

Report of City Solicitor

Report to Full Council

Date: 24 March 2021

Subject: Amendments to the Constitution – Council Procedure Rules and adoption of the Local Government Association Model Councillor Code of Conduct and amendments to the Procedure for Complaints Alleging a failure to comply with the Member’ Code of Conduct

Are specific electoral wards affected? If yes, name(s) of ward(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- This report sets out amendments to the Constitution, required to provide consistency in relation to the arrangements for substitution for plans panels.
- Following extensive consultation the Local Government Association (LGA) Executive approved a Model Councillor Code of Conduct (Code) in December 2020. The Standards and Conduct Committee consider that there is considerable benefit to the Council from adopting in full the LGA’s Model Code and thus the council playing its part in achieving consistency across the Country in this important area.
- The Standards and Conduct Committee have also reviewed the Procedure Considering Complaints Alleging a Failure to Comply with the Members’ Code of Conduct and recommend amendments to ensure it remains up to date and fit for purpose.

2. Best Council Plan implications (see the [latest version of the Best Council Plan](#))

- The Constitution must be maintained up to date and fit for purpose in line with the Council’s Corporate Governance Code and Framework in addition to furthering the

Council's value of being "open, honest and trusted."

- The LGA Code provides a framework compatible with the Council's Values of being open, honest and trusted and treating people fairly.

3. Resource implications

- Whilst there are no specific implications arising from the report relating to the Code of Conduct adoption, the Monitoring Officer will need to assign resources to deliver training on any amended Code of Conduct.

Recommendations

General Purposes Committee recommend that Council approve amendments to the Constitution as detailed in this report, and set out in the appendices attached, with immediate effect:

- a) amendments to the Council Procedure Rules as shown at Appendix A
- b) amendments to the Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct set out at Appendix B

and, with effect from the Annual Council meeting:

- c) adopt the Councillor Code of Conduct as set out at Appendix C;

1. Purpose of this report

- 1.1 This report sets out recommendations of General Purposes Committee in relation to amendments to the Constitution, to adopt a new Code of Conduct for local councillors and amendments to the procedure for considering code of conduct complaints..

2. Background information

Council Procedure Rules

- 2.1 Article 26 of The Council Procedure Rules set out the arrangements for substitution to Plans Panels and the Development Plan Panel. There is an inconsistency of substitution arrangements across each panel.

Members' Code of Conduct

- 2.2 The Localism Act 2011 placed a duty on the council to promote and maintain high standards of conduct by members and co-opted members of the authority and in discharging that duty adopt a code dealing with the conduct that is expected of those members when they are acting in that capacity.
- 2.3 In January 2019 the Committee on Standards in Public Life (CSPL) published a report following their review of local authority standards. The report directed a series of recommendations to Government and to the local government sector.

- 2.4 Leeds made changes to the Code of Conduct at that time in order that the arrangements in Leeds continued to meet best practice requirements.
- 2.5 A key recommendation of the CSPL was directed to the Local Government Association “**The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.**”
- 2.6 The CSPL review concluded that a model code of conduct would create consistency across England, and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual hatted or triple-hatted councillors.
- 2.7 CSPL also considered that matters such as gifts and hospitality, social media use, and bullying and harassment had all increased in salience, and were perhaps not regularly reflected in local authority codes of conduct and a model code of conduct would help to ensure that they do so.
- 2.8 Following extensive consultation the Local Government Association (LGA) Executive approved a **Model Councillor Code of Conduct** (‘Code’) in December 2020. The Model Code provides a template for councils to adopt in whole and/or with local amendments.
- 2.9 The Standard and Conduct Committee, whose role is to advise the authority in relation to the adoption, revision or replacement of the code dealing with conduct, met on 5th February 2021 and considered the LGA Model Councillor Code of Conduct and the Procedure for Considering Complaints Alleging a Failure to comply with the Members’ Code of Conduct.

3. Main issues

Council Procedure Rules.

