

Report of	Meeting	Date
Director of Governance and Monitoring Officer (Introduced by Leader of the Council and Cabinet Member (Strategy and Reform))	Council	Wednesday, 23 November 2022

## Review of Council's Code of Conduct

Is this report confidential?	No
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Is this decision key?	Not applicable
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### Purpose of the Report

1. Council is asked to consider the proposed new Code of Conduct for Members and proposed new Investigations and Hearings Procedure.

### Recommendations to Council

2. That the new Code of Conduct (Appendix A) be approved.
3. That the Investigations and Hearings Procedure (Appendix B) be approved.

### Reasons for recommendations

4. Both documents have been considered by the Standards Committee and a working group established by Standards Committee.
5. 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 recommendations in this report reflects careful consideration of the model code and incorporates the improvements advocated.
6. The changes to the Investigations and Hearings 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

7. The Code of Conduct and Investigation and Hearings procedure are personal to each local authority so there is no requirement to change it. However, failure to change either document when there are identifiable improvements is a lost opportunity.

## Corporate priorities

8. The report relates to the following corporate priorities:

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

## Background to the report

9. 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.
10. 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.
11. 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 make the procedure simpler to follow; improve the speed of the investigations; and make it clear to members the potential sanctions that can be imposed.
12. On the 15<sup>th</sup> of September 2022 Standards Committee considered the Code of Conduct and recommended that it be referred to Council for approval.
13. On the 2<sup>nd</sup> of November Standards Committee considered the Investigations and Hearings Procedure and recommended that it be referred to Council for approval.

## New Proposed Code of Conduct

14. The proposed Code of Conduct is attached at Appendix A. This proposed Code has been given careful consideration at Standards Committee and the working group that was established. 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.
15. As far as the Standards Committee considered appropriate, changes to the model code were kept to a minimum in an effort to ensure consistency across different local authorities.
16. The Monitoring Officer and Deputy supported the working group and Standards Committee and can confirm the proposed Code of Conduct discharges the Council's legal obligations.
17. Council will see that most of the Code is declaratory and is written in the first person. It is for members to acquaint themselves with the contents of the Code and to own it. The Seven Principles of Public Life (the Nolan Principles) are set out towards the front of the document. These are the overriding principles that Members should adhere to.

18. Part 1 of the Code sets out provisions relating to General Conduct. The provisions should not be controversial. Part 2 of the Code deals with Interests and Gifts and Hospitality. The broad thrust of these rules members should already be very familiar with.

### **New Proposed Investigations and Hearing Procedure**

19. The proposed new Investigations and Hearings Procedure is attached at Appendix B. 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.
20. 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?
21. 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.
22. There is significant responsibility placed upon the Monitoring Officer and independent person in this initial stage in the procedure. It is important to maintain independence from members and consistency in approach.
23. 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.
24. 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**

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

### **Equality and diversity**

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

## Risk

27. There are no risks directly arising from this report but obviously bad member conduct can have an adverse effect of the reputation of the council – the new Code and Hearings Procedure are designed to assist in this regard.

## Comments of the Statutory Finance Officer

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

## Comments of the Monitoring Officer

29. 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.

## There are no background papers to this report

## Appendices

Appendix A – new Code of Conduct

Appendix B – new Investigation and Hearing Procedure

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