

8 November 2017**Agenda Item: 5****REPORT OF THE MONITORING OFFICER****THE CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS****Purpose of the Report**

1. To seek Committee's views on the existing Code of Conduct for Councillors and Co-Opted Members and the procedure for dealing with conduct allegations. The report will be accompanied by a presentation on the options available.

Information and Advice

2. The current Code of Conduct for Councillors and Co-Opted Members was adopted by the County Council in 2012 in accordance with the provisions of the Localism Act 2011. The procedure for dealing with conduct allegations was also adopted at that time, and updated in 2014.
3. Members have complained that current procedures are unsatisfactory, and indicated at the first meeting of Governance and Ethics Committee that a review would be appropriate.
4. A relatively small number of complaints have been considered under the procedure for dealing with conduct allegations, but it is still important to keep arrangements under review.
5. The Council's current Code of Conduct is based on the Local Government Association model, and adopts a relatively light-touch approach. Other options are available and these will be considered in detail during the meeting.
6. One option that could be considered is the adoption of protocols to give Councillors and Co-opted members clear guidelines on the standards of conduct expected. Any new protocols, and any relevant County Council protocols that are already in existence could be clearly referenced in a revised code of conduct.
7. For example, one area where Councillors might benefit from a clear protocol is use of resources. The Council has considered more than one complaint about the volume and content of letters issued by Councillors, which complainants have felt to be political in nature and therefore a misuse of resources.

Other Options Considered

8. The options will be considered and proposals developed by Members during the meeting.

Reason/s for Recommendation/s

9. To ensure the Council's conduct arrangements are effective and efficient.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) That Members consider what actions they require in relation to the issues contained in the report.
- 2) If Members consider that an appropriate way forward is to require all Councillors and Co-Optees to comply with specific protocols regarding conduct, to agree which protocols should be incorporated into a revised code of conduct.

Jayne Francis-Ward
Monitoring Officer and Corporate Director Resources

For any enquiries about this report please contact: Susan Bearman, Senior Solicitor, Legal Services

Constitutional Comments (SMG 10/10/17)

11. The Governance & Ethics Committee has responsibility for the implementation of and revision to all codes of conduct and practice of the County Council and is the appropriate body to consider the contents of this report. If the Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SES 10/10/17)

12. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Code of Conduct for Councillors and Co-Opted Members
- Procedure for Dealing with Conduct Allegations

Electoral Division(s) and Member(s) Affected

- All