

Audit and Governance Committee
Annual Review of Member Code of Conduct

Date: 20 January 2023

Agenda Item:

Title of Report	Annual Review of Member Code of Conduct
Purpose of Report	To review the statutory arrangements governing the conduct of elected members
Recommendations	That the committee: <ul style="list-style-type: none">• Notes the report and identifies any areas for development.• Identifies any particular areas they would like to see covered in the training being planned on the new Code of Conduct and encourages members to participate in that training.
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Key Risks	Failure in corporate governance which could lead to service, financial or reputational damage to the council

Introduction

1. The Localism Act 2011 significantly amended the statutory arrangements governing the conduct of elected members. In response, the County Council adopted arrangements to comply with the 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. This report is intended to assist the committee fulfil this role.

Gloucestershire Member Code of Conduct

3. The most significant development during the year has been the approval and adoption of a New Code of Conduct in November 2022. This was the culmination of 18 months of work with the county's six district councils and Gloucestershire Association of Parish and Town Councils.
4. As well as providing greater clarity to members and to the public on what falls within the code, it also addresses a recommendation that arose from a 2019 review by the Committee on Standards in Public Life, that all Council Codes of Conduct should explicitly include a reference that councillors must not engage in behaviour that amounts to bullying or harassment.
5. Training on the new Code will be rolled out to members in early 2023 and members of this committee are asked to promote that training within their groups and to encourage all members to attend once dates are set.
6. Also, the Council having now adopted the code, a review will be undertaken of the Council's arrangements for handling complaints and of guidance for complainants to look for opportunities to align those more closely across County and District Councils in Gloucestershire.

Complaints and complaint handling during 2022

7. A total of 13 complaints were received during 2022. This marks a significant increase on the previous year, in which only 4 complaints were received. Nevertheless, of those 13 complaints, only two met the threshold for progressing beyond an initial assessment. One is still under consideration at the time of writing this report.

8. The following provides a brief summary of those 13 complaints and their outcomes:

- Five fell outside of the Code of Conduct as the concerns did not relate to matters when the councillors concerned were acting in their official capacity.
- Five were rejected following initial assessment, either because the alleged concern did not amount to a breach of the code of conduct, or because there was insufficient evidence that a breach had occurred.
- One complaint concerned the way a Councillor spoke to a member of Council staff in a public area of Shire Hall. The complaint was brought by a member of senior management on behalf of the staff member concerned. An investigation was carried out, following which the complaint was resolved informally by the councillor providing a written apology to the member of staff.
- Another complaint concerned comments made on social media which the complainant regarded as insulting. The councillor concerned agreed to issue a written apology to the complainant.
- One complaint arrived in late December and is still being assessed at time of writing this report.

9. The Council continues to be well served by two Independent Persons, Bernard Barton-Ancliffe and Stephen Pearman, who assist and advise the Monitoring Officer on the handling of complaints, including being consulted on the outcome of all initial assessments.

Priorities for 2023

10. Training and raising awareness of the new Code of Conduct amongst County Councillors, in particular, focussing on the following areas:

- Registration and declaration of interests: Feedback suggests that this is an area that members and complainants find confusing and difficult to navigate. The new code sets out the requirements with greater detail and clarity.
- Freedom of expression vs treating others with respect: Case law affords politicians a greater degree of freedom of expression in the interests of political debate. However, that needs to be balanced against the requirement (under the Code) to treat others with respect. The training will help members to explore these issues, with particular reference to issues such as use of social media and interactions with council officers.

- Bullying and harassment, since these issues have been introduced to the revised Code of Conduct following the national recommendation by the Committee on Standards in Public Life.

11. Members are invited to identify further areas which they would like to be covered.

ENDS