
Report of Priority Group Two & Three – Model Code of Conduct Adoption by City, Town & Parish Councils and Review of Officer Code of Conduct

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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.** As part of the preparations for Local Government Reorganisations the legacy Somerset Councils all adopted the same Code of Conduct in 2022, largely based on the Local Government Association Model Code. At the same time a version suitable for adoption by City, Town and Parish Councils was co-produced in partnership with the Somerset Association of Local Councils and promoted to the sector.
- 1.3.** Some 14 months after that promotion it is timely to revisit the situation with a review of the level of adoption in the sector and thoughts on next steps. Priority Group Two have undertaken some valuable analysis on the level of adoption within Somerset.
- 1.4.** Furthermore Priority Group Three have undertaken a review of the Officer Code of Conduct and their observations have been presented to the Service Director for Workforce in order to consult the Trade Unions on the proposed changes.

2. Recommendations

2.1. That the Standards Committee:

- i. Note the number of City, Town & Parish Councils that have adopted the model code and agree that on behalf of the Committee the Monitoring Officer continues to promote its adoption by means of an online survey.
- ii. Note that their observations on the Officer Code of Conduct have been presented to the Service Director of Workforce who intends to share it with the Trade unions and any observations and feedback will be presented to the Committee in due course.

3. Background

3.1. To assist with the transition to Somerset Council a single Code of Conduct was adopted by all the legacy Councils in 2022. This 'Somerset' Code was based on the LGA Model Code of Conduct with only minor alterations to reflect local circumstance and practice. At the same time a modified version was co-produced in partnership with the Somerset Association of Local Councils (SALC) that was suitable for adoption by the City, Town & Parish Council sector.

3.2. This model code was promoted to the sector by means of a joint letter from the Monitoring Officers and SALC -see Appendix 1

3.3. This letter set out the benefits of adopting a single code across the County including:

- A commitment by the LGA to undertake an annual review of the Code to ensure it continues to be fit- for- purpose, incorporating advances in technology, social media and changes in legislation.
- Dual-hatted members only having to adhere to a single code, avoiding the confusion of dealing with different codes for different organisations.
- A wealth of information to assist in interpreting the Code including:-
 - Significant detail within the Code itself to better aid interpretation
 - Separate detailed guidance on the Code
 - Training slides to support Councils in understanding the Code.

3.4. The analysis undertaken by Priority Group Two can be seen in Appendix 2. In order to continue to promote the adoption of the model code within this sector it is proposed that Monitoring Officer, on behalf of the Committee, conduct a simple online survey with the sector that asks the following questions:

1. Name of your organisation
2. Can you confirm you have an adopted code of conduct?
3. Is your code based on the Somerset/LGA Model Code?
 - i. If not can you provide a short statement to confirm the reasons why or if you plan to do so in the future?
4. Can you provide a url link to your adopted code of conduct?

3.5. As part of the Standards Committee Terms of Reference they have a responsibility to:

- *To review the operation and effectiveness of the Council's Officer Code of Conduct and make recommendations on proposed changes to the Council.*

Having concluded their review the observations of Priority Group Three have been passed to the Workforce Service Director who now intends to consult with the Trade Unions on any proposed changes.

4. Options Considered and any consultation undertaken

4.1. Direct approaches by Priority Group Two to the sector were considered but it was believed that the role of the Committee in promoting the model code is best served by following up on the letter from the Monitoring Officers and SALC that was sent in April 2022.

In respect of the Officer Code of Conduct the Workforce Service Director has been consulted and through him the trade unions.

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. Joint letter from Somerset MO's and SALC

7. Appendices

7.1. Appendix 1 - joint letter from the Monitoring Officers and SALC

Appendix 2 – Analysis undertaken by Priority Group 2

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