

Audit and Governance Committee

MEMBER CODE OF CONDUCT REVIEW

Date: 11 October 2019

Agenda No:

Title of Report	Member Code of Conduct Review
Purpose of Report	To remind the Committee of the statutory arrangements governing the conduct of elected members.
Recommendations:	To note the report and to indicate any areas for development.
Officer(s) Contact:	Rob Ayliffe, Monitoring Officer and Head of Strategic Planning, Performance & Change (01452) 328506
Key Risks:	Failure in corporate governance, which leads to service, financial or reputational damage or failure.

Introduction

1. The Localism Act 2011 significantly amended the statutory arrangements governing the conduct of elected members. The County Council adopted a new regime in 2012.
2. One of the roles of this Committee is to monitor the operation of the Code of Conduct and to promote, monitor and assist the achievement of high standards of conduct. To assist the Committee, the Council's Monitoring Officer, Jane Burns, undertook a review before she left in September.

Findings

3. There have been no changes to the standards regime in 2018/19. However, the Committee on Standards in Public Life published its review of local government ethical standards in January 2019. Their report is available via this link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

They made 26 recommendations, including:

- a new power for local authorities to suspend councillors without allowances for up to six months
- revised rules on declaring interests, gifts and hospitality
- local authorities retain ownership of their own Codes of Conduct
- a right of appeal for suspended councillors to the Local Government Ombudsman
- a strengthened role for the Independent Person
- greater transparency about the number and nature of Code complaints.

A response from Government is awaited.

4. All Members have been reminded to keep their register of interests form updated as and when changes occur. They are published on the County Council's website.
5. The arrangements for dealing with allegations of Member misconduct are also published on the website and appended here for ease of reference. (Appendix 1)
6. There has been no reason to convene the Hearings Panel in 2018/19.
7. When complaints are received, it is the Monitoring Officer's role to review the substance and decide if it warrants a full investigation. This is done against a set of relevant questions in consultation with an Independent Person.
8. No dispensations were requested.

9. At the County Council meeting on 17 May 2017, the two Independent Persons were re-appointed for a further four years. They remain content with the new arrangements and have not raised any issues or concerns. They carry out their role without remuneration. Their advice and input is invaluable.

Dispensations

10. The rules allow councils in certain circumstances to grant dispensations to permit a member to take part in the business of the authority even if the member has a disclosable pecuniary interest relating to that business. This committee has the facility to grant dispensations. To date no requests have been made. The Committee is reminded that its terms of reference include:

To grant dispensations to County Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Chief Executive) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when the Council:

- a) considers that without the dispensation, the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be upset as to alter the likely outcome of any vote relating to the business;
 - c) considers that granting the dispensation is in the interests of persons living in the authority's area;
 - d) considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
 - e) considers that it is otherwise appropriate to grant a dispensation.
11. The Committee's views are welcomed on whether dispensations would be useful.
 12. Recommendations
 - (i) To support annual training on conduct and standards; and
 - (ii) To keep under review any national changes to the local government ethical framework.