

COUNCIL

16 January 2020

Report of the Monitoring Officer

REVIEW OF THE DISTRICT COUNCIL'S CODE OF CONDUCT FOR ELECTED MEMBERS

PURPOSE OF REPORT

This report seeks Council's approval of revisions to the Code of Conduct for all Councillors, in light of a recent internal audit report and to reflect recent changes to legislation.

RECOMMENDATION

That the revised Code of Conduct is approved with immediate effect.

WARDS AFFECTED

None

STRATEGIC LINK

An effective Code of Conduct for elected Councillors aims to support a good governance framework which underpins all actions of the District Council corporate objectives. Compliance with the Code also mitigates risk to the Council.

1. BACKGROUND

- 1.1 In April 2019, an internal Audit report concluded a review of Gifts, Hospitality and Register of Interests with a rating of Substantial Assurance. One of the recommendations was to "consider reinstating the requirement for Members to declare gifts and hospitality accepted and rejected.
- 1.2 Prior to 2012 the national Code of Conduct required all Councillors to declare gifts and hospitality over £25. The Localism Act of 2011 removed the requirement for a national code and all local authorities have since been required to publish a Code based on the 7 principles of public life plus any other requirements considered necessary and proportionate. At that time the Register of Gifts and Hospitality contained minimal entries and the Council decided that it was not proportionate to require Councillors to declare receipt.
- 1.3 The Code of Conduct was last reviewed in 2017.
- 1.4 The Monitoring Officer has responsibility to make sure that the Code is regularly reviewed; is proportionate and is objective in terms of being able to assess and ultimately investigate complaints. In thinking through the Internal Audit recommendation all Councillors were consulted on ways in which to improve the Code

1.5 A copy of the proposed revision is attached with additions and improvements highlighted in red.

2. PROPOSED AMENDMENTS

2.1 The Code has been updated generally to make specific reference to significant local policy in support of the District Council's public sector equality duty and to link to other policy areas such as the adopted Planning Code of Good Practice. The additions aim to bolster areas where the Council would otherwise be at significant risk and aim to demonstrate to the public that our governance structure is strong.

2.2 On the issue of whether or not to introduce a register for gifts and hospitality, the Monitoring Officer's view is that the Councillor's Code should mirror that of our employees and where the public's confidence is considered to be most strongly supported by a Code which does not allow the acceptance of any gifts or hospitality, save for specified exceptions. The suggested amendment to the Code is therefore taken from the Employee Code of Conduct. In terms of being able to objectively assess a complaint, the Monitoring Officer considers that this amendment is much stronger and proportionate to the level of effort required in proving a complaint. The Internal Audit's specific recommendation is therefore not accepted as written, but the suggested amendment would provide a stronger and clearer framework for a Councillor to work with.

2.3 A common suggestion which has not been incorporated, relates to attendance at meetings, workshops and other events. Specific reference has not been made in the Code to require attendance save for member training as it is unenforceable by a local Code. Requiring attendance at meetings is no longer seen as the role of Councillor and is reflected in the power to create an allowance scheme where attendance is not a measure of effectiveness. Councillors are expected to be community leaders and the role is much better defined in the Role Profile which is now linked to the Code. A copy of the current role profile is attached for information. Common law also provides that a Councillor is automatically disqualified from holding office if they fail to attend a meeting within 6 months.

3 RISK ASSESSMENT

3.1 Legal

Elected Members are bound by the Code of Conduct upon taking office as set out in Localism Act 2011. In revising its Code of Conduct the District Council should ensure that the revised Code is publicised as required under s.28 (12) of the Act and that all Councillors are aware of the changes.

The proposed changes seek to improve the provisions in a proportionate manner. The legal risk is therefore low.

3.2 Financial

The financial risk arising from this report is low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services and Monitoring Officer

Telephone: 01629 761281;

Email: sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

Internal Audit Report – April 2019

7 ATTACHMENTS

Appendix 1 - Code of Conduct

Appendix 2 - Role Profile