

Report of	Meeting	Date
Director of Governance and Monitoring Officer	Standards Committee	Thursday, 15 September 2022

Review of Members Code of Conduct

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

- Members are asked to consider the proposed changes to the Code of Conduct for Members and the Investigations Procedure document.

Recommendations to Standards Committee

- That the new Code of Conduct (at appendix A) is recommended to Council for approval.
- That the Investigations and Hearing Procedure (appendix B) is recommended to Council for approval.

Reasons for recommendations

- The Code of Conduct for members should be reviewed regularly to ensure it assists members to maintain the highest standards of behaviour. A new model code of conduct was issued to reflect recommendations made at a national level. The recommendation in this report reflects careful consideration of the model code and incorporates the improvements advocated.
- The changes to the Investigations and Hearing Procedure reflect the direction of the Code of Conduct working group, making the procedure simpler and quicker whilst not impacting on the fairness both to members and complainants.

Other options considered and rejected

- The Code of Conduct and Investigation and Hearings Procedure are personal to each local authority so there is no requirement to change it. Similarly there is no direction to change the procedure document, however, failure to do so when there are identifiable improvements is a lost opportunity.

Corporate priorities

7. The report relates to the following corporate priorities: (please bold all those applicable):

An exemplary council	Thriving communities
A fair local economy that works for everyone	Good homes, green spaces, healthy places

Background to the report

8. Last year the Local Government Association, after a period of consultation issued a new Model Code of Conduct for councillors. It reflected and incorporated recommendations that had been made by a number of bodies since the previous model code had been issued, most notably the report of the Office for Standards in Public Life.
9. Standards Committee met and resolved to establish a working group to include the Independent Persons, to consider the new model code and to make recommendations on a new form code to be adopted.
10. At the conclusion of the review the working group tasked the monitoring officer to review the Investigation and Hearing Procedure and make proposals to Standards Committee which would
 - a. Make the procedure simpler to follow;
 - b. Improve the speed of the investigations; and
 - c. Make it clear to members potential sanctions that can be imposed.

New Proposed Code of Conduct

11. The proposed Code of Conduct is attached at Appendix A. Members can trace the development of the code through the Working Groups papers, available on Mod.Gov. Members are asked to consider the proposed Code as a new document, rather than looking at what has changed it is important to decide whether the new document is fit for purpose.
12. As far as the working group felt appropriate, changes to the model code were kept to a minimum in an effort to ensure consistency across different local authorities.
13. The Monitoring Officer and Deputy supported the working group and can confirm the proposed Code of Conduct discharges the Council's legal obligations.

New Proposed Investigations and Hearing Procedure

14. Recent investigations have demonstrated that the existing procedure is lengthy with steps included within it that are unnecessary. Changes to the Code itself, which will now include an obligation on members to co-operate with investigations, will assist in progressing matters, but simplifying the procedure was essential.
15. The new proposed procedure reflects the existing 3 stage plus public interest test at the outset and removes the initial contact with the member complained of. The initial 3 stage test is
 - a. Is the member currently a councillor? and

- b. Was the member acting in that capacity when they were complained of? and
- c. If the allegation is true, is it a breach of the code of conduct?

16. If this is applied on assessing the complaint, it is not necessary to speak to the subject member prior to the investigation, the tests simply establishing whether the conduct complained of is a breach at all. The public interest test which follows addresses whether it is in the public interest to investigate if the first 3 tests are satisfied.
17. There is significant responsibility placed upon the Monitoring Officer and independent person in this initial stage in the procedure. However, this is important to maintain independence from members and consistency in approach.
18. The next stage should it be decided that the conduct complained of was a breach and was serious enough, would be to consider a local resolution. This would require the agreement of the complainant and the subject member but would be an agreed resolution, usually by way of an apology or similar.
19. As proposed more serious matters would be referred for investigation and then listed for a hearing before the standards committee.

Climate change and air quality

20. The work noted in this report does not impact the climate change and sustainability targets of the Councils Green Agenda and all environmental considerations are in place.

Equality and diversity

21. There are no equality implications arising from this report.

Risk

22. There are no risks arising from this report.

Comments of the Statutory Finance Officer

23. There are no financial implications arising from this report.

Comments of the Monitoring Officer

24. Relevant legislation and good practice have been taken into account when considering the New Code and Investigations and Hearings Procedure. What is proposed should assist with the achievement and maintenance of good Member conduct.

Background documents

Links to meetings, reports and minutes of the Code of Conduct Working Group:

[16 December 2021](#)

[4 March 2022](#)

[21 April 2022](#)

[23 June 2022](#)

Appendices

Appendix A – New Code of Conduct

Appendix B – Investigations and Hearings Procedure

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