

Somerset West and Taunton Council

Full Council – 6 September 2022

Member Code of Conduct

This matter is the responsibility of the Leader of the Council, Cllr Federica Smith-Roberts

Report Author: Amy Tregellas, Governance Manager & Monitoring Officer, Kevin Williams and Lesley Dolan, Deputy Monitoring Officers

1 Executive Summary / Purpose of the Report

- 1.1 The current Standards regime was introduced by the Localism Act 2011, which was enacted on 1 July 2012.
- 1.2 It is a mandatory requirement of the Localism Act 2011 to adopt a Code of Conduct based on the Nolan Seven Principles of Public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It was down to local authorities to determine their own Code of Conduct, which fulfilled their statutory duty.
- 1.3 The Committee on Standards in Public Life's report into Local Government Ethical Standards recommended that '*the Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government*'. The Local Government Association (LGA) undertook consultation with local authorities and issued a Model Code of Conduct for Elected Members in May 2021.
- 1.4 The opportunity has been taken to review the 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 County and District Councils.
- 1.5 Somerset County Council adopted the Model Code with effect from 6 May 2022 to support the transition towards the new Somerset Council. The District Council Monitoring Officers are taking reports to their members with a view to recommending adoption of the Code by end September 2022.

2 Recommendations

That the Council resolve:

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

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

3 Risk Assessment

- 3.1 Failure to have a Members Code of Conduct in place would be a breach of the Localism Act 2011, and the Council would not be able to demonstrate a robust ethical governance framework.

4 Background and Full details of the Report

- 4.1 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.
- 4.2 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.
- 4.3 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. 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.
- 4.4 The Council adopted its current Members Code of Conduct in March 2019. This was written by the Monitoring Officers in 2012 and 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.
- 4.5 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.
- 4.6 The opportunity has been taken to review the 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 other four Somerset councils. Somerset County Council adopted the revised code from 6 May 2022 with the four District Councils aiming to adopt the code in the Autumn of 2022 to support the smooth transition towards the new Somerset Council.
- 4.7 Whilst moving to the new Model LGA Code of Conduct is not a mandatory requirement, a national single code for all elected members, with clear wording, additional guidance,

working examples and explanatory text introduces benefits for Councillors, Officers and the public.

- 4.8 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 in 2011.
- 4.9 However, it is recognised that there are some omissions from the model code that it is felt it would be prudent to address. While changes to the model code to reflect local circumstances should be kept to a minimum the following amendments are proposed to be introduced:
- 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 trivial or malicious complaints against other councillors will not be made.
 - 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.
- 4.10 The Draft Somerset Code of Conduct can be found at Appendix 1 (the above amendments are highlighted for convenience)
- 4.11 The benefits of adopting the LGA Code (with some minor local modifications) can be summarised as follows:
- 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;
 - 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;
 - It has already been adopted by Somerset County Council in May 2022, and
 - Has been promoted to all Somerset City, Town and Parish Councils.

5 Links to Corporate Strategy

5.1 Having a robust ethical governance framework is a fundamental part of delivering the Council's Corporate Strategy.

6 Finance / Resource Implications

6.1 None arising from this report

7 Unitary Council Financial Implications and S24 Direction Implications

7.1 There are no Unitary Council Financial Implications or S24 Direction Implications.

8 Legal Implications

8.1 Section 27(2) of the Localism Act 2011 requires the Council to adopt a Code of Conduct

8.2 Sections 28(1) sets out that the Code must contain the seven Nolan Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

8.3 Section 28(2) sets out that the Code must include the provision that the registration and disclose of – (a) pecuniary interests, and (b) interests other than pecuniary interests.

9 Climate and Sustainability Implications

9.1 None arising from this report

10 Safeguarding and/or Community Safety Implications

10.1 None arising from this report

11 Equality and Diversity Implications

11.1 None arising from this report

12 Social Value Implications

12.1 None arising from this report

13 Partnership Implications

13.1 None arising from this report

14 Health and Wellbeing Implications

14.1 None arising from this report

15 Asset Management Implications

15.1 None arising from this report

16 Data Protection Implications

16.1 None arising from this report

17 Consultation Implications

17.1 None arising from this report

Democratic Path:

- **Standards Committee – Yes – the Standards Committee considered this report at their meeting on 26 July 2022 and didn't have any comments to make, other than welcoming the improved Code of Conduct.**
- **Cabinet/Executive – No**
- **Full Council – Yes**

Reporting Frequency: Ad-hoc

List of Appendices

Appendix 1	Somerset West and Taunton Council Code of Conduct
Appendix A	(within Appendix 1) The Seven Principles of Public Life
Appendix B	(within Appendix 1) Registering Interests
Appendix C	(within Appendix 1) The Committee on Standards in Public Life
Appendix D	(within Appendix 1) Guidance on Bias and Predetermination – this does not form part of the Code

Contact Officers

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