

## **Report to Standards Committee**

**Subject:** Review of the Code of Conduct

**Date:** 22 June 2023

**Author:** Monitoring Officer

### **Purpose**

To seek approval to commence a review of the Members Code of Conduct.

### **Recommendation(s)**

#### **THAT:**

- 1) Members agree the establishment of a working group to support the Monitoring Officer in a review of the Member's Code of Conduct**
- 2) Members agree to a consultation on changes to the Code of Conduct with stakeholders and residents as detailed in this report**

## **1 Background**

- 1.1 The Committee on Standards in Public Life ("CSPL") Report – Review of Local Government Ethical Standards report recommended that the Local Government Association (LGA) should create an updated model Code of Conduct for Members in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.2 In December 2020, the LGA publicised its final version of the LGA Model Code of Conduct for Councillors ("the Model Code"), a copy of which is shown at Appendix 1. The LGA state that the Model Code is offered as a template for councils to adopt in whole and/or with local amendments. The LGA have indicated they will review the Model Code annually to ensure it continues to remain fit for purpose. The LGA have, since the introduction of the Model Code, provided extensive guidance and training materials to accompany the Code, as well as guidance on undertaking investigations into Code of Conduct complaints made in relation to the Model Code.
- 1.3 In March of 2021, this Committee agreed that the Monitoring Officer and a working group, formed of representatives of the Committee, review the Model Code in comparison to the Council's own Code of Conduct and

formulate recommendations as to potential amendments to the Council's Code. At that time, evidence from a survey of 82 Monitoring Officers across the Country indicated that only 20% of authorities would be adopting the Model Code in full, 55% indicated that they would not be adopting the Code at all and 20% indicated they may adopt parts of the Code.

- 1.4 Following review of the Model Code and the Council's Code by the Monitoring Officer and working group, a consultation was launched to seek wider views on adoption of the Model Code. In September 2021, this Committee recommended to Council that following consultation, no changes be made to the Council's Code of Conduct. Council agreed with this recommendation at its meeting in November 2021 and the Council's Code of Conduct remained unchanged. Supplementary guidance to the Code, prepared by the Monitoring Officer was agreed by this Committee in 2022. It should be noted that the Council's Code does include all the elements recommended in the Model Code but there are differences in relation particularly to registers of interests.
- 1.5 CSPL guidance does suggest that Codes of Conduct should be reviewed annually and this review should include consultation, this best practice approach has been adopted by this Council. The last review of the Council's Code of Conduct was completed in November 2021 with no changes made to the Code. The launch of a further review has been slightly delayed to enable completion of the election.
- 1.6 More authorities locally have now adopted the Model Code of Conduct in whole or in part, including Nottingham City Council and Rushcliffe Borough Council, as the guidance and training materials issued by the LGA have increased. Given that the aim of the Model Code was to create one standard across authorities making management and enforcement of the Code more unified, consideration should be again given as to whether this Council should adopt the Model Code in full or in part, and this should form part of the review of the Council's Code of Conduct.

## **2 Proposal**

- 2.1 It is proposed that Members agree the establishment of a working group to assist the Monitoring officer in a review of the Council's Code of Conduct, with consideration again being given as to the suitability of the Model Code of Conduct as an alternative either in whole or in part to the Council's Code of Conduct.
- 2.2 As part of this review, it is proposed that there be a consultation with Councillors, parishes and the public as to whether the Council's Code of Conduct remains fit for purpose or whether a change to the Model Code in whole or in part is favoured. Results of the review, including consultation responses would be brought back to this Committee to consider, and any

future changes to the Code would require approval of Council.

### **3 Alternative Options**

3.2 That Members do not proceed with reviewing the Code of Conduct for Members through the working group, however, it is recommended that further consideration of the Model Code is undertaken, in addition, the requirement to annually review the Council's own Code of Conduct was agreed by Committee following the recommendation from the CSPL report.

3.3 Members could determine not to consult on changes to the Code of Conduct, however, it is again a best practice recommendation, adopted by this Council that consultation be undertaken. It is also extremely helpful to understand how other authorities, residents, parishes and members feel about the effectiveness of the Code of Conduct prior to any changes being made.

### **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 authority's to have a Code of Conduct for Members, however, the authorities are not required to adopt the LGA Model code. Any changes to the Code of Conduct should be agreed by Council.

### **6 Equalities Implications**

6.1 There are no equality implications arising from this report. Consultation will be undertaken in a way that ensures accessibility.

### **7 Carbon Reduction/Environmental Sustainability Implications**

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

### **8 Appendices**

8.1 LGA Model Code of Conduct for Councillors

### **9 Background Papers**

9.1 None

**Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Approved by:**

**Date:**

**On behalf of the Monitoring Officer**