

REPORT OF: HEAD OF LEGAL AND DEMOCRATIC SERVICES

TO: COUNCIL

DATE: 27TH MARCH 2025

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OVERVIEW AND SCRUTINY REVIEW OF THE IMPLEMENTATION OF THE MEMBER CODE OF CONDUCT

PURPOSE OF REPORT

To consider and respond to Overview and Scrutiny recommendations following a review of the implementation of the Member Code of Conduct.

RECOMMENDATION

- (1) That Council notes the proposed changes to the Hearings Panel Hearing Procedure and approves the revised procedure as set out as an appendix to this report.
- (2) That Council adopt the Local Government Association Model Councillor Code of Conduct in full, without amendment.
- (3) That recommendations (1) and (2) above take effect from 16th May 2025 (the beginning of the Municipal Year).

REASONS FOR RECOMMENDATION

- (1) Overview and Scrutiny has conducted a thorough review of the Member Code of Conduct and has made its recommendations based on the evidence provided.
- (2) The evidence presented and observations made demonstrate that there are weaknesses in the Hearings Panel Hearing Procedure. The proposed amendments clarify the position with sharing witness statements/deadlines and will result in a consistent approach to Hearings.
- (3) Councillors have both an individual and collective responsibility to take decisions fairly, openly and transparently, maintaining high standards and demonstrating good conduct. In accordance with the Council's Priority 1, decisions must contribute to developing a Council that is as effective and efficient as it can be and ensuring that, as a borough Council we are fit for purpose.

The LGA Code has been developed in association with key partners, after extensive consultation with the sector and is designed to encourage good conduct and safeguard the public's trust in local government. Adopting the Code demonstrates the commitment to adopting the behaviours and responsibilities associated with the role of a councillor and takes into account the recommendation of the Council's auditors.

- (4) To allow time for Members to absorb the changes and attend the appropriate training.

ISSUE

The Overview and Scrutiny Committee agreed to carry out a review of the implementation of the Member Code of Conduct following concerns about the general conduct of meetings. It had been observed that failures to follow the correct procedures, such as the raising of Points of Order; and potential breaches of the Council's Code of Conduct for Members were not being addressed at the point at which they occurred. In addition, there was a view that the hearings process for dealing with breaches of the Code should be reviewed.

A Task and Finish Group was appointed to undertake the review, which was carried out over two meetings.

Meeting 1

The first meeting of the Task and Finish Group was held on 27th November 2024 where focus was placed on the Hearings Panel Hearings Procedure. The meeting was attended by the Head of Legal and Democratic Services who provided a briefing note with several appendices.

After detailed consideration of the information presented in the report and appendices, and in answer to questions of the Group, it was concluded that the six breaches of the Member Code of Conduct considered by the Hearings Panel in the past two years had highlighted weaknesses in the Hearings Panel Hearing Procedure, particularly in relation to the presentation of evidence and the calling of witnesses, most notably at the Panel Hearing in August 2024. It had been observed that the process had been inconsistent and conduct at Hearing Panels had been chaotic at times. On the advice of the Head of Legal and Democratic Services, Members agreed that the position with sharing witness statements/deadlines required clarification and that the Hearings Panel Hearing Procedure should be amended to deliver this.

Proposed revisions were presented to the Group and, subject to some amendments and additions, were accepted.

Meeting 2

The second meeting of the Task and Finish Group was held on 12th December 2024.

At this meeting, the Group considered the Member Code of Conduct. The meeting was again attended by the Head of Legal and Democratic Services and the briefing note, with appendices was resubmitted for consideration. This included the current Code of Conduct for Members and the Local Government Association (LGA) Model Councillor Code of Conduct.

In 2021, the Council had chosen not to adopt the LGA Model Code in full. However, since then, the Council's auditors had explicitly recommended that the Council adopts the Code in place of the existing one.

After considering all the information presented in the report of the Head of Legal and Democratic Services, and in answer to questions of the Group, the Group concluded that the Council should adopt the LGA Model Code of Conduct, in line with the recommendation of the Council's auditors.

The Task and Finish Group reported its findings to the Overview and Scrutiny Committee at its meeting on 16th January, where the following recommendations were agreed for submission to Council –

RECOMMENDATION

- (1) That Council notes the proposed changes to the Hearings Panel Hearing Procedure and approves the revised procedure as set out as an appendix to this report.
- (2) That Council adopt the Local Government Association Model Councillor Code of Conduct in full, without amendment.

REASONS

- (1) ***The evidence presented and observations made demonstrate that there are weaknesses in the Hearings Panel Hearing Procedure. The proposed amendments clarify the position with sharing witness statements/deadlines and will result in a consistent approach to Hearings.***
- (2) ***Councillors have both an individual and collective responsibility to take decisions fairly, openly and transparently, maintaining high standards and demonstrating good conduct. In accordance with the Council's Priority 1, decisions must contribute to developing a Council that is as effective and efficient as it can be and ensuring that, as a borough Council we are fit for purpose.***

The LGA Code has been developed in association with key partners, after extensive consultation with the sector and is designed to encourage good conduct and safeguard the public's trust in local government. Adopting the Code demonstrates the commitment to adopting the behaviours and responsibilities associated with the role of a councillor and takes into account the recommendation of the Council's auditors.

IMPLICATIONS

Policy:

None arising directly from this report.

Financial:

None arising directly from this report.

Legal:

None arising directly from this report.

Risk Management:

None arising directly from this report.

Health and Safety:

None arising directly from this report.

Sustainability:

None arising directly from this report.

Community Safety:

None arising directly from this report.

Equality and Diversity:

None arising directly from this report.

APPENDICES:

Appendix 1 - Revised Standards Hearing Procedure
Appendix 2 - LGA Model Councillor Code of Conduct

LIST OF BACKGROUND PAPERS

None