- 3.1 Article 26 of the The Council Procedure Rules set out the arrangements for substitution to Plans Panel and the Development Plan Panel.
- 3.2 There is inconsistency of substitution arrangements across each panel and it is recommended that the provisions are brought together in one rule to ensure consistency and provide clarity in the arrangements.
- 3.3 Proposed amendments are set out at Appendix A attached.

Amendments to the Procedure for Considering Complaints Alleging a Failure to Comply with the Members Code of Conduct.

- 3.4 Standards and Conduct Committee have reviewed the Procedure for Considering Complaints Alleging a Failure to Comply with the Members Code of Conduct and to clarify elements of the procedure and to efficiently and effectively filter those complaints that are trivial or where they have little impact on the public have suggested changes to the Procedure and so focus limited resources on issues of substance and that are in the public interest they recommended amendments to the Procedure.
- 3.5 General Purposes Committee have considered the report containing the Procedure for Considering Complaints Alleging a Failure to Comply with the Members Code of

Conduct and recommend the approval of the amendments to the Procedure for Considering Complaints Alleging a Failure to Comply with the Members Code of Conduct outlined at Appendix B.

LGA Model Councillor Code of Conduct

- 3.6 Following consideration of proposals by both the Standards and Conduct Committee and GPC a revised Code of Conduct for members is attached at Appendix C.
- 3.7 Members attention is specifically drawn to 2 elements of the new code the requirements in relation to gifts and hospitality and the arrangement's for the declarations of interest at meetings where any **known** financial interest or friends, relative or close associates should be declared.
- 3.8 A programme of training will be co-ordinated by the Monitoring Officer and her staff from April-May with new Members being trained prior to the Annual Council Meeting.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The proposals set out in this report have been widely consulted upon and have cross part support.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 The Code of Conduct specifically incorporates requirements in relation to equalities and discrimination.

4.3 Council policies and the Best Council Plan

- 4.3.1 The Constitution must be maintained up to date and fit for purpose in line with the Council's Corporate Governance Code and Framework in addition to furthering the Council's value of being "open, honest and trusted."
- 4.3.2 The Code of Conduct and the Procedure for Considering Complaints Alleging a Failure to Comply with the Members Code of Conduct provides a framework compatible with the Council's values of being open, honest and trusted and treating people fairly.

Climate Emergency

- 4.3.2 There are no specific implications arising from this report

4.4 Resources, procurement and value for money

- 4.4.1 Whilst there are no specific implications arising from this report, the Monitoring Officer will need to assign resources to deliver training on any amended Code of Conduct

4.5 Legal implications, access to information, and call-in

- 4.5.1 The Model Code is compliant with the requirements of the Localism Act 2011 and adoption of it will be compliant with the duties placed on the council.
- 4.5.2 Additional amendments to the Code, and to the conduct regime more generally, may emerge when the recommendations from the CSPL report concerning local authority standards directed to Government are responded to.

4.6 Risk management

- 4.6.1 There are no specific risk implications arising from this report.

5. Conclusions

- 5.1 Amendments to the Council Procedure Rules will provide consistency and clarify and ensure that the Councils governance and decision making arrangements are coherent and transparent.
- 5.2 The proposed amendments to the Procedure for Considering Complaints Alleging a Failure to Comply with the Members Code of Conduct will ensure the arrangements remain up to date and fit for purpose.
- 5.3 The LGA Code is similar to the adopted Leeds Code and there is considerable benefit to the Council from adopting the Councillor Code of Conduct as proposed by General Purposes Committee.

6. Recommendations

- 6.1 General Purposes Committee recommend that Council approve amendments to the Constitution as detailed in this report, and set out in the appendices attached, with immediate effect:
- amendments to the Council Procedure Rules as shown at Appendix A
 - amendments to the Procedure for Considering Complaints Alleging a Failure to Comply with the Members' Code of Conduct set out at Appendix B
- and, with effect from the Annual Council meeting:
- adopt the Councillor Code of Conduct as set out at Appendix C;

7. Background documents¹

- 7.1 None

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.