

Subject:	Review of the Code of Conduct for Members and related documents		
Date of Meeting:	29 June 2021		
Report of:	Head of Law and Monitoring Officer		
Contact Officer:	Name:	Victoria Simpson, Senior Lawyer – Corporate Law	Tel: 01273 294687
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1 PURPOSE OF REPORT AND POLICY CONTEXT

1.1 To update this Committee on the work of the cross party Member Working Group appointed to review the Council’s Code of Conduct for Members and related arrangements, and to seek Committee and Full Council approval for revised versions of the Code of Conduct for Members and the other key documents indicated below.

2 RECOMMENDATIONS

2 Audit & Standards Committee

2.1 That the Audit & Standards Committee recommends to Full Council that it formally approve a revised Code of Conduct for Members as outlined in para 4.1 and attached here as Appendix 1.

~~2.1.2~~ That the Audit & Standards Committee ~~view and~~ approve the documents appended to this Report as Appendices 2 & 3, which incorporate:

- ~~The Code of Conduct for Members (‘the Code of Conduct’)~~
- Guidance on Correspondence
- The Procedure for Dealing with Allegations of Misconduct by Members

Full Council

2.3 That Full Council approve the proposals outlined at para 4.1 and attached as Appendix 1.

3 CONTEXT

3.1 The Council last reviewed its standards arrangements in January 2020 against the extensive Report on Local Government Ethical Standards compiled by the Committee on Standards in Public Life (‘the CSPL’). At that time, this Committee considered the detailed work carried out by a cross party working group of members of this Committee and approved that working group’s recommendations

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by updating the Code of Conduct and the Procedure for Dealing with Allegations of Breaches of the Code of Conduct by Members ('the Procedure') to incorporate some key CSPL recommendations.

In the context of the increase in the number of complaints reported to this Committee in January 2021, a cross-party member working group was directed to review the Council's options for further reviewing the Code of Conduct and to consider amending the arrangements the Council has in place to discharge the requirement that it maintain a process for determining allegations of misconduct by members. Representatives of all of the Council's three political Groups were invited to participate, as were the Council's Independent Persons. The two elected members who did agree to participate met virtually with one of the Council's Independent Persons twice in order to carry out a detailed review of the arrangements referenced here. That review process took into account the LGA model Code of Conduct which was published at end of December 2020. The recommendations outlined here are proposed in order to assist the Council in updating its Standards arrangements and streamlining them as far as possible.

4 PROPOSALS

Code of Conduct

- 4.1 The Council's existing Code of Conduct for Members was reviewed in a detailed way against [the model Code of Conduct](#) generated by the Local Government Association ('the LGA'). The result is a proposal for a reworked Code which is appended here as **Appendix 1** without tracked changes for clarity, given the number of revisions. The proposed text retains some key aspects of the Council's existing arrangements, including the current definition of 'other interests' as well as current thresholds in relation to gifts & hospitality and the expectation that these be registered. It does this by adopting the overarching approach suggested by the LGA, including its style and format. It applies the template's use of bold text to indicate the requirements of the Code from 'General Conduct' at page 5 onward, followed by ordinary font to provide guidance on the provision's application. The net result is an amended and updated Code of Conduct which is bespoke to this Council.

Guidance for Members on Correspondence

- 4.2 It is proposed that the current Guidance on Correspondence and the Use of Social Media for Members be renamed to reinforce the point that social media communications are no different to other types of correspondence. The Guidance document attached as **Appendix 2** aims to achieve a series of objectives. Amongst other things it acknowledges the issues members may face in a situation where they may be joined into an increased number of (mainly online) communications. It aims to help ensure clarity and to assist in managing expectations regarding input and response times, while emphasising that members have discretion to respond as they see fit, in a way which reflects what they consider the most effective way of working.

The Guidance also seeks to reinforce the expectation not just that members are respectful to others but also that they are themselves treated with civility by those communicating with them. It clarifies the steps members may take when that does not happen. It is proposed that the amended Guidance is published on the Council's website as a means of providing greater clarity re what ward constituents and other stakeholders may reasonably expect when they contact an elected member.

Procedure for Dealing with Allegations of Misconduct

- 4.3 A series of changes are proposed to the Council's Procedure for dealing with complaints (**Appendix 3**). Part of the member working group's remit was to streamline existing process where possible. The proposed Procedure takes into account the recommendation of the CSPL that a clear public interest test be published against which complaints are assessed. It builds in a more detailed test against which it is proposed that all complaints be assessed, with the overall objective of ensuring that complaints are referred for formal investigation and (if relevant) for determination by a Standards Panel only where doing so is considered to be necessary and proportionate in the public interest.
- 4.4 Other proposals for change include making provision for the investigating officer not to make a 'finding' following formal investigation of a breach but rather to outline the facts without taking an indicative view. It is further proposed that the default expectation be that full Council is informed when a Standards Panel find that a breach has occurred. A further change proposed is that the ambition of determining complaints within a set timescale be replaced by an expectation that all complaints be determined promptly and without undue delay; a proposal which acknowledges that the existing ambition to determine all complaints within three months is not one which has been met in any instance where a formal investigation has taken place in the last several years. It is also proposed that the timescale for making a decision at preliminary assessment stage is extended to 28 days. This is considered to be a more achievable target, not least because the proposed Procedure incorporates an additional step whereby the subject member's version of events is sought at preliminary assessment stage. It is emphasised that these adjusted timescales will not prevent complaints being taken earlier where possible, in accordance with the overall objective of determining complaints as promptly as possible.

5 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Council is obliged under the Localism Act to make arrangements for maintaining high standards of conduct among members and to make arrangements for the investigation of complaints. The current arrangements and the proposals in this Report reflect this. No alternative proposals are suggested.

6 COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 No need to consult with the local community has been identified.

7 CONCLUSION

- 7.1 Members are asked to note the contents of this Report, and to approve the recommendations, which aim to assist the Committee in discharging its responsibilities for overseeing that high standards of conduct are maintained in a way which is compliant with local requirements.

8 FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 There are no additional financial implications arising from the recommendation in this Report. All activity referred to has been, or will be, met from existing budgets.

Finance Officer Consulted: James Hengeveld

Date: 11/06/21

Legal Implications:

8.2 These are covered in the body of the Report.

Lawyer Consulted: Victoria Simpson

Date: 29/5/21

Equalities Implications:

8.3 There are no equalities implications arising from this Report

Sustainability Implications:

8.4 There are no sustainability implications arising from this Report

Any Other Significant Implications:

8.5 None

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 - Code of Conduct for Members

Appendix 2 - Guidance on Correspondence

Appendix 3 - Procedure for Dealing with Allegations of Misconduct by Members

Background Documents:

1. [The report on Local Government Ethical Standards](#) published by the Committee on Standards in Public Life on 20.01.19.
2. [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)