

TITLE	Consultation on the WBC Code of Conduct for Councillors
FOR CONSIDERATION BY	Standards Committee on 11 January 2021
WARD	None Specific
DIRECTOR	Deputy Chief Executive - Graham Ebers

OUTCOME / BENEFITS TO THE COMMUNITY

High ethical standards in local government help to build trust and confidence amongst local residents and communities.

RECOMMENDATION

That the Committee:

- 1) consider the responses received (Annex 2) in relation to the public consultation on proposed changes to the Code of Conduct for Councillors;
- 2) consider any further changes to the Code of Conduct for Councillors in light of the comments received;
- 3) consider any other issues arising out of the consultation exercise;
- 4) note that the Code of Conduct for Councillors will be reviewed on an annual basis.

SUMMARY OF REPORT

At its meeting on 12 October 2020, the Committee considered proposed changes to the Code of Conduct for Councillors in light of the Best Practice principles set out in the report of the Committee on Standards in Public Life (CSPL).

The Committee agreed to carry out a public consultation on the proposed amendments to the Code of Conduct. The consultation ran until 11 December 2020 and generated a number of comments from Town and Parish Councils, individual Members and members of the public.

The consultation comments are appended to the report for the Committee to consider. The Committee may wish to make further changes to the Code of Conduct prior to submission to the Constitution Review Working Group and full Council.

In line with best practice, the Code of Conduct for Councillors will be reviewed on an annual basis.

Background

At its meeting on 2 March 2020, the Committee considered the WBC Code of Conduct for Councillors in light of the Best Practice principles set out in the report of the Committee on Standards in Public Life (CSPL).

The CSPL report (January 2019) had concluded that the vast majority of local government Members and Officers wished to maintain the highest standards of conduct. However, there were ongoing examples of bullying, harassment and disruptive behaviours. The CSPL also identified risks around conflicts of interest, gifts and hospitality and expressed concern about the increasing complexity of decision making which put governance procedures under increasing strain.

The CSPL report included a list of Best Practice principles and suggested that each local authority compare existing arrangements against the list. The CSPL report stated: "Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them".

At its meeting on 12 October 2020, the Committee agreed changes to the Code of Conduct for Councillors which would be the subject of a public consultation exercise. The public consultation ran until 11 December 2020. As a reminder, the consultation document is set out at **Annex 1**. A number of comments were received from Town and Parish Councils, individual Members from the Borough, Town and Parish Councils and members of the public. The consultation responses are set out at **Annex 2** for the Committee to consider.

Best Practice 5

A number of consultation responses commented on best practice 5 – gifts and hospitality. The consultation document stated:

"Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV (a data record format).

Current situation – The gifts and hospitality register is being updated and will be published in line with Best practice 5. ***Views are sought on a proposal to amend the value of declarable gifts from £25 to £100.***"

The original CSPL report (2019) commented on gifts and hospitality as follows:

An individual threshold of £100 could allow a Councillor to accept significant gifts and hospitality from a single source on multiple occasions, without needing to register the fact that they have done so. £50 is the registration threshold for gifts or donations during election campaigns, which would then provide a consistent declaration threshold both during and outside election periods.

The CSPL report recommended that **"Councillors be required to register gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source"**. Members may wish to consider the issue of the threshold for registering gifts and hospitality further in light of the consultation feedback and the original recommendation from the CSPL.

Next Steps

Once agreed by Members, the final changes to the Code of Conduct for Councillors will be submitted to the Constitution Review Working Group for comment and then approved by full Council.

In line with the CSPL best practice principles, the Code of Conduct for Councillors will be reviewed by the Committee on an annual basis.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	N/A	N/A
Next Financial Year (Year 2)	£0	N/A	N/A
Following Financial Year (Year 3)	£0	N/A	N/A

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
The work and conduct of Members and Officers impacts on all aspects of the work of Borough, Town and Parish Councils

Reasons for considering the report in Part 2
Not applicable

Public Sector Equality Duty
The WBC Code of Conduct for Councillors contains a provision which states that Councillors must not do anything which may cause their Council to breach any of the provisions of the Equality Act 2010. Any alleged breaches relating to the Equality Act duties are addressed through the complaints procedure

List of Background Papers
Report of the Committee on Standards in Public Life – January 2019 LGA Model Member Code of Conduct – May 2020

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