

Report to Ethical Standards and Member Development Committee

24 January 2024

Subject:	Review of the Member’s Code of Conduct and Arrangements for Dealing with Complaints under the Member’s Code of Conduct
Director:	Assistant Director Legal and Assurance and Monitoring Officer – Mike Jones
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1 Recommendations

1 It is recommended that the Committee –

- 1.1 Note that the Council’s Member Code of Conduct and the Arrangements for dealing with Complaints Under the Member’s Code of Conduct have been reviewed.
- 1.2 Note that there are no proposed amendments to the Council’s Member Code of Conduct.
- 1.3 Approve the updated Arrangements for dealing with Complaints Under the Member’s Code of Conduct.



2 Reasons for Recommendations

- 2.1 On 23 March 2021 (Minute No. 41/21 refers), the Council adopted the Local Government Association's (LGA) Model Code of Conduct. It also updated its Arrangements for dealing with Complaints under the Code of Conduct to ensure they were effective.
- 2.2 It was agreed by the Ethical Standards and Member Development Committee that the Code of Conduct and Arrangements would be reviewed on an annual basis, alternating between a desktop review and an annual review.
- 2.3 Both documents have now been reviewed.

Code of Conduct

- 2.4 In July/August 2023, the LGA conducted a survey to gauge the impact of the Model Code of Conduct. The details are available on their website: <https://www.local.gov.uk/publications/model-councillor-code-conduct-survey-2023>
- 2.5 The relevant key points to note are:

- Eighty-two per cent of respondents said they had adopted the LGA Model Councillor Code of Conduct to at least some extent, with 25 per cent adopting it in full and 40 per cent adopting the code with some additions or minor amendments.
- Among councils which used the Model Councillor Code of Conduct to inform their review, 73 per cent reported it being 'Very useful' and 25 per cent stated it was 'Fairly useful'
- In total across England, 63 per cent of councils have adopted the Model Councillor Code of Conduct either completely or partially and 37 per cent have not.









- 2.6 The council's existing code of conduct has been in effect since 2021. Since that time there had been minor amendments following updates from the LGA and review by the council.
- 2.7 The code of conduct has been reviewed again this year and no amendments are proposed.

Arrangements

- 2.8 Amendments to the Arrangements are proposed in accordance with the attached document ("Appendix 1").
- 2.9 In summary those amendments are:
- Update to reflect designation of new Monitoring Officer and Deputy Monitoring Officer.
 - Paragraph 5.1 – update for the sake of clarity that where there is any ambiguity in relation to the stage one legal threshold, that the stage two initial assessment should also be completed. This query was raised in a matter and therefore it is recommended that this be included to ensure clarity and consistency.
 - Terminology – references to Standards Committee have been changed to the 'Ethical Standards and Member Development Committee' which is the correct title of this Committee.
 - Paragraph 7 – reference to recording an interview via MS Teams has been included as more frequently interviews are taking place remotely.
 - Insertion of the word 'normally' when referencing timescales which is consistent with the approach throughout the document and also allows flexibility where circumstances require.
- 2.10 The council will be undertaking a further review of the constitution over the next 15 months, which will include a full review of the Member's Code of Conduct and Arrangements. As such, this review has been limited to a desktop review in consultation with the Monitoring Officer and Deputy Monitoring Officer pending this full review.



3 How does this deliver objectives of the Corporate Plan?

		The Council's ethical governance framework and arrangements support the Council toward achieving its strategic objectives and ambition.
		
		

4 Context and Key Issues

4.1 The Committee has oversight of the Council's ethical governance framework and arrangements for dealing with complaints received under the Code of Conduct in relation to elected Members.

5 Alternative Options

5.1 The Committee could accept some or none of the changes proposed. This would leave Arrangements in their current form. Whilst the changes of personnel would need to be changed, the Committee could agree to leave the Arrangements in the current form pending the full review over the next 15 months. The proposed changes are minimal and the Arrangements are working well, therefore if the Committee wish to make this decision there is unlikely to be any negative impact.

6 Implications

Resources:	The Council is required to ensure that sufficient resources are provided to the Monitoring Officer in order that they are able to exercise their statutory functions.
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Legal and Governance:	The Local Government Act 2000 and Localism Act 2011 make provision for the arrangements for dealing with standards related matters.
Risk:	The Council must have in place, arrangements for dealing with matters relating to the conduct of elected members.
Equality:	There are no direct equality implications arising from this report.
Health and Wellbeing:	There are no direct health and wellbeing implications arising from this report.
Social Value	There are no direct social value implications arising from this report.
Climate Change	There are no direct climate change implications arising from this report.
Corporate Parenting	There are no direct climate change implications arising from this report.

7. Appendices

Appendix 1 - Proposed amendments to the Arrangements for Dealing with Complaints under the Member Code of Conduct.

8. Background Papers

None.

