unitary council on 1 April 2023.

From 1 April 2023, the 110 councillors of the new Somerset Council will assume responsibility for all local government functions for Somerset, including those of the current four district councils. District Councils will remain until 31 March 2023 and the councillors serving those councils will continue in their roles until that date.

The Government has also set out its proposals for all current parish, town and city councils' elections to be brought forward from May 2023 to 5 May 2022. These elections are administered by the four district councils.

- 3.1.1** The election preparations continue in partnership with the four district councils to ensure that legal requirements are met and the democratic processes are effectively supported. The Council's Constitution sets out that the Returning Officer for the elections is the County Council's Chief Executive.

The Chief Executive is the Returning Officer for the County Council elections. The role of the Returning Officer is a personal responsibility independent and separate from their duties as an employee of the Council. The Returning

Officer may appoint one or more persons to discharge all or any of his/her functions as Deputy Returning Officers to ensure the effective management of the scheduled elections.

- 3.1.2 The County Returning Officer is responsible for:
- the nomination process for candidates and political parties;
 - provision and notification of polling stations;
 - appointment of Presiding Officers and polling clerks;
 - appropriate administration and security of polling stations;
 - preparation of all ballot papers;
 - the actual count and declaration of results;
 - issue, receipt and counting of postal ballot papers;
 - all candidates' election expenses returns;
 - presentation of final account; and
 - reclamation of funding from external bodies as prescribed.

In two-tier areas the County Returning Officer role is traditionally undertaken by the County Council Chief Executive who then further delegates and empowers some of the above responsibilities to officers within the District Councils through the appointment of Deputy Returning Officers.

- 3.1.3 When considering the 2022 County Council elections the impact of the on-going Covid-19 Pandemic must be considered, Officers would like to take this opportunity to reassure the Council that robust preparation and appropriate mitigation measures are in place to ensure the election adheres to all legal requirements whilst safeguarding both elections staff and voters.

- 3.1.4 Section 35 of The Representation of the People Act 1983 requires the Council to appoint an officer of the Council to be the Returning Officer in local elections. It is the Returning Officer's duty to organise and conduct elections.

The Representation of the People Act 1983 makes provision for a scale of expenses to be fixed for the purpose of determining the Returning Officer's expenditure. Provision has been made within the County Council's 2022/23 budget for meeting the anticipated cost of the scheduled 2022 elections.

- 3.1.5 Agreeing the scale of fees and charges for County Council elections is a responsibility of the Council. There has been a longstanding delegation to the County Returning Officer to finalise the scale of fees for the administration and management of the elections.

The fees include a fee for staff to attend training required to ensure that Electoral Commission standards are met. The scale also includes provision for

a role of Polling Station Inspector.

Clearly managing the administration of an election during a global pandemic presents a significant undertaking and will bring additional risks and appropriate mitigations. Ongoing advice for local authorities is being provided by the Electoral Commission and the Government. Nevertheless, as assurance we do have the experience of administering the Avon and Somerset Police and Crime Commissioner elections in May 2021 during the pandemic.

3.1.6 Key dates for the May 2022 elections are:

Publish notice of election – 21 March 2022

Publish statement of persons nominated – 6 April 2022

Close of postal vote applications – 19 April 2022

Polling Day – Thursday 5 May 2022

Count of votes and declarations of results for 110 councillors – Friday 6 May 2022

3.1.7 The Council is recommended to agree the scale of fees and charges set out in Appendix 1 and also delegate authority to the County Returning Officer to finalise any further potential changes to the scale of fees and charges following completion of the negotiations with the district councils and discussions with the electoral commission.

3.1.8 Constitution and Standards Advisory Board considered the proposals on 9 February and the Board was minded to support the proposal that the Monitoring Officer recommends to Full Council the proposed fees and charges as set out in Appendix 1 and the delegation to the Returning Officer.

3.2.1 **Contract Procedure Rules and Standing Orders**

The Contract Procedure Rules and Standing Orders (the Rules) are made under Section 135 of the Local Government Act. Their purpose is to provide a framework for the making of contracts for the supply of goods or materials or for the execution of works that ensures Somerset County Council's approach complies with the relevant national legislation, in particular the Public Contract Regulations 2015. The Rules also help ensure the provision for securing competition in the procurement process.

