
Report of Priority Group One – Code of Conduct Complaints Process & Media Plan

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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.** The standards Committee Priority Group One have now concluded their review of the draft documents and their observations and officer response has been included by way of tracked changes as appendices to this report

2. Recommendations

2.1. That the Standards Committee:

Agree to recommend to Full Council the adoption of:

- i. Investigations and Hearing Procedure
- ii. Somerset Council Guidance on making a Code of Conduct Complaint (incl process flow chart)
- iii. Somerset Council Code of Conduct Complaints Media Protocol

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. Priority group One of the Committee have now concluded their review of these draft documents and their observations and Officer response is presented to the Committee for consideration with a proposal that the Committee now recommend their adoption to Full Council.

3.4. The Priority Group also considered options for the inclusion of co-opted members of the Committee on the Standards Hearing Sub-Committee which is subject to a separate report

4. Options Considered and any consultation undertaken

4.1. The draft documents were produced in consultation with officers from the Governance workstream within the Local Government Reorganisation project and shared with Member of the Standards Committee.

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.

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

7.1. Appendix 1 - Draft Investigations and Hearing Procedure (with tracked changes)

Appendix 2 - Somerset Council Guidance on making a Code of Conduct Complaint (with tracked changes)

Appendix 3 - Complaints against councillors process – drafted by officers

Appendix 4 - Complaints against councillors process – drafted by the Priority Group

Appendix 5 - Somerset Council Code of Conduct Complaints Media Protocol (with tracked changes)

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