

<b>26 October 2022</b>		<b>ITEM: 10</b>
<b>Council</b>		
<b>Ethical Standards - Changes to the Constitution</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> n/a	
<b>Report of:</b> Standards and Audit Committee		
<b>Accountable Assistant Director:</b> Mark Bowen, Interim Head of Legal Services and Deputy Monitoring Officer		
<b>Accountable Director:</b> N/A		
<b>This report is</b> Public		

## **Executive Summary**

This report recommends changes to the Council's Constitution in accordance with recommendations made by the national Committee on Standards in Public Life in its report on Local Government Ethical Standards – to update the Member Code of Conduct. The report also recommends the adoption of the social media policy for Members.

### **1. Recommendation(s)**

- 1.1 The adoption of the Local Government Association Model Councillor Code of Conduct as set out in Appendix 1 to replace Members Code of Conduct 15 November 2013 set out in Chapter 7, Part 3.**
- 1.2 The adoption of the Social Media policy for Members as set out in Appendix 2 - to be incorporated into the Constitution as Chapter 7 Part 3A.**
- 1.3 To note that the Standards and Audit committee considered the LGA's Guidance on Member Code of Conduct Complaints Handling and recommended that the Monitoring Officer revises the Council's existing arrangements to reflect best practice for approval at a future meeting of Full Council.**

### **2. Introduction and Background**

- 2.1 At the Standards and Audit Committee meeting of 7 July 2022, we considered the report at Annex A, outlining proposed changes to the Council Constitution

in relation to the Member Code of Conduct and ethical standards. The proposed changes are in accordance with recommendations made by the National Committee on Standards in Public Life in its report on Local Government Ethical Standards and the LGA Model Member Code of Conduct.

- 2.2 We noted that the Council's current code of conduct was adopted in 2013 and has the potential to be refreshed. We considered that the LGA model code is clearer of the standards expected of Members than the Council's existing code. It provides clarity and advice about the application of the code in more detail and sets out obligations, which are the minimum standards of conduct required of a councillor
- 2.3 We also considered a proposed social media policy for Members, as use of social media by Members and managing it effectively can be challenging. Increasingly complaints received about Members originate or have some basis in social media comments and activities. We considered that the proposed social media policy for Members will assist Members in their use of social media. We agreed that the social media policy for Members be recommended to Full Council for adoption at the same time as the new code.
- 2.4 We also considered the LGA's, guidance on handling member code of conduct complaints and agreed that Monitoring Officer revises the Council's existing arrangements for handling Member Code of Conduct complaints to reflect best practice, to enhance public confidence in the process and to assist Members in understanding the process. This further work will report back to our committee for consideration and on to a future meeting of Full Council for approval.

### **3. Issues, Options and Analysis of Options**

- 3.1 It would be open to the Council not to approve the proposed changes to the Constitution. However, this is not recommended, as the proposed changes are in accordance with best practice in relation to ethical standards. The proposed amendments will provide clarity and ensure the Council's ethical governance processes are transparent, readily understood by members, officers, and the public, and thereby promote and maintain high ethical standards and enhance public confidence in the Council.

### **4. Reasons for Recommendation**

- 4.1 The recommendations are in accordance with the report of Local Government Ethical Standards and seek to improve the Council's ethical governance arrangements and transparency

### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 N/A

## **6. Impact on corporate policies, priorities, performance, and community impact**

6.1 The Council's Constitution supports the governance of the Council and its decision-making and conduct of elected Members thereby assisting the Council to meet its corporate policies, priorities, performance, and community impact.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Dammy Adewole**  
**Senior Management Accountant – Resources and Place Delivery**

The proposed changes to the Constitution and any training needs that may rise will be met by the Democratic Services budget.

### **7.2 Legal**

Implications verified by: **Gina Clarke**  
**Corporate Governance Lawyer and Deputy Monitoring Officer**

Section 27 of the Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct by members and co-opted members and to adopt a code dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.

Section 28 of the Localism Act 2011 requires the Council's Code to be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. The Council may revise its existing code of conduct under section 28(5) of the Localism Act 2011.

The Council's Member Code of Conduct form part of the Constitution. Only full Council may make changes to the Constitution.

### **7.3 Diversity and Equality**

Implications verified by: **Natalie Smith**  
**Strategic Lead – Community Development and Equalities**

No equality implications directly arise from this report.

7.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

The Council's Constitution – Council website

Report of the standards and Audit Committee 10 March 2022

Report of the standards and Audit Committee 7 July 2022 - Council website

9. **Appendices to the report**

- Appendix 1: Report of the Standards and Audit Committee – 7 July 2022

**Report Author:**

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