- 3.2.2 This most recent review of the Rules has resulted in some minor updates, changes to reflect the legislative impact of leaving the European Union, together with a more detailed revision to the evaluation of the Most Economically Advantageous Tender through the procurement process.
- 3.2.3 The attached updated version of the Rules reflects current regulations and working practices, until such time the Procurement Bill is published and becomes law, potentially later 2022 or early 2023.
- 3.2.4 These Rules will also need to be reviewed as part of the Somerset Local Government Reorganisation so that the new Unitary Council has a single Contract Procedure Rules and Standing Orders for the purposes of entering into contracts post vesting day, from 1 April 2023.
- 3.2.5 The Rules reflect public procurement law which regulates the purchasing by public sector bodies and certain utility sector bodies of contracts for goods, works or services. The relevant Regulations in England, Wales and Northern Ireland have until recently been the Public Contracts Regulations 2015 (PCR 2015).
- 3.2.6 The Contract Procedure Rules and Standing Orders were last updated in April 2020. The focus of the update was to make minor changes, primarily to align to the then revised Scheme of Delegation. The changes in the Scheme of Delegation were put in place at that time as part of work to ensure that decisions could be taken, and services continue to operate effectively, during the initial period of the COVID-19 pandemic.
- 3.2.7 Since that time PCR 2015 has been superseded by the Public Procurement (Amendment etc.) (EU Exit) Regulations 2020, essentially made to remove certain EU specific references from the Procurement Regulations.
- 3.2.8 These EU Exit Regulations are considered to be an interim position, as the Government's Green Paper: Transforming Public Procurement is expected to result in a new Procurement Bill later this year that will apply to all contracting authorities in England (and to contracting authorities carrying out reserved functions in Scotland, Wales and Northern Ireland).

3.2.9 The new Procurement Bill was announced in the Queen's Speech in May 2021, stating it will be introduced in the next (current) session of the UK Parliament and is currently awaited.

3.2.10 Whilst a detailed review of the Rules has been undertaken, the outcomes is mostly minor changes with one more detail revision to the evaluation of the Most Economically Advantageous Tender. The update Rules have included internal consultation with relevant officers such as Strategic Commissioners and Legal Services

3.2.11 Summary of the main amendments

The proposed updated set of the Rules in Appendix 2 reflects the main parameters within which Procurement activity is currently undertaken by Somerset County Council, however commissioning officers continue to be advised to engage with procurement at the earliest opportunity as the requirements for each procurement are individual.

3.2.12 Areas of The Rules that have been updated are;

- terminology updated to reflect the exit from the European Union, and procuring entities are required to publish notices on the new UK e-notification service called Find a Tender (FTS) instead of in the OJEU - see definitions and throughout the document
- revised definition of the term 'Best Value' and how this is determined - see definitions
- clarification of the definition of grants, excluded from the procurement regulations - see definitions
- reference to Strategic Commissioning Group and the role it plays in the commissioning cycle - Section 12
- amendments to the lower value procurement thresholds - Section 14;
 - up to £25,000 - recommend three written quotes, minimum one written quote ensuring Best Value
 - over £25,000 up to £50,000 - minimum of three written quotes
- reference to compliance with the Local Government Transparency Code 2015 - Section 16

- expanded consideration of Social Value and how this is taken account of it the procurement process including the determination of the most economically advantageous tender - Section 27
- updated section on Contract Management to provide further guidance under Supplier Resilience - Section 43
- greater clarification of the application of waivers - Section 44
- reintroduced specific reference to the pension fund and that some exclusions apply in this instance - Section 45.

3.2.13 Most Economically Advantageous Tender

As part of the Public Services (Social Value) Act 2012, before commencing the procurement process Somerset County Council is required to consider how the economic, social and environmental well-being of the county may be improved through the procurement of the services or goods. The aim of the Act is to ensure that as part of the commissioning and procurement processes, consideration is given to the wider impact of the delivery of the services and goods. It allows a council to consider as part of the tender process how suppliers go beyond the basic contract terms and secures wider benefits for the community.

