

COUNCIL

23 JANUARY 2017

REPORT OF THE MONITORING OFFICER

A.3 REVIEW OF THE MEMBERS' CODE OF CONDUCT

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To report on the outcomes of the Standards Committee's review into the Members' Code of Conduct and to seek Council's approval of suggested revisions to the Code of Conduct for adoption, with a commencement date of April 2018, to allow training to be undertaken by all Councillors between adoption and implementation of the Code.

EXECUTIVE SUMMARY

As part of its annual work programme the Standards Committee commenced a review of the Members' Code of Conduct in 2016, with particular attention paid to the definitions of interests.

At its meeting held on 29 June 2016 the Committee was informed that there would be some merit in undertaking a "light touch" review of the Code of Conduct and to consider removing the distinction between "Other and Non Pecuniary Interests" by joining them together and reviewing the definitions. The three different types of interest had caused confusion with Members and the public and therefore, could be made simpler. In addition, since adoption of the current Code, both elected Members and the general public had questioned whether the provisions on declarations of interests had gone far enough and whether the Council should be retaining a register of interests, extending beyond Disclosable Pecuniary Interests. Matters such as membership of various groups or organisations had caused concerns with both elected Members and the public where these were not registered, and whilst this was not required on a statutory basis, provisions could be included within the local Code. The Committee have discussed the advantages of a register of interests, beyond the statutory minimum which is required by the legislation and they had welcomed further exploration in this area.

The Monitoring Officer had informed Members that, nationally, a number of Councils had reviewed their Codes since adoption; some in response to feedback on definitions, or areas which were missing, or due to the lack of sanctions available if the obligations were compromised. New ideas such as a voluntary acceptance of suspension and a recall scheme were emerging and information on those could be presented to the Committee for its information through the review of the Code.

At the subsequent meeting of the Committee held on 26 September 2016, potential changes and additions to the Code were discussed to provide clarity in relation to:

- Separating the Rules of Conduct and General Obligations from the introduction and interpretation part of the Code;

- Merging Other Pecuniary Interests with Non-Pecuniary Interests; and the
- Effect of Other or Non-Pecuniary Interests on participation.

The Monitoring Officer was requested to produce a revised draft Code of Conduct for further discussion to take place. The Committee also received information on both a voluntary acceptance of suspension and a recall scheme and whilst expressed an interest in these concepts, it felt that such changes should only be considered for introduction and implementation of a Code of Conduct at the start of a new term of office, rather than mid-term. The Committee would revisit this again in 2018 in readiness for 2019.

At its meeting held on 28 June 2017, the Committee continued with its review on the Members' Code of Conduct and considered in detail the proposed changes made following the suggested revisions at its previous meeting. Further amendments were suggested by the Committee and consequently, although endorsing a revised Members' Code of Conduct, requested a final draft of the Members' Code of Conduct be presented to the next Committee meeting, before recommending the same to full Council.

Subsequently, at its meeting held on 27 September 2017 the Standards Committee agreed that following replacement of the use of the term 'you' to '*Member or Councillor*', the revised draft Members' Code of Conduct be recommended for adoption to Council with a commencement date of April 2018, in order to allow training to be undertaken by all Councillors between adoption and implementation of the Code.

The suggested revisions to the Members' Code of Conduct, shown with highlighted changes, are shown in Appendix A.

RECOMMENDATION

It is recommended that:

- (a) the revised Members' Code of Conduct, as set out in Appendix A, be approved for adoption with a commencement date of 1st April 2018;**
- (b) all Town and Parish Councils in the Tendring District be invited by the Monitoring Officer to adopt the same Code for their own Councils; and**
- (c) all Tendring District Council members attend mandatory training on the new revised Code of Conduct, review their Declarations of Interests, and provide any updates to the Monitoring Officer in accordance with the new revised Code of Conduct in readiness for 1st April 2018.**

LEGAL

The Localism Act 2011 ("the Act") places a statutory duty upon Councils to promote and maintain high standards of conduct amongst its own Elected Members and any co-opted Members. Strong ethical governance is critical to the corporate governance of the authority and also supports the Council's decision making processes across the organisation.

The Act requires Councils to adopt a code dealing with the conduct which is expected of

Members and also have in place effective procedures to enable the investigation of any complaints or allegations that a Member has been in breach of the Code of Conduct.

The definition of Disclosable Pecuniary Interests (DPIs) is contained within the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Section 27(12) of the Act requires that the Council must publicise the adoption, revision or replacement of its Code of Conduct.

The standards provisions within the Act equally apply to Town and Parish Councils and the Monitoring Officer's role of contributing to the promotion of high standards extends to advising Town and Parish Councils in relation to conduct matters. Any new arrangements will be promoted to the Town and Parish Councils to adopt where necessary.

APPENDICES

- Appendix A – Revised draft Members' Code of Conduct (Changes highlighted in yellow)