

Committee Model Working Group

25 August 2023



Report of: Director – Legal and Democratic Services

Title: Member Code of Conduct

Ward: All

Officer Presenting Report: Director – Legal and Democratic Services

Recommendations:

That the Committee Model Working Group considers and makes recommendations in respect of the matters raised in this report.

The significant issues in the report are:

The Working Group is invited to consider the matters raised in this report and provide any feedback for consideration by the Value and Ethics Sub-committee.



1. Summary

As part of the preparations for the Committee Model of governance, there are a number of detailed matters that the Working Group needs to consider, which are part of the Work Programme for the Working Group during 2023.

This report considers the requirement for a Member Code of Conduct and invites the Working Group to consider and make representations to the Value and Ethics Sub-committee about the arrangements that should be in place relating to the Member Code of Conduct from May 2024.

2. Detail of report

The current Member Code of Conduct was adopted by the Council in 2019 and has been in force since the May 2021 elections (originally scheduled for May 2020, but postponed due to the Covid-19 pandemic).

The Working Group is invited to consider the arrangements that should be in place for a Member Code of Conduct from May 2024. In forming a view about this, the Working Group should consider the current Member Code of Conduct as well as the Local Government Association Model Code of Conduct. Further detail about both the current Member Code of conduct and the LGA Model Code of conduct are set out below and in Appendices 1 and 2.

3. The Current Member Code of Conduct

The Current code complies with statutory requirements as it: -

- deals with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- Is consistent with the Seven Principles of Public Life, also known as the Nolan Principles
- includes provision for and requirements relating to registration and disclosure of pecuniary and non-pecuniary interests.

4. The Local Government Association Model Code of Conduct

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with partners and after consultation with Public Sector organisations. A copy of the Model Code is attached at Appendix 2. The Model Code is a template for councils to adopt in whole and/or with local amendments.

The aim of the Model Code is to enhance the consistency and quality of local authority codes, in line with the recommendations of the Committee on Standards in Public Life in their review of Local Government Ethical standards.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

The Committee on Standards in Public Life also made recommendations in relation to best practice. These can be found in the above link. There are 15 recommendations that include:

1. Include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment,
2. Provisions requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.
3. Review of code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.
4. Publish a clear and straightforward public interest test against which allegations are filtered.
5. Have access to at least two Independent Persons.
6. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.
7. Have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.
8. Procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

The current Code mostly complies with the recommendations from the Committee on Standards in Public Life. However, the current Code does not contain a definition of bullying or harassment, although this is defined in the Model Code. Furthermore, whilst it is customary to review the Code of Conduct in advance of the next local elections, the Code of Conduct is not currently reviewed on an annual basis. Members may wish to consider this when deciding how best to proceed.

5. Legal and Constitutional matters

The Legal and Constitutional matters raised by this report are as follows.

The Council is required to adopt a Member Code of Conduct under s.27 of the Localism Act 2011 and the Code must comply with the requirements of s.28 of the Localism Act 2011.

The current Member code of Conduct is one of the Codes and Protocols in Part 5 of the Constitution.

The Value and Ethics Sub-committee is responsible for advising the Council on the adoption and operation of the Member Code of Conduct and for making recommendations for change. Therefore, the Working Group will need to refer this matter to the Value and Ethics Sub-committee for their consideration.

6. Matters for the Working Group to consider

The Working Group is invited to consider the matters raised in this report and provide any feedback for consideration by the Value and Ethics Sub-committee.

Appendices:

Appendix 1 – Current Member Code of Conduct

Appendix 2 – Local Government Association Model Code of Conduct

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

None