3.2.14 This has been best practice since the introduction of the Social Value Act, however, advances have recently been made at a national level in providing guidance to measuring social value, and therefore a revised approach is proposed to reflect this.

3.2.15 Cabinet agreed the revised Social Value policy at its meeting on 14 February 2022.

3.2.16 Social Value is referred to in Section 16 as a relevant Policy. However, Section 27 regarding the Most Economically Advantageous Tender is where the Rules provide a mechanism to assess social value through the procurement process.

3.2.17 In selecting a preferred supplier, the Council must comply with the general principles of proportionality, mutual recognition, transparency, non-discrimination and equal treatment. In doing so all contract awards must be based on the Most Economically Advantageous Tender (the "MEAT").

- 3.2.18 The MEAT is identified using a price-quality ratio, previously this has been 70% price and 30% quality. It is proposed this is changed under the revised Rules to 60% price, 30% quality and 10% social value, where social value is now a separate consideration when previously it was within the quality evaluation.
- 3.2.19 The revised Social Value Policy agreed by the Cabinet provides a framework for effectively measuring the social value element with the application of the Themes, Outcomes and Measures model for evaluating social value (Appendix Two). This will apply to all procurements of a total value over £100,000 due to the type of procurement process followed below this threshold.
- 3.2.20 The National Social Value Measurement Framework themes outcomes and measures – or TOMs for short – is a method of reporting and measuring social value to a consistent standard at a national level and it is proposed that TOMs will be adopted as the model for measuring social value in Somerset.
- 3.2.21 Officers will then need to ensure our approach for each individual procurement over £100,000 is;
- relevant and proportionate for what is being purchased
 - one that will work within that particular market
 - modelled before publication to ensure it meets the above requirements and does not result in any reporting anomalies.
- 3.2.22 In adopting TOMs, we will be able to consistently measure the social value we achieve through the procurement process, report back locally and nationally, compare our performance to others and follow up with providers if they do not deliver their social value commitments made through the procurement process. We will be able to use the corporate benefits tracker to monitor and review progress, learning from the application of the model to continue to maximise the benefits from the procurement process.

3.2.23 Thresholds

Section 38 details the thresholds for the approval to award a Contract, Framework Agreement or Dynamic Purchasing System. These have been updated to reflect the current Officer Scheme of Delegation, as follows;

Total Contract Value	Approval to award
Over £250,000	Only the Chief Executive and/or Directors and Deputy/Assistant Directors within the Senior Leadership Team
Up to £250,000	All Strategic Managers and officers at Grade 6 or above
Up to £50,000	All Service Managers and Officers at Grade 8 or above
Up to £10,000	Officer scale 11 or above
Up to £500	All Council officers

3.2.24 One change to the Rules is regarding the procurement process for low value contracts to provide greater clarity at the lower value end of the procurement thresholds as follows;

- up to £25,000 - recommend three written quotes, minimum one written quote ensuring Best Value
- over £25,000 up to £50,000 - minimum of three written quotes.

3.2.25 This change allows for lower value purchases up to £25,000 to be made without the need to always obtain three quotes as, whilst this is preferable, making it a strict requirement has led to practical difficulties as often it has proved challenging to obtain three quotes at the lower value of expenditure and officers expertise is often best relied upon to ensure low value contracts are delivering Best Value for the council.

3.2.26 These proposals link to the County Business Plan 2021/22 outcome of meeting the Council's challenge of *sustainability, quality and focus - effective and resilient delivery* through the provision of an effective set of rules. These Rules will help to guide decision makers in the procurement process.

3.2.27 Legal Services have been engaged in the drafting of the revised Rules and have made contributions to the re-drafting. Through the Strategic Commissioning Group and Governance Board the draft changes have been consulted with strategic commissioners and amendments reflect their feedback.

3.2.28 Constitution and Standards Advisory Board considered the proposals on 9 February and the Board was minded to support the proposal that the Monitoring Officer recommends to Full Council the revised Contract Procedure Rules as set out in Appendix 2; including the updated approach to assessing the Most Economically Advantageous Tender of 60% price, 30% quality and 10% social value..

3.2.29 Implications

There are no additional financial, HR or Legal implications to the proposed amendments to the Contract Procedure Rules and Standing Order, the document itself aims to minimise the legal risks to the council associated with procurement activities. There are no equalities implications.

