

**Wednesday, 15 November 2023**

**Report of the Monitoring Officer**

**Revised Councillor Code of Conduct Procedures**

**Exempt Information**

None.

**Purpose**

This report provides revised arrangements for dealing with complaints in relation to Councillors for an alleged breach of the Code of Conduct.

**Recommendations**

1. Members recommend to Council the adoption of the revised Councillor Code of Conduct set out in **Appendix 1**, with delegated authority to the Monitoring Officer, in consultation with the Chair and Vice Chair of the A&G Committee, to make any minor changes in order to finalise a version for adoption.
2. Members recommend to Council the use of the updated Code of Conduct Form (**Appendix 2**) and procedures (**Appendix 3**).

**Reason for recommendation**

All local authorities are required to have a local Code of Conduct and to ensure that the Council's Code of Conduct is and continues to be fit for purpose.

**Executive Summary**

Section 27(2) of the Localism Act 2011 requires local authority must adopt 'a code dealing with the conduct that is expected of councillors (members and co-opted members) of the authority when they are acting in that capacity.

**Resource Implications**

There are no resource implications as a result of this report.

**Legal/Risk Implications Background**

Section 27 of the Localism Act 2011 requires each local authority has to adopt a Members' Code of Conduct.

To have a policy that is not user friendly nor easy to operate poses issues for all and any parties involved in a Code of Conduct issue. A policy difficult to understand and operate can put a complainant off from raising an issue and at the same time may not offer the protection required to a defendant. This in turn could lead to a legal challenge and potentially judicial review. A more user friendly and coherent policy reduces this risk to the organisation.

**Equalities Implications**

None identified.

## **Background Information**

The Localism Act requires all Councils to have a local Member Code of Conduct. The Council's previous Code was adopted in 2014.

The Committee for Standards in Public Life (CSPL) [report on Local Government Standard](#) found that there was considerable variation in the length, quality, and clarity of codes of conduct. This the CPSL said created confusion among members of the public, and among councillors who represent more than one tier of local government.

Many codes of conduct the CPSL said failed to address adequately important areas of behaviour such as social media use and bullying and harassment. It therefore recommended that an updated model code of conduct should therefore be made available to local authorities to enhance the consistency and quality of local authority codes.

In response to this report the Local Government Association (LGA) commissioned a new model code of conduct, the principles of which reported to the Audit & Governance Committee (A&G).

An all-member workshop held to discuss the differences between the Council's current Code and the new LGA model, summarised in **Appendix 4**, with a report submitted on the 9<sup>th</sup> February 2023 where the A&G committee endorsed the new LGA model code of conduct, including a review of the code of conduct process and relevant documentation.

Although the Council's present Code of Conduct can be considered fit for purpose, adoption of the LGA Model Code of Conduct was endorsed at A&G committee on 9<sup>th</sup> February 2023 and would bring about improvements and greater consistency, and transparency. The current code of conduct procedure for dealing with complaints was put in place in 2014 and corporate guidelines are for polices to be reviewed regularly to ensure they remain fit for purpose.

## **Report Author**

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## **List of Background Papers**

None

## **Appendices**

- Appendix 1 – Schedule 9 Code of Conduct
- Appendix 2 – Code of Conduct Complaint Form
- Appendix 3 – Code of Conduct Procedures
- Appendix 4 – Summary of differences