

## **Report to Council**

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

**Date:** 24 January 2024

**Author:** Monitoring Officer

### **Purpose**

To seek adoption of a new Member's Code of Conduct for Gedling Borough Councillors.

### **Recommendation(s)**

#### **THAT:**

- 1) Members adopt the Member's Code of Conduct at Appendix 1.**

## **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"). 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 June this year, Standards Committee agreed that the Monitoring Officer and a working group, formed of representatives of the Committee, should review the Council's own Code of Conduct and formulate recommendations as to potential amendments to the Council's Code, taking into account the Model Code and the increased number of authorities moving to the Model Code. It was also agreed that any proposed changes should go out for consultation with residents and stakeholders.

- 1.4 The Model Code has been adopted in whole or in part by several authorities locally including Nottingham City and Nottinghamshire County Councils as well as Rushcliffe, Newark and Sherwood, Broxtowe, and Bassetlaw councils.
- 1.5 The working group reviewed the Model Code and the Gedling Code of Conduct and determined that a Code more closely aligned with the Model Code was appropriate. Minor changes to the Model Code were proposed by the working group and consulted on.
- 1.6 The changes proposed were minimal in relation to general conduct rules, in that there were two additional requirements added 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.
- 1.7 There was one other addition to the Model Code recommended by the working group which was 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.
- 1.8 In respect of Member's Interests, these have not changed in the new proposed Code of Conduct and have only been re-formatted.
- 1.9 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 a new Code of Conduct for Gedling which largely reflected the Model Code. In September 2023, Standards Committee agreed to extend the consultation period to ensure as many views as possible were obtained on the revised Code of Conduct.
- 1.10 There have been seven responses to the consultation on the new Code of Conduct from District Councillors and parishes. All responses were supportive of the new Code with only one minor recommendation to amend typos and another recommendation to add more rules in respect of behaviour. The typographical changes have been made, however, the recommendations from the consultation to add to the rules and provide further guidance on bullying, would have made the guidance too specific. Whilst the guidance is detailed in the Code, and there is an appendices setting out examples of bullying behaviour, every case must be assessed on its own facts, not every single example of conduct which amounts to disrespect/bullying can be included. The rules included in the new Code are as in the Model Code and to introduce several new rules does not align with achieving a more standardised approach.
- 1.11 The Code of Conduct must be approved by the Council. As such the Standards Committee have recommended the new Code at Appendix 1 to Council for adoption.

## **2 Proposal**

- 2.1 It is proposed that Members adopt the new Councillor Code of Conduct at Appendix 1 for adoption by the Council.
- 2.2 If adopted, the Monitoring Officer will undertake training with Members on the new Code and contact parish Council's to advise that the Code of Conduct has been changed. Whilst some parishes have already adopted the Model Code, given the responsibility of the Monitoring Officer for investigating Code of Complaints made against parish Councillors, alignment of Codes across the borough is recommended.
- 2.3 It should be noted that there are extensive guidance notes on the Model Code of Conduct available from the Local Government Association. These documents will be used by the Monitoring Officer to help develop training and undertake investigations into future Code of Conduct complaints.

## **3 Alternative Options**

- 3.1 That Members do not adopt the new Code of Conduct; however, this document has been prepared following scrutiny by the working group, Standards Committee and public consultation and is aligned with other authorities locally.

## **4 Financial Implications**

- 4.1 There are no financial implications arising out of this report. Any training provided in relation to the Code will be met from existing budgets.

## **5 Legal Implications**

- 5.1 The Localism Act 2011 requires authorities to have a Code of Conduct for Members, which must include details of Member Interests and reflect the Nolan Principles, however, the authorities are not required to adopt the LGA Model Code. Any changes to the Code of Conduct must be agreed by Council. The changes proposed do follow legal requirements in the Localism Act 2011.
- 5.2 If adopted, the Monitoring officer will review the Council's Arrangements for Dealing with Complaints to ensure consistency with the new code of Conduct and supporting guidance.

## **6 Equalities Implications**

- 6.1 There are no equality implications arising from this report. The Code itself does require members to act in a way that is in accordance with equality obligations in line with the Equality Act 2010.

## **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 – Gedling Borough Council Member Code of Conduct.

## **9 Background Papers**

9.1 [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

### **Statutory Officer approval**

**Approved by:**

**Date:**

**On behalf of the Chief Financial Officer**

**Drafted by the Monitoring Officer**