

Report of the Standards Committee – Code of Conduct Complaints Process

Lead Member: Councillor John Bailey – Chair of the Standards Committee

Lead Officer: David Clark – Service Director Governance, Democratic & Legal and Monitoring Officer

Author: Andrew Melhuish – Service Manager - Democratic Services

Contact Details: andrew.melhuish@somerset.gov.uk

Summary / Background

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 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.
2. The Standards Committee and the Standards Hearing sub-committee 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.
3. The Standards Committee Priority Group One have concluded their review of draft documents, including:
 - Investigations and Hearing Procedures
 - Somerset Council Guidance on making a Code of Conduct Complaint (including a process flow chart)
 - Somerset Council Code of Conduct Complaints Media Protocol

4. At the Standards Committee on 28 June 2023 members supported the conclusions from the Priority Group One and recommended Council to agree their adoption.

Recommendations

5. **The Council is recommended to agree to the adoption of:**
 - a. **Investigations and Hearing Procedure**
 - b. **Somerset Council Guidance on making a Code of Conduct Complaint (including process flow chart)**
 - c. **Somerset Council Code of Conduct Complaints Media Protocol**

Reasons for recommendations

6. To ensure that the Council has robust procedures and guidance in place to manage standards of member conduct and allow the Council to maintain effective oversight of the arrangements put in place and to provide members of the public with up to date and effective guidance on how to make a complaint.

Other options considered

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

Legal, Equalities, Financial and other implications

8. 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.
9. As the investigation and determination of complaints about breaches of the code of conduct is quasi-judicial in nature it is important that processes adopted should be fair and transparent.

10. 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.

Background

11. The Council has established a Standards Committee. The role of the committee is to supervise all of the council's arrangements for maintaining and enforcing standards of Member conduct.
12. In the lead up to vesting day the Governance Workstream within the Local Government Reorganisation project produced three 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 five legacy councils.
13. Priority One Group of the committee have now concluded their review of these draft documents and their observations along with officer response were presented to the committee for consideration with a proposal that the Committee now recommend their adoption to Full Council.

Background Papers

14. Council Constitution
LGA Model Code of Conduct
LGA guidance on Code of Conduct Complaints Handling

Appendices

- **Appendix 1** - Investigations and Hearing Procedure
- **Appendix 2** - Somerset Council Guidance on making a Code of Conduct Complaint
- **Appendix 3** - Flow Chart - Somerset Council Guidance on making a Code of Conduct Complaint
- **Appendix 4** - Somerset Council Code of Conduct Complaints Media Protocol