

COUNTY COUNCIL

Meeting date: 4 November 2021

From: Leader of the Council

REVISED CODE OF CONDUCT

1.0 EXECUTIVE SUMMARY

1.1 *This report recommends that the Council adopts a new code of conduct for members based on the new model code of conduct issued by the Local Government Association in December 2020.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

2.1 *The adoption of the new code of conduct for members ensures that the Council continues to be a modern and efficient council.*

2.2 *There are no direct implications arising under the Equality Act 2010 arising from this report.*

3.0 RECOMMENDATION

3.1 *Members are recommended to approve the new code of conduct which will replace the existing Members' Code of Conduct and guidance found in Part 4B of the Constitution.*

4.0 BACKGROUND

4.1 The Local Government Association issued a new model code of conduct for members in December 2020 which has since been updated in January and May 2021.

4.2 The new model code of conduct was developed by the LGA in association with key partners and after extensive consultation within the sector. It incorporates recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards.

4.3 The aim of the new code is to be concise, written in plain English and understandable to members, officers and the public. It seeks to model the behaviours and high standards that are expected from a person holding public office. It also articulates behaviour that falls below the standards that would be expected of council members. It is designed to help set a

framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

4.4 The Standards Committee considered the new code in January 2021. The committee was supportive of the new model code but raised a few questions:-

4.4.1 Should the specification to declare gifts and hospitality be set at £100 (the threshold which is in the current code of conduct for members found in Part 4B of the constitution) rather than the £50 which was suggested in the model code proposed by the LGA?

4.4.2 Whether there should be a necessity to declare gifts and hospitality (above the agreed threshold) which have been refused?

4.5 Following the meeting of the Standards Committee the draft code was discussed at the Cumbria Monitoring Officers Group, with a view to agreeing (as far as possible) a Cumbria wide code. The Monitoring Officers Group recommended changes to the model code of conduct as follows:-

4.5.1 to make specific reference to conduct at virtual meetings;

4.5.2 to make an amendment to the provisions dealing with the use of council resources for political purposes to tighten up the wording;

4.5.3 the reduction of the threshold for registering gifts from £50 to £25;

4.5.4 changes to the provisions dealing with participation in the case of a disclosable pecuniary interest to make it clear that a member can only speak on such a matter to the extent a member of the public can speak;

4.5.5 New provisions dealing with the disclosure of other registerable interests to make it clear a member should not participate to the extent that a reasonable member of the public would think the interest may influence the way they would vote;

4.5.6 Changes to the provisions dealing with the disclosure of non-registerable interests to remove the automatic requirement for a member with a non-registerable interest to leave the meeting and to amend the test as to whether a member can participate in the meeting in these circumstances. The test has been amended by removing the reference to it affecting the financial interest of the member (or associate of the member) to a greater extent than other residents of the ward. The amended test is simply would a reasonable member of the public think it would influence the way the member would vote.

4.6 Other than the change to the reduction in the threshold for registering gifts and hospitality these changes have been adopted. It is suggested that the threshold for registering gifts and hospitality (including those which are not accepted) should remain (as currently) at £100.

- 4.7 The proposed new code of conduct incorporating these changes is attached as Appendix 1. If the recommendations are approved this will replace the current 4B of the Constitution.
- 4.8 The new model code incorporates guidance within the code to help articulate the behaviour which is expected of members and what behaviour falls short of expectations. In addition to the Code, the LGA have also published two further documents. The first “Guidance on LGA Model Councillor Code of Conduct” provides more detailed guidance on the code which is aimed to help understanding and consistency of interpretation of the Code. The second “Guidance on Member Model Code of Conduct Complaints Handling” provides updated guidance on how to deal with complaints received under the Code. These two documents help provide greater understanding of how the code should apply in practice and the conduct of complaints received under the code but do not form part of the code of conduct itself and are therefore not part of the constitution. It is proposed that this guidance is considered by the Standards Committee at its next scheduled meeting in January with a view to agreeing any changes that might be necessary to Cumbria County Council’s Protocol for Dealing with Complaints about the Conduct of Members.

5.0 OPTIONS

5.1 The options are:-

- 5.1.1 For members to approve the proposed new code of conduct in its entirety;
- 5.1.2 For members to approve the proposed new code of conduct with some amendments;
- 5.1.3 For members not to approve the proposed new code of conduct and to send them back to Constitution Review Group for further consideration.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

6.1 There are no direct resource or value for money implications of the recommendations contained in this report.

7.0 LEGAL IMPLICATIONS

7.1 Only the full Council, as the governing body, has the power to make substantive changes to the constitution.

8.0 CONCLUSION

8.1 This report recommends that a new code of conduct for members is adopted which is based on the new model code of conduct recommended by the LGA.

Iolanda Puzio
Chief Legal Officer
22 October 2021

APPENDICES

Appendix 1 – Part 4B Members Code of Conduct.

Electoral Division(s): All

** Please remove whichever option is not applicable*

Executive Decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No
Key Decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No
If a Key Decision, is the proposal published in the current Forward Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Is the decision exempt from call-in on grounds of urgency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No
If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Has this matter been considered by Overview and Scrutiny? If so, give details below.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No
Has an environmental or sustainability impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A
Has an equality impact assessment been undertaken?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

No previous relevant decisions.

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

No background papers.

RESPONSIBLE CABINET MEMBER

The Leader of the Council.

REPORT AUTHOR

Contact: Liz Morgan, Senior Lawyer liz.morgan@cumbria.gov.uk