

Report to Standards Committee

Subject: Review of the Code of Conduct

Date: 10 June 2021

Author: Monitoring Officer

Purpose

To update Members on the review of the Council's Code of Conduct.

Recommendation(s)

THAT:

- 1) Members note the work undertaken by the Working Group in reviewing the Council's Code of Conduct.**
- 2) Members note the report and recommendations of the Working Group at Appendix 3 to this report, namely that:**
 - a) No changes are made to the Gedling Borough Council Code of Conduct.**
 - b) the Monitoring Officer prepare a Guidance document for Members and the public, to support the Gedling Borough Council Code of Conduct, such document to be brought back to the Committee for consideration.**
- 3) Members agree to a period of consultation with stakeholders and the public in relation to this review as detailed in the report.**

1 Background

- 1.1 Members will recall that the Local Government Association Model Code of Conduct for Councillors ("the Model Code") at Appendix 1 was publicised in December 2020. The Model Code has been drafted in accordance with the requirements of the Localism Act 2011 and was presented to Members

for consideration on 11 March 2021.

- 1.2 Members agreed on 11 March 2021 to establish a Working Group who, in consultation with the Monitoring Officer, would consider the Model Code and compare it to the Council's existing Code of Conduct, with a view to bringing forward recommendations as to whether the Model Code should be adopted by the Council in full, or in part, or whether the current Code of Conduct for the Council should be amended. Best Practice recommendations from the Committee for Standards in Public Life (CSPL) propose that Council's should review their Code of Conduct for Councillors every year. The recommendations also state, that where possible the views of the public, community groups and neighbouring authorities should be sought on review. The Council's Code of Conduct was reviewed and amended in July 2019 to include recommendations from the CSPL. Covid-19 and the anticipation of the Model Code has meant that the review for 2020 has been delayed.
- 1.3 The Working Group met on 1st June 2021 to review the Council's Code of Conduct in light of the Model Code and the requirement to review. The findings and recommendations from that meeting are attached at Appendix 3 to this report. The group compared and contrasted the two Codes and considered in detail the pros and cons of each Code and whether there were any opportunities to amalgamate the Codes or whether a move entirely to the Model Code might be appropriate. In summary, the group agreed that the Gedling Code Of Conduct was the preferred Code in terms of its content, layout and clarity. The group therefore recommend that the Gedling Code of Conduct remain unchanged. The group felt that the guidance contained within the Model Code was helpful, but to include this within a Code document makes the document lengthy and may dilute the clear message of the Code. The group have recommended that a separate guidance document be considered by Committee. Such a document would not form part of the Code but would be a guidance document for Members and the public. The group have recommended that the Monitoring Officer draft a guidance document to be considered by the Committee.
- 1.4 Whilst the Working Group have made recommendation that the Gedling Code remain unchanged, in line with CPSL Best Practice, the wider views of the community on this review should, where possible be sought.

2 Proposal

- 2.1 It is proposed that Members note the work done by the Working Group and consider the recommendations of the Working Group at Appendix 3 to this report.

- 2.2 It is proposed that Members agree a wider consultation on the review of this Code and seek the views of neighbouring authorities (including parishes) and the public. It is proposed that this could be done by the Monitoring Office, in consultation with the Chairman of the Committee, preparing an online public consultation as well as contacting parish clerks and Monitoring Officers directly at neighbouring authorities. It is proposed that the report from the Working Group would form the basis of this consultation document. The consultation would seek views on whether the Gedling Code of Conduct is considered fit for purpose in light of the Model Code and would run for a minimum of 4 weeks. Responses to the consultation would be taken into account before finalising any review of the Code of Conduct.

3 Alternative Options

- 3.1 Members do not have to consult on the recommendations of the Working Group and may consider alternative recommendations in relation to the review of the Code of Conduct. Members may also choose not to consult on the review, however this would not be in accordance with CSPL best practice.
- 3.2 Members may determine not to consider the work and recommendations of the Working Group, however, the requirement to annually review the Council's own Code of Conduct was agreed by Committee following the recommendation from the CSPL report.

4 Financial Implications

- 4.1 There are no financial implications arising out of this report.

5 Legal Implications

- 5.1 The Localism Act 2011 requires authorities to have a Code of Conduct for Members, however, authorities are not required by law to adopt the LGA Model Code at this time. CSPL guidance does however provide that an annual review of the Code of Conduct should be undertaken, this review and proposed consultation is in compliance with best practice. The Localism Act provides that the adoption, replacement or revision of a Code must be undertaken by Council.

6 Equalities Implications

- 6.1 There are no equality implications arising from this report.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no carbon reduction/sustainability implications arising from this

report.

8 Appendices

8.1 Appendix 1 - LGA Model Code of Conduct for Councillors

Appendix 2 – Gedling Borough Council Code of Conduct

Appendix 3 – Report and Recommendations from the Working Group

9 Background Papers

9.1 None

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Drafted by the Monitoring Officer