

Tuesday, 9 July 2024

Report of the Leader of the Council / Monitoring Officer

Member Code of Conduct review

Exempt Information

None

Purpose

To obtain the Council's approval to the revised code of conduct procedures

Recommendations

1. That the Council approve and adopt the Council's revised code of conduct procedures at **Appendix 1**.
2. That the Council approve and adopt the Council's revised documentation at **Appendix 2** and associated code of conduct form at **Appendix 3**.
3. That the Council approve the revised code of conduct to be applied to new complaints received after 9th July 2024.
4. That the Council delegates responsibility to the Monitoring Officer for the updating of the Councils Constitution to reflect the recommendations contained within the report.

Reason for recommendations

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.

Options Considered

- 1 Review the current members code of conduct
- 2 Do nothing and continue with the Council's existing code of conduct

The existing code of conduct was implemented back in 2014. As part of good practice, the Council should regularly review the code of conduct and consider whether changes should be made.

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

There are no equality implications arising from this report. The requirement of the code for Councillors to promote equalities and to not discriminate unlawfully against any person, remains unchanged under these proposals.

Environment and Sustainability Implications (including climate change)

There are no identified environment and sustainability implications as a result of this report.

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, and as part of good practice should be reviewed on a regular basis.

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 \(A&G\)](#).

On the [9th February 2023](#) Audit & Governance committee endorsed the new LGA model code of conduct, including a review of the code of conduct process. A summary of differences between the Council's current code and the new LGA model is summarised in **Appendix 4**, with a report submitted to the Audit & Governance meeting of [15th November 2023](#) where the committee endorsed the recommendation to Council for adoption of the revised code of conduct process.

In June 2023, the Local Government Association (LGA) conducted a [survey](#) to capture data on the LGA Model Councillor Code of Conduct (the "Model code"). The aim of the project was to gauge the impact of the Model code. This was done by measuring the number of councils which have adopted it and the effects the Model code of conduct has had on councils.

Of the councils which reviewed their code of conduct, 97 per cent used the Model code to inform their review, and in total across England, 63 per cent of councils have adopted the Model code either completely or partially and 37 per cent have not.

Report Author

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List of Background Papers

None

Appendices

Appendix 1 – Revised Members Code of Conduct

Appendix 2 - Local Code of Conduct Complaint Form

Appendix 3 - Procedure for making Complaints against a Councillor for an alleged breach of the Code of Conduct

Appendix 4 – Summary of differences

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