

<b>Meeting:</b>	<b>Audit and governance committee</b>
<b>Meeting date:</b>	<b>Thursday 30 July 2020</b>
<b>Title of report:</b>	<b>National model code of conduct consultation</b>
<b>Report by:</b>	<b>Solicitor to the Council</b>

## **Classification**

Open

## **Decision type**

This is not an executive decision

## **Wards affected**

(All Wards);

## **Purpose**

To consider whether a council response should be submitted in respect of the current national model code of conduct consultation.

## **Recommendation(s)**

**That:**

- (a) The committee consider whether a council response to the national code of conduct consultation be submitted; and**
- (b) If the committee approves a council response, the solicitor for the council be authorised to submit one by the deadline of 17 August 2020**

## **Alternative options**

1. It is up to the committee to determine whether or not a council response is submitted in respect of the consultation. The committee could decide not to submit a response but this would not be recommended because if a national code of conduct was adopted then the views of Herefordshire would not have formed part of consideration process.

2. The survey is open to anyone who wishes to respond and the committee may wish that individual responses are submitted rather than a council response. If a council response is submitted, then individual responses can still be provided as it is an open survey.

## Key considerations

3. Under the Localism Act 2011, Section 27 (2), the council is required to adopt a conduct of code which is applicable to all Herefordshire council members and co-optees. There is currently no model code for council's to adopt or amend.
4. Parish councils may choose to adopt their principal authority's code of conduct. Herefordshire Council is a principal authority and the majority of parish councils within Herefordshire have adopted the most current version of the code dated 25 May 2018.
5. On 30 January 2019, the Committee on Standards in Public Life (CSPL) published its review on [Local Government Ethnical Standards](#). Recommendation 1 was that the "The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government."
6. On 24 September, 2019 as part of the annual code of conduct report, the committee received an assessment and recommended changes to Herefordshire's code and arrangements against the best practice and recommendations contained within the CSPL report.
7. On 8 June 2020, the Local Government Association launched a national survey on a draft model code of conduct which will run until 17 August 2020. The model code and survey is attached at appendices 1 and 2 respectively for ease of reference.
8. The independent persons were consulted on their views on the model code and survey and 2 responses were received. Their views are attached at appendix 3.
9. The code of conduct for Herefordshire Council was reviewed in 2017 and 2018. Both reviews were undertaken by a cross-party working group making recommendations to audit and governance and then full Council.
10. There are some differences which should be noted between the draft model code and the current Herefordshire code which are:
  - i. There are clearer definitions on the expectations with regard to councillors' conduct in the model code
  - ii. The draft code proposes "Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council" and the Herefordshire code is currently "Membership of any body:"
  - iii. There would be a requirement to declare any bodies / organisations to which members are appointed by the council.
  - iv. There would be no requirement to declare a membership of a body / organisation which "is not open to the public without formal membership"
  - v. The Herefordshire code includes the requirement to provide details of any gifts or hospitality which have been received up to a value of £20. The proposed code would change the value to £25 of those accepted only and would not form part of the register of interests.

- vi. There would be no requirement to declare membership of a trade union.
- 11. It is for the committee to determine whether a response on behalf of Herefordshire Council should be submitted to Local Government Association survey. A draft survey response is attached at appendix 4 for discussion by the committee, based upon a comparison of Herefordshire council's code compared with the model code and the independent person's views.

## **Community impact**

- 12. The code of conduct sets out the standards for councillors when undertaking their duties as a councillor. Having a clear and unambiguous code will enable residents of Herefordshire to understand the conduct which they should expect to receive from councillors.

## **Equality duty**

- 13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 14. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

## **Resource implications**

- 15. There are no resource implications as it is a response to a national survey.

## **Legal implications**

- 16. There are no legal implications as it is a response to a national survey

## **Risk management**

- 17. There are no risks as it is a response to a national survey.

## **Consultees**

- 18. The independent persons for standards were consulted and their views have been incorporated into the report.

## **Appendices**

Appendix 1    Proposed national model code of conduct

Appendix 2    Survey questions

Appendix 3    Independent person's views

Appendix 4    Suggested survey answers

## **Background papers**

None identified.