

Report to Standards Committee

Subject: Update on the review of the Code of Conduct

Date: 21 September 2023

Author: Monitoring Officer

Purpose

To update Committee on the progress of the review of the Members' Code of Conduct and to seek approval to allow a further period of consultation on an updated Code of Conduct.

Recommendation(s)

THAT:

- 1) Members note the work undertaken by the working group on the review of the Council's Member Code of Conduct; and**
- 2) Members agree a further period of consultation on the new draft Gedling Borough Council Councillor Code of Conduct at Appendix 1.**

1 Background

- 1.1 In June 2023, this Committee agreed to establish a cross party working group to support the Monitoring Officer in a review of the Council's Member Code of Conduct. The working group were to consider again the Local Government Association's Model Code of Conduct (the Model Code) as part of this review as more authorities locally had adopted the Model Code either in full or in part. The Committee also agreed to a consultation on the review of the Code with stakeholders and residents.
- 1.2 The working group met on 11 August 2023 and considered the Council's Code of Conduct alongside the Model Code. The group also considered which other authorities had adopted the Code and what, if any, amendments authorities had made to the Model Code on adoption. The working group comprised of two committee members, one co-opted committee member, the Independent Person, along with the Monitoring Officer and Deputy Monitoring officer.

- 1.3 Following discussion and consideration of the two codes, the group supported a move to the Model Code with some slight amendments. The changes to the Model Code proposed by the working group were minimal in relation to general conduct rules in that there were two additional requirements in relation to Code of Conduct complaints, firstly that witnesses and complainants in Code complaints should not be the subject of intimidation and secondly that trivial and malicious complaints should not be made. There was one other addition to the Model Code which is a general requirement for Councillors to act in accordance with legal obligations and other requirements in the Council's policies, protocols and procedures. This latter addition is taken from the current Gedling Code of Conduct.
- 1.4 In respect of Member's Interests, these have not changed in the new Code of Conduct and have only been re-formatted.
- 1.5 Following the meeting of the working group the new draft Code of Conduct was drafted and circulated for wider consultation with members, parishes and the public. The consultation was launched on 24th August 2023 and closed on 11th September with a view to the consultation responses being put forward to Standards Committee for consideration.
- 1.6 There has been a few responses to the consultation on the new draft Code and these have been positive, however there has also been a comment that the consultation period is insufficient particularly where some parish councils may wish to discuss the contents. It is also recognised that the consultation ran during the summer period and bank holiday and as such, people may not have had adequate opportunity to respond. After discussion with the Chair of this Committee it was agreed that further consultation may be required to ensure maximum engagement on a new Code of Conduct.

2 Proposal

- 2.1 It is proposed that Members note the work undertaken to date by the working group which has been essential in the development of a new Code of Conduct.
- 2.2 In order to ensure maximum engagement with the review of the Code of Conduct, it is proposed that a further period of consultation be launched on the draft Code of conduct at Appendix 1. The previous consultation was run through the website and copies of the document were emailed directly to members and parishes. The previous consultation closed on 11th September. A fresh consultation could be launched straight away. Promotion of the consultation will be undertaken with parishes through the upcoming parish conference in October. Members will also be contacted directly to contribute. It is proposed that the consultation runs for a minimum of 4-6 weeks with responses being brought to the next Standards Committee in December.

3 Alternative Options

- 3.1 That Members do not agree a further period of consultation and move to make recommendations on the Code of Conduct to Council. Given the significance of this document and its application to all Councillors and potentially Parish Councillors, it is not recommended that conclusions are drawn without wider engagement.

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 Draft Gedling Borough Council Member's Code of Conduct

9 Background Papers

- 9.1 Local Government Association Model Code of Conduct [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Drafted by the Monitoring Officer