

Standards Committee – 12th July 2021

Code of Conduct for Elected Members

Summary of report:

This report is recommending changes to the Council's existing Code of Conduct for Elected Members based upon the publication of a National Code of Conduct for Councillors in December 2020.

Background papers:

1. Code of Conduct for Councillors
2. Draft Declaration of Interest Form
3. Guidance on Declaring Disclosable Pecuniary Interests and Other Interests
4. Table of Disclosable Pecuniary Interests and Other Pecuniary Interests

Recommendation:

1. That the Committee approves the Code of Conduct for Councillors and recommends that Council approves the same.

1.0 Background

- 1.1 There is a requirement for Councils to promote and maintain high standards of behaviour by its Members and Co-Opted Members whenever they are acting in the capacity of Councillor. The Code of Conduct should be based upon the "Nolan" principles of standards in public life. These are selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. There is an element of discretion however as to what is in the Code of Conduct and the Arrangements for investigating complaints.
- 1.2 The Council's previously amended its Code of Conduct for Elected Members on 23rd May 2018. In January 2019 the Committee for Standards in Public Life produced a report entitled Local Government Ethical Standards. A series of recommendations were made in that report which included recommendations to Councils nationally that they make changes to their Codes of Conduct for Elected Members taking into account these recommendations. In December 2020 the LGA published a National Code of Conduct for Elected Members to assist councils in maintaining high standards by its Members and Co-opted Members, and provide consistency in standards nationally.
- 1.3 The report was taken to Standards Committee on 22 February 2021 Recommending that a Working Party of Elected Members be established to

work with the Monitoring Officer to consider whether or not to adopt the LGA Model Code of Conduct. A working group was established comprising of Councillors Rasab (Chair of Standards Committee), Samra, Hicken, Burley, Underhill, and Statham. Andrew Green, Independent Person also sat on the working group.

- 1.4 At its first meeting on the 13th April 2021 the working group decided not to implement the LGA Model Code of Conduct in its entirety instead favouring amending the council's current Elected Member Code of Conduct to combine the best features of the model code of conduct with the council's existing code. In particular the working group did not like the guidance element that prevailed throughout the LGA Model Code. The working group met on two further occasions on the 20th, 27th April 2021 and agreed on the Councillor Code of Conduct, and Disclosable Pecuniary Interest that comprise the background papers to this report.
- 1.5 The working group felt it was important for a report be submitted to Standards Committee with recommendations to Full Council to adopt the amended Councillor Code of Conduct.
- 1.6 The main changes proposed to the Councillor Code of Conduct are as follows:
 - The Nolan principles have been retained and there is now an explanation setting out the background to the establishment of the Nolan Principles.
 - There is a new section explaining when the Council Code of Conduct will apply to councillors which will assist them to the public in bringing complaints and councillors themselves.
 - There is an updated requirement in relation to the confidentiality of information at 1.3 of the new code.
 - The new code includes a requirement not to compromise or attempt to compromise impartiality of council officers.
 - 1.6,1.7,1.8 - provide greater clarity around requirements in relation to behaviour that could amount to bullying, harassment, discrimination. This accords with the recommendations made by the committee for standards in public life.
 - The new code contains a requirement for councillors to cooperate with standards investigations and any sanctions applied.
 - The new code contains more detailed information regarding gifts and hospitality. The limit on registration of gifts and hospitality is £50. There was not unanimity on this level and this question will be referred to council to determine.

2.0 Resource and legal considerations:

- 2.1 The local authority must adopt a Code of Conduct governing elected and co-opted members' conduct when acting in that capacity. (s28 Localism Act 2011). The Code of Conduct must when viewed as a whole be consistent with the Nolan Committee's seven principles of public life: selflessness, integrity,

objectivity, accountability, openness, honesty, leadership. The authority has a discretion as to what it includes within its Code of Conduct, provided that it is consistent with these seven principles. The authority's Code of Conduct must also contain appropriate requirements for the registration (and disclosure) of pecuniary interests and non-pecuniary interests (see below). There is no longer a centrally determined Model Code. Instead, councils have to determine whether they want to amend or replace the existing Code of Conduct and how they fulfil the duty in LA 2011 of promoting and maintaining high standards of conduct. All local authorities (other than parish councils) must put in place 'arrangements' that set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member or co-opted member who is found to have failed to comply with the relevant Code of Conduct.

3.0 Performance and Risk Management issues:

3.1 Performance and risk management are a feature of all council functions.

3.2 In terms of performance it is important that Elected Members have a clear framework of standards to follow in delivering services to the community. These frameworks provide accountability and transparency in respect of the way in which the council delivers services. It is also important that Elected Member conduct can be held to account against a clear and transparent Code of Conduct.

4.0 Reducing Inequalities:

4.1 In maintaining up to date policies and procedures the council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities. It is important that complaints are dealt with in a fair and transparent manner.

4.2 There is more detailed provision in the proposed Councillor Code of Conduct in relation to the definition of harassment and discrimination.

5.0 Consultation:

5.1 The Director of Governance has consulted with the group leaders in relation to the amended Councillor Code of Conduct.

Author:

Tony Cox
Head of Legal and Democratic Services
☎ 01922 654822
✉ coxt@walsall.gov.uk