

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

23rd March 2022

Report of the Director of Legal Services and Monitoring Officer

Revised Code of Conduct for Members

1. Purpose

- 1.1 To seek approval for a revised Code of Conduct for Elected and co-opted Members and inclusion in the Constitution.

2. Information and Analysis

- 2.1 The Governance, Ethics and Standards Committee has undertaken work to review elements of the regime for ethical conduct which was introduced in 2012 in accordance with the Localism Act 2011. The review was prompted by the findings of Review of Ethical Standards by the Committee on Standards in Public Life (CSPL) in January 2019. During this review, it was observed that “local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of code codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes”.
- 2.2 As one of its recommendations, the CSPL tasked the Local Government Association (LGA) with preparation of the new model code of conduct. The model code was published in December 2020 with a revised version being published in summer 2021. The LGA has committed to reviewing the Code annually to ensure that it remains fit for purpose.
- 2.3 A working group formed from the Governance, Ethics and Standards Committee proposed a revised Code of Conduct based on the model

Code published by the LGA, including the revisions made in summer 2021. The revised Code which is attached at Appendix 2 presents additional restriction on Members in terms of participating in meetings where business in which they have a personal interest is discussed. Therefore, the Governance, Ethics and Standards Committee resolved at its meeting on 20th October that all members should be consulted on this.

- 2.4 An email was sent to all Members on 4th January 2022 requesting comments or thoughts on the draft Code for consideration by the Working Group. Final consideration was given by the Working Group to the draft Code at a meeting on 4th February and a proposed Code was presented to the meeting of the Governance, Ethics and Standards Committee on 3rd March 2021. The Committee resolved that this revised Code, as attached at Appendix 2 should be recommended to full Council for approval.
- 2.5 Subject to approval by Council, the Monitoring Officer will make arrangements to insert the new Code as Appendix 11 to the Constitution and provide training to Members over the forthcoming months to ensure the new obligations are clearly understood.
- 2.6 It is proposed that Council agrees to adopt the new Code at Appendix 2 for inclusion in the Constitution and that it should come into force on 1st April 2022 to enable Members to familiarise themselves with the Code and enable a training programme to be developed.

3. Consultation

- 3.1 This is a decision regarding administrative Council arrangements. Therefore, it was not necessary for public consultation or external consultation to take place.
- 3.2 However, all Members have been made aware of the proposed changes and invited to comment by way of an email dated 4th January 2022.

4. Alternative Options Considered

- 4.1 Whilst legislation requires that an authority must adopt a code dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity, there is no legal obligation or requirement for the Council to adopt the Model Code as drafted by the LGA.
- 4.2 Therefore, the following options are potential alternatives and were considered by the Working Group and the Committee:
 - (a) retaining the current Code - with or without revisions;
 - (b) adopting the Model Code – with or without revisions;

(c) rewriting a new Code, potentially using elements from both the Council's current Code and the Model Code.

4.3 Retaining the current code would not address the concerns highlighted in the Review undertaken by the CSPL and adopting the model code without revisions would not ensure that content of specific relevance and importance to Derbyshire Elected Members would be included. Therefore, it is proposed and was considered by the Governance, Ethics and Standards Committee that the revised Code attached at Appendix 2 was the most appropriate option for the Council.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Proposed Code of Conduct.

8. Recommendation

That Council agrees to adopt the proposed Code of Conduct at Appendix 2 from 1st April 2022 for inclusion in the Constitution.

9. Reasons for Recommendation(s)

9.1 The revised Code of Conduct at Appendix 3 reflects the Model Code of Conduct proposed by the LGA. Therefore, this takes into account and addresses the recommendations made by the Committee for Standards in Public Life.

9.2 The revised Code of Conduct at Appendix 2 meets legislative requirements.

9.3 The revised Code of Conduct at Appendix 2 was considered by the Governance, Ethics and Standards Committee to be the most appropriate option for the Council.

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Implications

Financial

1.1 There are no financial implications.

Legal

2.1 Section 27 of the Localism Act 2011 requires authorities to promote and maintain high standards of conduct by members and co-opted members and that in discharging that duty, must adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

2.2 However, there is no legal requirement to adopt the Code proposed by the LGA and there is no legal requirement to revise the Derbyshire's current Code of Conduct. It is a matter for the Council to determine the code it wishes to have in place.

Human Resources

3.1 There are no HR considerations as the Code is for Elected and co-opted Members.

Information Technology

4.1 There are no IT implications.

Equalities Impact

5.1 Not applicable.

Corporate Objectives and Priorities for Change

6.1 This report links to the Council Priority of High Performing Value for Money and Resident Focused Services. The changes proposed will enable efficient and up to date functioning of the Council as a corporate body.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.