

REPORT OF THE CHAIRMAN OF GOVERNANCE AND ETHICS COMMITTEE THE CODE OF CONDUCT FOR COUNCILLORS AND CO-OPTED MEMBERS

Purpose of the Report

1. To seek Council's approval of a revised Code of Conduct for Councillors and Co-opted Members and accompanying protocols, and a revised procedure for dealing with conduct allegations. To re-appoint the Independent Persons.

Information

2. In November 2017 Governance and Ethics Committee resolved that the existing Code of Conduct should be revised and further developed to include a range of specific protocols. A cross-party working group was established to develop the Code and protocols. At its meeting of 14 March 2018 Governance and Ethics Committee approved a suite of documents for further consideration by Full Council.
3. The purpose of the revised Code and protocols is to provide clear guidelines for Councillors and Co-opted Members. Governance and Ethics Committee will have a greater role in oversight; this will ensure transparency and also means that Councillors will have more involvement in ensuring the Code of Conduct is adhered to. Information regarding any breaches of the Code of Conduct will be published.
4. The suite of documents is as follows: -

Appendix 1	Code of Conduct for Councillors and Co-opted Members (revised)
Appendix 2	Councillor and Co-opted Member Interests Protocol (new)
Appendix 3	Councillor and Co-opted Member Protocol for use of Resources (new)
Appendix 4	Councillor and Co-opted Member Protocol in relation to Gifts and Hospitality (new)
Appendix 5	Social Media Protocol for Councillors and Co-opted Members (new)
Appendix 6	Procedure for dealing with Conduct Allegations (revised)
5. As well as introducing a requirement to comply with the various protocols listed, the revised Code of Conduct includes a statement reminding Councillors that they are ambassadors for the Council at all times when in public, some specific examples of the type of conduct that is not acceptable, and a reminder about the potential criminal sanctions for breaching the Code.
6. The proposed Member Interests Protocol provides guidance on registering and declaring interests.

7. The Protocol for use of Resources includes guiding principles about being mindful of costs and not using resources for political purposes. It also provides specific guidance, for example about volumes of printing, post and stationery, and stipulates that the only printing facilities to be used are the Council's Multi-Function Devices and Central Print . Governance and Ethics Committee will be responsible for overview of use of resources.
8. The Gifts and Hospitality Protocol largely mirrors the Council's existing protocol for staff. The Social Media Protocol complements the existing protocol for staff.
9. The main changes to the complaints procedure are aimed at ensuring the efficient resolution of complaints in the most transparent manner; enabling the Monitoring Officer to reject frivolous/vexatious/minor complaints, introducing the option of consulting the the Chair of Governance and Ethics Committee or a cross-party panel of Members at any stage, and ensuring overview by Governance and Ethics Committee.
10. Governance and Ethics Committee concluded that hearings under the Procedure for dealing with Conduct Allegations would be more effectively considered by a sub-committee. In light of this, the report on this meeting's agenda regarding establishment of committees for the forthcoming year, includes an ad-hoc sub-committee with a cross-party membership of 3.
11. In addition, Governance and Ethics Committee recommends that some changes are made to the procedure rules for Full Council and committee meetings, in relation to disorderly conduct in meetings. The proposed changes are included in a separate report to this meeting regarding changes to the Constitution.
12. If approved, the policies, protocols and procedures listed in the Code of Conduct will be published together on the Council's intranet for ease of reference, and hard copies will be supplied to political group Business Managers.
13. By law the Council is required to appoint at least one Independent Person to provide their views regarding any complaint alleging a breach of the Code of Conduct; the Council must take into account the Independent Person's views before making a decision in relation to a complaint. Charles Daybell and Robert Lilley have acted as the Council's Independent Persons since September 2012. It is proposed to re-appoint them for the forthcoming year.
14. In light of the length of time the Independent Persons have been appointed, it is proposed that a full recruitment process is undertaken for 2019-20. The vacancies will be advertised together with Nottinghamshire Police and Crime Panel vacancies to save costs. Advertisements will encourage applications from all communities to ensure appointments represent Nottinghamshire's population appropriately. It is proposed that Governance and Ethics Committee oversees the process.
15. Finally, Council should note that the Committee on Standards in Public Life launched a call for evidence on 30 January 2018 in order to examine the structures, processes and practices in local government in England in relation to conduct matters. If there are any changes in legislation as a result of this review then the Code of Conduct and associated complaints procedure may need to be reviewed again.

Other Options Considered

16. Council may decide that the proposed new protocols are not all required, or to make minor amendments.

Reason/s for Recommendation/s

17. To ensure the Council's Code of Conduct for Councillors and Co-opted Members, and associated complaints procedure operate effectively to contribute to high ethical standards within the County Council.

Statutory and Policy Implications

18. 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.

Financial Implications

19. No allowance is payable to the Independent Persons; the only costs associated are travel and subsistence; appointing two people has a negligible impact on costs and helps ensure availability. The introduction of a Use of Resources Protocol encourages cost effective use of resources. Independent Person recruitment costs will be met from the Democratic Services budget.

RECOMMENDATION/S

- 1) To approve the revised Code of Conduct for Councillors and Co-opted Members and accompanying protocols, and a revised procedure for dealing with conduct allegations as set out in the Appendices to the report.
- 2) To re-appoint Charles Daybell and Robert Lilley as the Council's Independent Persons for the forthcoming year, and to commence a full recruitment process for 2019-20 with oversight by Governance and Ethics Committee.

Councillor Bruce Laughton
Chairman Governance and Ethics Committee

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Constitutional Comments (SMG 19/04/18)

20. County Council is the appropriate body to consider the content of this report.

Financial Comments (RWK 26/04/2018)

21. The financial implications are set out in paragraph 19 of 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.

- Governance and Ethics Committee report dated 14 March 2018 (published)
- Governance and Ethics Committee report dated 8 November 2017 (published)

Electoral Division(s) and Member(s) Affected

- All