3.3.1 **Proposed revised Members Code of Conduct**

The current standards regime was introduced by the Localism Act, 2011 and the operation of the Council's arrangements for members' conduct is fundamental to the Council's compliance with the requirements of the Localism Act 2011 and by promoting good ethics the Council is demonstrating its core values as contained in the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

3.3.2 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.

3.3.3 The opportunity has been taken to review the County Council's Members Code of Conduct 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 four district councils. The aim has been to recommend a Members Code of Conduct to come into effect from 6 May 2022 following the elections and to support the transition towards the new Somerset Council.

- 3.3.4 The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors.
- 3.3.5 The role of councillor should be one that people aspire to and want to participate with and we should strive to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.
- 3.3.6 The county and district councils in Somerset already have a comprehensive Code of Conduct written by the Monitoring Officers in 2012 which covers most of the issues covered in the new LGA Code. However, the Somerset Code has not been updated significantly since 2012 and there are some issues that are not covered such as social media, harassment and disrespectful behaviour from the public.
- 3.3.7 In response to the work undertaken by the Committee for Standards in Public Life relating to ethical governance, (findings published in January 2019), the Local Government Association consulted widely in 2020 and published in 2021 its Model Code for Elected Members for adoption by all tiers of Councils.
- 3.3.8 All five Somerset Monitoring Officers were last year investigating the possibility of adopting the LGA Model Code of Conduct in their councils but efforts to take a consistent approach across Somerset, together with the decision on Local Government Reorganisation, meant that the focus moved to the code of conduct for the transitional council and new unitary.
- 3.3.9 It is recommended that a new code is in place for the elections in May 2022 and training on that Code can then form part of the member induction process. In the circumstances, a review has been conducted to establish the position in other Councils and whether they are choosing to move to the LGA Code. It is clearly not possible to check the position in every local authority but a simple search to identify those councils that had been reviewing their Code of Conduct in the last 18 months identified the following. In addition, the opportunity was taken to look at some other unitary councils. The position is as follows: -

Name of Council	LGA or other Code recommended for adoption?
Arun	LGA
Harrogate	Other
Blaby	LGA
Leicester CC and all other councils in	LGA (or proposing to adopt LGA)

their area	
North Herts	LGA
Rushcliffe BC	LGA
Shropshire	LGA
Three Rivers	LGA
York	LGA
Bristol	Other (adopted prior to LGA Code)
Cornwall	Other (March 2021)
Dorset	Other (adopted prior to LGA Code)
Northamptonshire	LGA
Wiltshire	Other (adopted prior to LGA Code)
Durham	Other (wef March 2021)

3.3.10 There are many councils that have not yet adopted the LGA Code and as it is not mandatory. As the Model Code is voluntary, councils do have a discretion as to whether or not to adopt the Code in its entirety or to adopt elements of the Model Code to amend or update any existing arrangements.

3.3.11 **Options considered**

In light of the timescales we are working to the only viable options are considered to be:

1. Adopting the LGA Code with or without amendments.
2. Continuing with our existing Code and adopting amendments to pick up issues such as social media and harassment.

3.4.11 Option 1 - the LGA Model Code

Whilst moving to the new Model LGA Code of Conduct is not a mandatory requirement, and arguably it places only a few additional requirements on Members, a national single code for all elected members, with clear wording and additional guidance, working examples and explanatory text is something that needs to be seriously considered.

3.3.12 The Model LGA Code has 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. If adopted, it will mean that we will no longer have to refer to the now out-of-date Standards Board for England Guidance.

Benefits of adopting the LGA Code are considered to be: -

- Greater consistency of approach to standards cases;
- Addresses specific areas of concern raised such as additional provisions regarding social media;
- Has been prepared following national consultation;
- Covers most of the elements that you would expect within the Code and beyond most basic models and can be adopted as a whole or in part;
- provides short guidance below each obligation under the main provisions of the Code, to aid understanding;
- provides a model that can be rolled out to the City, Town and Parish Councils in Somerset (albeit it will be a matter for those councils to adopt);
- The LGA have stated that they will keep it under review so that it remains fit for purpose (thereby meeting the Standards in Public life Best Practice recommendation 15 in relation to an annual review);
- The LGA have developed the more detailed Guidance which will aid interpretation;
- Training can be commissioned as part of the induction of new members in May;
- The Council will not have to undertake its own specific work on reviewing its Code annually. This would amount to an almost ongoing consultation on changes.

