

COUNCILLORS' CODE OF CONDUCT

Head of Service:	Olwen Brown, Monitoring Officer
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Appendices (attached):	None

Summary

The purpose of this report is to set out the approach to be taken to reviewing the current Councillors' code of conduct as part of the work of the Constitution Working Group.

Recommendation (s)

The Committee is asked to:

Recommend to Full Council:

- (1) that the existing code of conduct is retained at this time and;
- (2) that the Standards and Constitution Committee be asked to review the Councillors' code of conduct in the coming Municipal year and make recommendations on whether to adopt the LGA code of conduct, keep the existing code of conduct or produce a new amended version.

1 Reason for Recommendation

- 1.1 The Constitution Working Group has been reviewing the entire constitution of the Council during the past year. An important part of the Constitution is the Councillors' code of conduct.
- 1.2 During this time debate has taken place about how best to review the existing code of conduct. ¹ Many councils choose to adopt the Local Government Association's (LGA) "Model Councillor Code of Conduct."² The publication of the 'model code' arose via a recommendation from the Committee on Standards in Public Life, namely that the "[LGA] should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government."³

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- 1.3 The Council has a number of options about how best to approach this work as follows:
- Option A: to adopt the LGA Model Councillor Code of Conduct
 - Option B: to retain the existing 'Member's Code of Conduct'.
 - Option C: to retain the existing 'Member's Code of Conduct', but review it in light of the Model Code of conduct and produce a bespoke code
- 1.4 The Constitution Working Group has not had time to progress this work. It is therefore recommended that the existing code of conduct is retained for the present as part of the constitution, and that in the new municipal year the work set out under options A-C above is picked up by the Standards and Constitution committee with a recommendation being brought to Full council in 2023/24 for approval.

2 Background

- 2.1 The background to this is set out above

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

- 3.1.1 The LGA model code was reviewed as part of the Constitution Working Group's Equality Impact Assessment and was found to be sufficient. Yet by comparison, if Option B were to be chosen, it would be recommended that the council's current code be reviewed from an equalities perspective as there are less relevant references contained within it than the LGA code.

3.2 Crime & Disorder

- 3.2.1 None for the purposes of this report.

3.3 Safeguarding

- 3.3.1 None.

3.4 Dependencies

- 3.4.1 None.

3.5 Other

- 3.5.1 None.

4 Financial Implications

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4.1 **Section 151 Officer's comments:** None arising from the contents of this report.

5 Legal Implications

5.1 **Legal Officer's comments:** None arising from the contents 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 included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** Not applicable.

6.4 **Sustainability Policy & Community Safety Implications:** Not applicable.

6.5 **Partnerships:** No direct partnerships, however Appendix 1 was created and published by the Local Government Association.

7 Background papers

¹ Epsom and Ewell Borough Council (2019) *Code of Conduct for Members*. Online available: <https://democracy.epsom-ewell.gov.uk/documents/s23992/Part%205%20-%20Codes%20and%20Protocols%2020042019%20Constitution%20of%20Epsom%20and%20Ewell%20Borough%20Council.pdf> [last accessed 10/01/2023].

² Local Government Association (2020) *Local Government Association Model Councillor Code of Conduct 2020*. Online available: <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020> [last accessed 11/01/2023]; Local Government Association (2021) *Guidance on Local Government Association Model Councillor Code of Conduct*. Online available: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct> [last accessed 11/01/2023].

³ HM Government (2019) *Local government ethical standards: report*, Committee on Standards in Public Life. Online available: <https://www.gov.uk/government/publications/local-government-ethical-standards-report> [last accessed 11/01/2023], p. 14.