

**Meeting** Council  
**Date** 14 December 2022



## CODE OF CONDUCT FOR MEMBERS

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### 1 PURPOSE

- 1.1 To present a revised Code of Conduct for Members for consideration by the Council.

### 2 RECOMMENDATIONS

- 2.1 That the comments of the Standards Committee, as set out in Paragraph 4.5 of the report, be noted;
- 2.2 That the attached draft Code of Conduct for Members (Appendix A) be approved for immediate implementation.

### 3 BACKGROUND

- 3.1 Council adopted the current Code of Conduct for Members (Part 5 of the Constitution) on 18 July 2012.
- 3.2 The current Code of Conduct provides Members with limited detail and guidance on the expected standards of conduct and as such no longer provides the level of assurance required, for Members and members of the public, for the fair and transparent discharge of official duties by Members.

- 3.3 In 2020 the Local Government Association (LGA) produced a revised model Code of Conduct for Members in response to the recommendation of the Committee of Standards in Public life Local Government Ethical Standards 2019.
- 3.4 The LGA state that the revised Code of Conduct is: “...*part of our work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance, and our civility in public life programme.*”.
- 3.5 The attached Draft Code of Conduct (Appendix A) is based on the LGA’s Model Code.

#### **4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS**

- 4.1 Council has not revised its code of conduct for Members for 10 years. In order to ensure that it is able to maintain the highest possible standards it is now appropriate for Council to update its Code of Conduct.
- 4.2 The proposed Draft Code of Conduct for Members is based on the LGA Model Code. Further to support Councils, Councillors and Monitoring Officers in maintaining the highest possible standards of behaviour in public life, the LGA has also produced [Guidance](#) on the Model Code. This Guidance helps to ensure: “...*consistency of approach towards the code.*”
- The code together with the guidance have been designed to protect our democratic role, encourage good conduct, and safeguard the public’s trust and confidence in the role of councillor in local government.”*
- 4.3 The revised Code covers a greater range of conduct matters than the current code and sets out specific (and explicit) standards of required behaviour on the following issues:
- 4.3.1 Respect
  - 4.3.2 Bullying, harassment and discrimination
  - 4.3.3 Impartiality of officers of the council
  - 4.3.4 Confidentiality and access to information
  - 4.3.5 Disrepute
  - 4.3.6 Use of position
  - 4.3.7 Use of local authority resources and facilities
  - 4.3.8 Complying with the Code of Conduct
  - 4.3.9 Protecting your reputation and the reputation of the local authority
  - 4.3.10 Gifts and hospitality
  - 4.3.11 The Seven Principles of Public Life
  - 4.3.12 Registering Interests

- 4.4 Failure to adopt a revised Code of Conduct would put the Council at risk of not meeting the best possible standards of conduct in public life.

### **Comments of the Standards Committee**

4.5 The Standards Committee considered the revised Code of Conduct at its meeting held on 21 November 2022, and made the following comments and minor amendments to the Code (which have been incorporated into the version attached at Appendix A to the report):

- Respect – this section of the Code (Section 1) was welcomed, especially the expectation that the relationship between Members and the public should be one of two-way respectful behaviour either through dealings in-person or via electronic means;
- Training on the new Code should be made available to all Members, and it was felt that the timing of such training should coincide with the induction programme for new Members following the May 2023 Local Elections. The training should include a focus on Section 3 of the Code (Impartiality of officers of the Council), in order to emphasise that officers worked for the local authority as a whole and were politically neutral;
- Gifts and Hospitality (Section 10) – it was agreed that Paragraphs 10.2 and 10.3 should be merged into a single paragraph; and
- Table 2 in Appendix B to the Code – correction of the title from “Registrable” to “Registerable”.

## **5 IMPLICATIONS**

### **5.1 Financial Implications**

5.1.1 There are no financial implications arising from this report.

### **5.2 Legal Implications**

5.2.1 Section 27 of the Localism Act 2011 (the 2011 Act) places a duty on local authorities to promote and maintain high standards of conduct, and must, in particular, do so by the adoption of a code of conduct.

5.2.2 Section 28 of the 2011 Act requires that the adopted Code must be consistent with the Nolan Principles for standards in public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

5.2.3 In addition, the adopted Code of Conduct must include the provision for the inclusion in its register, and disclosure, of pecuniary interests and interests other than pecuniary interests.

5.2.4 In order to ensure that complaints about the conduct of Members are appropriately investigated the Council has set out a complaints procedure, including provision for consultation with the Council’s Independent Person. The procedure can be found on the Council’s website at: [Councillors Code of Conduct \(stevenage.gov.uk\)](http://www.stevenage.gov.uk/councillors-code-of-conduct)

5.2.5 The proposed draft Code of Conduct is adopted from the Model Code of Conduct produced by the Local Government Association and accords with the legal requirements set out in the 2011 Act.

5.2.6 The Independent Person, Dr Robert Cawley, has had sight of the Draft Code of Conduct. Dr Cawley is of the view that the Draft code greatly improves on the current version and is robust in that it follows the LGA model policy. He was satisfied that any questions he had about whistleblowing and the process followed upon receipt of a complaint about the conduct of a councillor are covered in other policy documents. It is his view that the Council is absolutely right to introduce a revised Code of Conduct, and noted we still await the outcomes from the Review of Local Government Ethical Standards: Stakeholder Consultation, which has been greatly delayed.

### **5.3 Risk Implications**

5.3.1 There are no risk implications arising as a direct result of this report.

### **5.4 Policy Implications**

5.4.1 There are no policy implications arising as a direct result of this report.

### **5.5 Planning Implications**

5.5.1 There are no planning implications arising as a direct result of this report.

### **5.6 Environmental Implications**

5.6.1 There are no environmental implications arising as a direct result of this report.

### **5.7 Climate Change Implications**

5.7.1 There are no climate change implications arising as a direct result of this report.

### **5.8 Equalities and Diversity Implications**

5.8.1 There are no equality or diversity implications arising as a direct result of this report.

Background documents:

BD1 [LGA Model Code of Conduct for Members](#)

BD2 [LGA Guidance to the Model Code of Conduct for Members](#)

BD3 [Local Government Ethical Standards A Review by the Committee on Standards in Public Life 2018](#)

Appendix A – Code of Conduct for Members