Disadvantages of adopting the LGA Code are: -

- The Somerset Councils have already produced our own Code which is tried and tested.
- Three versions of the code have been produced by the LGA already since December 2020. There are minor differences, there has been no formal explanation provided as to why these changes have been made and this creates uncertainty;
- Not all local councils may adopt it in Somerset, still causing some inconsistencies across the tiers of government;
- There is not wholesale support for this Code and local authorities are not necessarily rushing to adopt it;
- It remains to be seen whether it will become a code of choice for local authorities.

3.3.13 Option 2 – the existing Members Code of Conduct

The existing Code was based on the Mandatory Code in place prior to the Localism Act. This Code is tried and tested and understood by members. It has not, however, been substantially reviewed since it was drafted in 2012 and therefore requires updating to reflect modern issues such as use of social media.

Benefits of updating and adopting our existing Code are considered to be:

-

- Tried and tested
- Covers most of the elements that you would expect within the Code and beyond most basic models
- Based on previous statutory model code
- Wealth of Standards for England guidance that we can refer to, albeit somewhat out of date
- Longstanding councillors know and understand it.
- Already adopted by many Town and Parish Councils
- Has already been the subject of significant training for members
- Training can be commissioned as part of the induction of new members in May.

Disadvantages of adopting/adapting our existing Code are: -

- Drafted in 2012 so out of date
- Does not cover some key issues such as social media and harassment
- No specific guidance and former Standards for England guidance is out of date
- Best practice recommendation to review annually will be onerous.
- Does not provide the level of explanation that the LGA Code provides
- Working towards one common Code will aid interpretation and consistency
- Towns/Parishes more likely to adopt the LGA Code if this is to be supported by NALC

3.3.14 Option recommended – LGA Model Code with local amendments

On balance, whilst the LGA version is not perfect, as part of a package with Guidance and annual review, it is considered preferable to remaining with our own bespoke approach. It offers an opportunity to reach out to local councils more effectively and give them greater and more consistent support through a national model. Whilst our Code is comprehensive, it is out of date and requires work. We also have no up-to-date guidance and our existing Code does not benefit from the annual review process to be conducted by the LGA.

3.3.15 Clearly the main benefit of adopting the LGA Model Code is to have a more consistent approach using a model that has been fully consulted on by the LGA. It is therefore recommended that any changes for local circumstances are kept to a minimum. However, there are some omissions from the document (shown in blue in Appendix 1) that it is felt should be rectified as follows: -

- A new clause 6.2 clarifying that councillors should not take part in the scrutiny of any decision in which they have been involved.

- A new clause 7B requiring councillors to consider any advice of the S151 and Monitoring Officer.
- Clarification in 8.2 that the obligation not to intimidate any person will include complainants and witnesses in the administration of any investigation or proceedings.
- Deletion of the word “significant” in 9.6 regarding registration of gifts that are refused and adding a requirement to register their refusal within 28 days, where the value of the gift offered is estimated to be at least £50. This ensures consistency with the approach in relation to gifts that are accepted.
- Amending Appendix B so that you must update interests within 28 days of any change. This is not currently covered. Further amendment to section 9 in relation to non-registerable interests.
- Adding a new Appendix D which gives guidance on bias and predetermination. This is currently covered in the Somerset Code and omitted from the LGA Code.

3.3.16 It is therefore recommended, that the County Council adopts the LGA Model Code with local variation as set out in this report and for this to come into effect on 6 May 2022 for the transitional County Council to operate ahead of the new Somerset Council.

3.3.17 It is also recommended that the District Councils consider adopting the same Code by September 2022 so that all Somerset councils can align their Code of Conduct and complaints procedures by the end of the calendar year. This will ensure that all complaints that are received from September 2022 onwards are dealt with using the same Code and with a consistent process. This will enable a smoother transition to the new unitary.

