

Amendments to Councillor Code of Conduct

Date: 16 May 2022

Report of: City Solicitor

Report to: General Purposes Committee

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report presents to Members further amendments which have been made to the Local Government Association's Model Councillor Code of Conduct (LGA Model Code) for local councillors with a view to considering recommendations for adoption by the authority together with additional proposed amendments in response to unintended consequences that have arisen as a result of the adopted Code.
- The LGA Model Code was adopted¹ by Full Council in March 2021. The new Councillor Code of Conduct took effect on 20 May 2021.
- The Council became aware of amendments to the LGA Model Code after the Full Council decision in March 2021. The amendments add further clarification to the LGA Model Code.
- In addition, at the request of the Leader, the adopted Councillors Code of Conduct has been further reviewed to consider any unintended consequences that have arisen as a result of it.
- On 14 March 2022, the Standards and Conduct Committee resolved to recommend that General Purposes Committee recommend to Full Council that it adopts the proposed amendments to the Councillor Code of Conduct as set out in red in Appendix 1 to this report.
- Following the resolution of the Standards and Conduct Committee, further unintended effects, relating to Members' Other Registerable Interests were identified and further amendments, set out in blue in Appendix 1 to this report are proposed to address these.
- The Councillor Code of Conduct provides a framework compatible with the Council's Values of being open, honest and trusted and treating people fairly.

Recommendations

¹ Subject to the addition of the word "known" in paragraph 7 of Appendix B

General Purposes Committee is asked to:

- a) Note the resolution of the Standards and Conduct Committee dated 14 March 2022;
- b) Consider the proposed further LGA amendments to the adopted Councillor Code of Conduct as set out in Appendix 1 to this report;
- c) Consider the proposed additional amendments to the adopted Councillor Code of Conduct as set out in Appendix 1;
- d) Recommend to Full Council that it adopts all of the amendments to the Councillor Code of Conduct with effect from 26 May 2022.

Why is the proposal being put forward?

- 1 At its meeting on 15 March 2021 General Purposes Committee considered that there was considerable benefit to the Council from adopting in full the LGA's Model Code so the Council could play its part in achieving consistency across the Country in this important area. The LGA Model Code is a template for Local Authorities to adopt in whole and or with amendments to take into account local circumstances.
- 2 The Committee resolved to recommend the adoption of the LGA Model Code of Conduct by Full Council with effect from the Annual Council Meeting, subject to an amendment relating to the declaration requirements relating to family, friends and close associates.
- 3 Following the decision of Full Council in March 2021 to adopt the Code, the LGA made further amendments to its Model Code, meaning the Council's Code of Conduct no longer fully reflects the LGA Model Code.
- 4 The reason for the LGA amendments fall into three categories, (i) those required to insert missing text (ii) those required to add clarity to executive arrangements section and (iii) those required to reflect the guidance relating to Other Registrable Interests (ORIs).
- 5 In addition, at the request of the Leader, the adopted Code has been further reviewed to consider any unintended consequences that have arisen because of it. That review has led to two sets of additional proposed amendments in relation to Appendix B (Registering Interests) of the Code.
- 6 The first set, considered and recommended for approval by Standards and Conduct Committee (see paragraph 7 of Appendix 1) relate to the disapplication of the requirement to disclose ORIs where that interest is one which relates to a body of which a Councillor is a member or is in a position of general control or management and to which they were nominated or appointed by the Council.
- 7 The second set, identified following the Standards and Conduct Committee meeting on 14 March relate to Members ORIs that are not associated with a nomination or appointment by the Council. In these circumstances, the proposed amendments require a Member to continue to declare their interest but replace the current restriction on participating in decision making on a matter relating to the ORI, with the need to instead consider whether their participation is "prejudicial" to the public interest. Only if the interest was considered to be prejudicial to the public interest would a Member be restricted from speaking and voting on the matter.
- 8 Together the proposed amendments add more clarity and are less restrictive in respect of declaring interests and will maximise Member participation in matters for which they do not have a pecuniary interest. The amendments still require the consideration of whether a Member's participation in a matter is prejudicial to the public interest and therefore retains sufficient control over potential conflicts of interest.

- 9 For ease of reference, the amendments recommended by Standards and Conduct Committee have been inserted into the adopted Code of Conduct as red tracked changes and those proposed as outlined in paragraph 7 above in blue tracked changes. These are attached as Appendix 1 to this report. Appendix 2 to the report sets out the impact of these changes to Appendix B of the adopted Code.

What impact will this proposal have?

Wards affected:

Have ward members been consulted? Yes No

- 10 Officers have considered the impact these amendments will have on the Councillor Code of Conduct and are of the view they will positively enhance the clarity of the Code, specifically in respect of declaration of interests.
- 11 The proposed amendments disapply the need to disclose either an ORI where that interest is one which relates to any body of which a Councillor is a member or is in a position of general control or management and to which they are nominated or appointed by the Authority. In addition, they amend the requirements in respect of ORIs by removing the restriction on a Member to participate in decisions relating to their ORIs and replacing that restriction with the need to consider whether participation is prejudicial to the public interest.
- 12 The proposed amendments will maximise the ability of Members to participate in decision making as they provide a more permissive approach to that set out in the LGA Model Code.

What consultation and engagement has taken place?

- 13 The LGA consulted widely within the local government sector and with other stakeholders and the further amendments made to the LGA Model Code were in response to stakeholder feedback.
- 14 The Standards and Conduct Committee considered the amendments set out in red in Appendix 1 and recommend that GPC and Full Council approve them.
- 15 Group Leaders and the Chair of Standards and Conduct Committee have been consulted on all of the proposed amendments and are in agreement with them.

What are the resource implications?

- 16 There are no specific implications arising from this report.

What are the legal implications?

- 17 The amendments to the LGA Model Code are compliant with the requirement of the localism Act 2011 and adoption of the amendments would be compliant with the duties placed on the Council.

What are the key risks and how are they being managed?

18 There are no specific risk implications arising from this report. If the amendments are not adopted, the Code of Conduct would remain fit for purpose, however, the recommended amendments will provide greater clarity and participation in decision making and are likely to reduce the risk of potential confusion around declarations of interests.

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

19 Good governance in decision making contributes to all three pillars.

Options, timescales and measuring success

What other options were considered?

20 Not adopting the further amendments to the LGA Model Code is an option, however, for the reasons described above, this would mean that Member participation in decision making which relates to their ORIs is restricted.

21 The option not to disapply disclosure requirements specified in paragraph 6 above and not to replace the requirements described in paragraph 7 above, would result in unintended consequences of the Code for some Members who have ORIs as it may lead to circumstances where they are restricted from speaking and voting on a matter.

How will success be measured?

22 Success will be measured by the adoption by Full Council of further amendments into the Council's Code of Conduct.

What is the timetable for implementation?

23 It is proposed that Full Council will consider the matter at its meeting on 26 May 2022.

Appendices

24 Appendix 1 – Adopted Councillor Code of Conduct including recommended amendments.

25 Appendix 2 – Proposed Appendix B to Councillor Code of Conduct

Background papers

26 None