



AGENDA ITEM:

Report for:	Cabinet
Date of meeting:	15th February 2022
PART:	I
If Part II, reason:	

Title of report:	Code of Conduct for Councillors
Contact:	Mark Brookes (Assistant Director – Corporate and Contracted Services) Directline: 01442 228236, internal extension: 2236 Mark.brookes@dacorum.gov.uk
Purpose of report:	To consider adoption of a new Code of Conduct for Councillors
Recommendation	That Cabinet recommends Council approves the annexed Code of Conduct for Councillors
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council to achieve all of its corporate priorities.
Implications: 'Value For Money Implications'	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against Members are minimised as far as possible and any complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer S.151 Officer	Monitoring Officer comments

	<p>This is a report prepared by the Assistant Director, Corporate and Contracted Services in his capacity as Monitoring Officer.</p> <p>S151 Officer comments</p> <p>No Further comments to add to this report.</p>
Consultees:	Standards Committee – March & December 2021
Background papers:	Committee on Standards in Public Life (CfSPL) 'Local Government Ethical Standards' January 2019

NEW CODE OF CONDUCT FOR COUNCILLORS

1. Executive Summary

- 1.1 The Government's Advisory Committee to the Prime Minister, the Committee on Standards in Public Life (CfSPL) published a report in January 2019 entitled 'Local Government Ethical Standards'. This report contained a number of recommendations made by the CfSPL and identified points of best practice to improve ethical standards in local government.
- 1.2 The majority of proposed changes required primary legislation, which would be subject to parliamentary timetabling, but also to secondary legislation and revisions to the Local Government Transparency Code. The primary legislation has not been forthcoming to date, due to other priorities faced by government.
- 1.3 One key recommendation of the CfSPL report was that the Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.4 After extensive consultation with key stakeholder groups, the LGA's board agreed a Model Code of Councillor Conduct (the LGA Model Code) with a recommendation for adoption for all local authorities.
- 1.5 The LGA Model Code has been considered by the Council's Standards Committee who have recommend adoption in part, but have recommended that the Council retains its existing rules in respect of declarations of interest. Therefore, a hybrid version of the LGA Model Code and the Council's existing code has been created for consideration and adoption.
- 1.6 The Monitoring Officer recommends Cabinet positively considers recommending that Council adopt the new Code of Conduct for Councillors.

2. The LGA Model Code

- 2.1 The LGA Model Code is recommended by the LGA but there is no legal requirement to adopt it in its full form, although the Council does have a legal requirement to have a code of conduct in place (S27(2) of the Localism Act 2011). If the Council adopts a new code, it will replace the current Code of Conduct for Members.
- 2.2 The LGA Model Code attempts to introduce a level of consistency and national standard of conduct across local authorities nationally and at all tiers including county, district/borough and parish/town levels.

2.3 Key points of note with regard to the LGA Model Code:

- much of the substance contained in the LGA Model Code is also covered in the Council's current Code of Conduct.
- a main difference between the Codes is the language used. The LGA Model Code is written in the first person and encourages much more ownership by individual councillors
- while the Council's current Code of Conduct refers to the need for councillors to be treated with respect, the LGA Model Code contains a more detailed section.
- section 8 of the LGA Model Code provides a requirement for Members to cooperate with investigations carried out under the Code. This is not provided for in the current code.
- section 10 contains new provisions regarding the acceptance of Gifts and Hospitality, which are not in the current Code of Conduct. The requirement to register gifts and hospitality of value has increased from £25 to £50 but the underlying principles set out in 10.1 are that members should not accept gifts or hospitality irrespective of value which could give rise to real or substantive personal gain or which are given in order to influence decisions by the Council. This is a principle which has been applied consistently in this Council so there will be no change in practice.
- Appendix B of the LGA Model Code sets out the requirements on registering interests and uses different language – it moves away from personal and prejudicial interests, which are used in our current code to Registerable and Non-Registerable interests.

2.4 The LGA Model Code has been considered by the Council's Standards Committee who have recommend adoption in part, but have recommended that the Council retains its existing rules in respect of declaration of interests, which are familiar to members. The code recommended for adoption is therefore a hybrid of the LGA Model Code and the Council's existing code and is attached to this report for consideration, newly entitled Code of Conduct for Councillors. Paragraphs 1 -10 and Appendix A are from the LGA Model Code, and Appendix B, which deals with the registration and declaration of interests, is from the Council's existing code.

2.5 Standards Committee did recommend one amendment at paragraph 8.1 from the LGA Model Code section to ensure that councillors comply with the mandatory training as specified in the Member Development Programme. The Committee did also

request that a provision be added to allow the Monitoring Officer to grant dispensations for any councillor not to attend a course in case of exceptional circumstances and this has been included in the new paragraph 8.1.

- 2.6 Extensive guidance has also now been produced by the LGA to support each section of the code, which should support the consistent application of the code. The guidance also provides many practical examples, which will assist members in understanding the key requirements.
- 2.7 If Members agree to adopt the new Code of Conduct for Councillors, officers will arrange appropriate Member training and briefings, and the Code will be publicised on the Council's website. It will also be referred to in the Declaration of Interest forms Members are required to sign. It is likely that the Local Government Association will also provide training for councils who have adopted the code, which the Council will seek to utilise.
- 2.8 Subject to the Council adopting the code, it will be recommended to all Town and Parish councils that they also adopt the code although this will be decision for each of them individually.

3. Conclusions

- 3.1 The new Code of Conduct for Councillors covers all of the key areas and requirements from the Council's current code and the key principles of conduct which are familiar to members will be retained.
- 3.2 The LGA's aim is to have a code which is applied consistently across the country at all levels of local government and, whilst a hybrid version of the LGA Model Code is recommended for adoption, the LGA has committed to annually review the code to ensure that it remains up to date and also to provide training opportunities for members, which will be beneficial to Members.
- 3.3 The new code is therefore recommended for adoption and will become the Code of Conduct for Councillors once approved by Council.