

Agenda Item 7.

TITLE	Update on Member Code of Conduct
FOR CONSIDERATION BY	Standards Committee on 19 July 2021
WARD	None specific;
LEAD OFFICER	Monitoring Officer - Andrew Moulton

PURPOSE OF REPORT

The Council is bound to maintain a Councillor Code of Conduct and to publish arrangements to advise residents how complaints can be made under the Code.

RECOMMENDATION

The Committee is asked to agree its preferred approach to each of the following items:

1. the publication of Member names when breaches are resolved informally; and
2. the process for handling complaints made by a Town or Parish Clerk against a Councillor.

EXECUTIVE SUMMARY

The Standards Committee agreed to recommend to Council the Local Government Association (LGA) Model Code of Conduct, subject to the amendments agreed at its last meeting on 8 March 2021. Council on 22 July is being asked to approve this request.

Whilst considering the Model Code, Members felt that the following issues should be subject to further consideration:

- the publication of Member names when breaches of the Councillor Code of Conduct are resolved informally;
- the process for handling complaints made by a Town or Parish Clerk against a Councillor.

In addition, the following issues were raised which will be dealt with through a written advice note to Members prior to the meeting:-

- guidance on the timeframes for publishing different types of exempt/confidential information;
- clarification on the definition of “co-opted member” in the Model Code vis-à-vis the proposed Social Media Guidance;
- any implications relating to the declaration of interests in light of the number of Non-Executive Directors appointed by the Council.

This report sets out options or guidance for the Committee to consider.

Publication of Member Names where breach is resolved informally

1. The current procedure in the Constitution states:

9.1.14.2 Breach of Code of Conduct

Where a formal investigation finds evidence that the Subject Member has failed to comply with the Code of Conduct, the Monitoring Officer, in consultation with an Independent Person and the Chairman of the Standards Committee, shall make a decision to:

- a) *resolve the matter informally by asking the Subject Member to:*
 - i) *take part in mediation with the complainant in order to settle the complaint, provided both the Subject Member and the complainant are willing to do so, and/or*
 - ii) *make a written apology to the complainant which is acceptable to the Monitoring Officer and Chairman of the Standards Committee, and/or*
 - iii) *attend training and/or*
 - iv) *correct an entry in a register or correct a declaration made.*

*Where there has been a determination by the Monitoring Officer to resolve the matter informally, **the Subject Member's name will not be disclosed.***

2. The Committee is asked to consider whether it wishes to recommend to Council that the provision in bold above is removed from the Constitution, the effect of which would mean that the name of any Councillor found to be in breach of the Code of Conduct would be reported to Council.

Process for handling complaints made by a Town or Parish Clerk against a Councillor

3. The Committee for Standards in Public (CSPL) made the following recommendation in its 2019 report:

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

4. Under the current arrangements, the Monitoring Officer is available to advise Town and Parish Clerks on request to provide advice on this matter as appropriate. This approach works satisfactorily from the Monitoring Officer's perspective.
5. The Committee is asked to consider whether further safeguards along the lines of the CSLP should be taken forward.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces severe funding pressures, particularly in the face of the COVID-19 crisis. It is therefore imperative that Council resources are focused on the vulnerable and on its highest priorities.

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

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
The work and conduct of Councillors can impact all aspects of the Council's services.

Public Sector Equality Duty
<p>Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; • advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; • foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>An Equality Impact Assessment (EIA) is not relevant to this report.</p>

Reasons for considering the report in Part 2
Not applicable

List of Background Papers
LGA Model Member Code of Conduct: Consultation response analysis, November 2020

Contact Andrew Moulton	Service Governance
Telephone No Tel: 07747 777298	Email andrew.moulton@wokingham.gov.uk

This page is intentionally left blank