

## UPDATE ON CODE OF CONDUCT FOR MEMBERS

<b>Head of Service:</b>	Amardip Healy, Chief Legal Officer
<b>Wards affected:</b>	(All Wards);
<b>Urgent Decision?(yes/no)</b>	No
<b>If yes, reason urgent decision required:</b>	
<b>Appendices (attached):</b>	1: Council's response to LGA Model Code of Conduct Consultation 2: LGA adopted Code of Conduct for Members 3: Draft Response to Ethical Standards Letter

### Summary

To provide an update on the work to promote and maintain high standards of conduct by Members and also to consider a response to the Committee on Standards in Public Life to their open letter.

### Recommendation (s)

#### The Committee is asked to:

- (1) **note the actions taken to promote and maintain high standards of Conduct by Members;**
- (2) **consider a response to the ethical standards letter from the Committee on Standards in Public Life and delegate to the Monitoring Officer after consultation with the Chairman, to respond.**

## 1 Reason for Recommendation

- 1.1 To provide an update on recent work and activity on the ethical framework for members and also to agree a reply to the open letter from the Committee on Standards in Public Life to all local authorities.

## 2 Background

# Standards Committee

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- 2.1 The Localism Act 2011 significantly amended the statutory arrangements governing the conduct of elected members. It added a duty on local authorities to “promote and maintain high standards of conduct by members of the authority” (section 27(1) Localism Act 2011). As part of discharging this duty, authorities had to “adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity” (section 21(2)).
- 2.2 The Council adopted the new regime in 2012 with the standard Code of Conduct for Members.
- 2.3 Although a Standards Committee existed in 2012, the Committee was not an operational Committee until 2018. This was in part due to there being no complaints of breaches of the Code of Conduct for Members.
- 2.4 As a result of the Localism Act, in 2018 an audit was undertaken of those matters the Act required to have in place. The resultant changes have included:
  - 2.4.1 the publication of Members Interests Forms on the Council’s website (section 29(5) Localism Act 2011);
  - 2.4.2 the updating of the Council’s webpage on complaints against Member and a regular program of meetings for Standards Committee;
  - 2.4.3 updating the Council’s Constitution (Part 1, 2, 4 December 2019; Part 3 July 2018);
  - 2.4.4 producing a new Protocol for managing Member/Officer relations (Part 5 July 2018) a new Code of Conduct for Members (Part 5 April 2019).
- 2.5 The work on the Constitution remains ongoing and work on promoting and maintaining high standards of conduct on part of Members through updating the remainder of Part 5, namely meetings protocols for planning committee and licensing sub committees dealing with liquor licensing and gambling matters, is continuing.

### **Drivers for wider change in the public sector**

- 2.6 The Committee on Standards in Public Life advises the Government on ethical standards across the whole of public life in the UK. It monitors and reports on issues relating to the standards of conduct of all public office holders, including monitoring the impact of changes to the local government standards regime by the Localism Act 2011.

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- 2.7 The Committee on Standards in Public Life held two rounds of roundtable meetings in April 2018 with Monitoring Officers, clerks and Independent Persons and then academics and think-tanks on the health of the standards structure in local government. In January 2019 the Committee published its “Local Government Ethical Standards report”, where it made a number of recommendations to local authorities, the Local Government Association and Government on best practice to improve ethical standards in local government.
- 2.8 The key recommendation to the Local Government Association was that it should produce a Model Member Code of Conduct for local authorities to consider adopting so as to address the multitude of Codes which invariably existed within areas. This has been actioned by the LGA and is dealt with later in this report.
- 2.9 Key recommendations to Government included giving Councils the power to impose sanctions against a councillor who breaches the Code, alongside an appeals process. The imposition of such sanctions would require legislative change. The Government’s response is still awaited.

### **LGA Model Code Consultation**

- 2.10 The Committee on Standards in Public Life 2019 Report found a rising local government concern about the increasing incidence of public, member to member and officer/member intimidation and abuse and overall behavioural standards. This led to a number of recommendations and the LGA’s programme of work on civility in public life.
- 2.11 Over the summer of 2020 the Local Government Association started a consultation process on a new draft Model Member Code of Conduct. The Consultation ran for 10 weeks from June to August and the Council submitted a response (Appendix 1).
- 2.12 The LGA have approved a Model Code on the 3 December 2020 and a copy is attached at Appendix 2.
- 2.13 Once the LGA issues advice on their new recommended Code, the matter will be brought back to Standards Committee to consider next steps.

### **Committee on Standards in Public Life letter to all local authorities**

- 2.14 The Committee on Standards in Public Life has continued to take an interest in how local authorities have acted to their 2019 report.
- 2.15 On the 20 July 2020 the Committee published a letter to all local authorities. Although a copy of this letter appears not to have been sent to the Council it is a letter the Council should respond to.

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- 2.16 A draft response has been prepared (Appendix 3) and the Committee's observations and comments are sought to enable a reply to be sent by the Council's Monitoring Officer.

### 3 Risk Assessment

Legal or other duties

#### 3.1 Impact Assessment

3.1.1 None for the purposes of this report.

#### 3.2 Crime & Disorder

3.2.1 None for the purposes of this report.

#### 3.3 Safeguarding

3.3.1 None for the purposes of this report.

#### 3.4 Dependencies

3.4.1 None for the purposes of this report.

#### 3.5 Other

3.5.1 None for the purposes of this report.

### 4 Financial Implications

4.1 None for the purposes of this report.

4.2 **Section 151 Officer's comments:** None for the purposes of this report.

### 5 Legal Implications

5.1 These have been incorporated within the body of the report.

5.2 **Monitoring Officer's comments:** None for the purposes of this report.

### 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged: Effective Council.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None

6.4 **Sustainability Policy & Community Safety Implications:** None

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6.5 **Partnerships:** None

### 7 **Background papers**

7.1 The documents referred to in compiling this report are as follows:

#### **Previous reports:**

- Reports to Standards Committee, Revisions to Part 5 of the Constitution & to Council, April 2019.

#### **Other papers:**

- Committee on Standards in Public Life: Local government ethical standards: roundtable transcript and summary note

<https://www.gov.uk/government/publications/local-government-ethical-standards-roundtable-transcript-and-summary-note>

- Local Government Ethical Standards report,

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- Local Government ethical standards: letter to local authorities

<https://www.gov.uk/government/publications/local-government-ethical-standards-letter-to-local-authorities>

- Local Government Association Model Member Code of Conduct Consultation

<https://www.local.gov.uk/local-government-association-model-member-code-conduct-consultation>