3.3.18 City, Town and Parish Councils

Adoption of the Model Code is voluntary and therefore there is no requirement on Parish and Town Councils to adopt the same. However to offer greater clarity and consistency to these local councillors, work could be undertaken with these local councils to proactively promote the adoption of the Model Code as adopted by the County Council.

3.3.19 We would need to start this work from February with the Somerset Association for Local Councils and with local councils so that they have time to adopt the new Code should they wish to do so, in time for the elections. Alternatively the proposals could be considered by local councils at their annual meetings after the elections.

3.3.20 By undertaking such action, the response to complaints received would be assisted as currently local councils have differing local codes which makes adjudication of complaints against the Code complex and very often time consuming. By example, in Sedgemoor two thirds of the local councils have adopted the Somerset Association for Local Councils Code and one third have adopted the existing Somerset Members Code of Conduct.

3.3.21 Code of Conduct Complaints Procedures

The County Council has complaints procedures in place for considering and determining any allegations about a member breaching the Code of Conduct.

3.3.22 Following the introduction of the Model Code, in September 2021 the LGA has produced guidance on the handling of complaints to assist Monitoring Officers to carry out investigations into allegations and to assist councillors in understanding the process.

3.3.23 Ahead of the May 2022 it is proposed that the Monitoring Officer reviews and makes any appropriate amendments to the Council's complaints procedures for handling allegations about potential breaches of the Members Code of Conduct with reference to the LGA Guidance. The principles of fairness, proportionality, transparency and impartiality still apply.

3.3.26 Consultation

The proposals set out in this report have been consulted with the Constitution and Standards Advisory Board on 9 February and the Board was supportive.

The LGR Joint Committee was consulted on 4 February and is supportive of the proposed revised Members Code of Conduct.

3.3.27 Implications

The Equality Act 2010 places specific duties on Local Authorities. Having a clear and concise Code of Conduct which clearly prohibits unlawful discrimination gives the public confidence in Members and the Council as a whole.

The Council is required to establish, publish and promote a Code of

Conduct for Elected Members. The adoption of the proposed LGA Model Code of Conduct with local amendments is voluntary but its adoption would substantially update the existing Code of Conduct which is based on the Model Code launched in July 2012.

This report complies with all legal requirements. The only risk to the Council would result from the Council failing to fulfil its legal obligations as set out in the report through any decisions taken or not taken at this meeting.

3.6.1 Proposed additional meeting of the County Council

Following the County Council meeting on 23 February 2022 the next scheduled meeting is after the County Council elections in May 2022. The minutes of the February County Council meeting and several other committees (currently operating as Advisory Boards and therefore unable to agree the minutes of former committee meetings) need to be agreed ahead of the elections.

3.6.2 In addition, there is the need for the 2021/22 annual reports from the Pensions, Audit and the three Scrutiny Committees to be received along with the annual reports from the Leader of the Council and the Cabinet Member for Resources to be received by the Council ahead of the elections.

3.6.3 An additional meeting also provides an opportunity for the Council to thank those Members of the Council not standing for re-election on 5 May 2022 for their many years of service to the Council and to the public of Somerset and to pay special tribute to the contribution of a number of long serving members and in particular the former Chairs of the Council that have served between 2017-2022.

3.6.4 It is therefore proposed that the Council agrees to hold an additional meeting on Wednesday 27 April 2022 at 10am.

In January 2022, the Council agreed that its committees would not meet until after the May Annual General Meeting and instead it agreed to put in place virtual Advisory Boards with Officers given additional delegated powers to take any appropriate decisions that the committees would previously have taken. However, Full Council meetings still need to be held face to face and as formal public meetings under the Local Government Act 1972.

4. Background Papers

4.1 Council's Constitution

Committee appointments

Monitoring Officer committee appointments report to Council in May 2021

Preparing for the May 2022 elections

Regulation Committee 8 December 2016 – appointment of Returning Officer and **scale of fees and charges for county council elections in 2017**

Proposed revised Members Code of Conduct

LGA website – [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

[Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

Civility in public life - <https://www.local.gov.uk/civility-public-life-16-december-2019>

Local Government Ethical Standards report - <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

Somerset County Council Members Code of Conduct (published within the Constitution)