
Audit and Standards Committee – 6th December, 2021

Report of the Monitoring Officer

Members' Code of Conduct and Standards Arrangements

Purpose

1. To invite the Committee to consider and make a recommendation to the Council on the adoption of a revised Members' Code of Conduct based on the Local Government Association's Model Code of Conduct and to update the associated arrangements for dealing with standards allegations under the Localism Act 2011.

Recommendations

2. That the Council be recommended:
 - To approve the revised Members' Code of Conduct and associated standards arrangements, as attached to this report, to be effective from 6th May, 2022.
 - To authorise the Monitoring Officer to arrange training for all Members of the Council and Co-opted Members on the revised Members' Code of Conduct in due course.

Background

3. In 2019, the Committee on Standards in Public Life published a report which recommended creating an updated Model Code of Conduct by the Local Government Association (LGA) in consultation with representative bodies of Councillors and Officers of all tiers of local government.
4. During 2020, the LGA conducted a consultation to gather views on its draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information team via an online questionnaire and by email. Over 1600 written responses to the consultation were received by the LGA. In addition, workshops of Members and Monitoring Officers took place to discuss the approach and content of the revised Code. The Council contributed to this consultation.

5. The final Model Code of Conduct for Councillors was subsequently approved by the LGA and made available to all Local Authorities.
6. The purpose of the Model Code of Conduct is to assist Councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against them. It has been updated and includes behaviour in the era of social media.
7. It also aims to protect the public, Councillors, Local Authority Officers and the reputation of Local Government. It sets out general principles of conduct expected of all Councillors and the specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillors and Local Government.
8. The Model Code of Conduct covers the following areas:
 - Respect
 - Bullying, harassment and discrimination
 - Impartiality of Officers of the Council
 - Confidentiality and access to information
 - Disrepute
 - Use of position
 - Use of Local Authority resources and facilities
 - Complying with the Code of Conduct
 - Protecting your reputation and the reputation of the Local Authority
 - Interests and gifts and hospitality
9. The LGA are planning to undertake an annual review of the model Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.
10. On 16th July, 2012, Dudley Council approved a report on the necessary actions to implement the statutory standards arrangements as contained in the Localism Act 2011. This included the adoption of a Members' Code of Conduct based on the national model Code available at that time. In addition, the Council approved the development of local arrangements and procedures for dealing with standards allegations and complaints made under the Members' Code of Conduct. These detailed documents are set out in the Council's Constitution. The documents are largely unchanged since they were adopted in 2012.
11. The Members' Code of Conduct and the associated procedures have worked effectively since they were introduced in 2012. Although there has been no change in the primary legislation, it is now timely to review and update the documents taking account of the new national Model Code of Conduct issued by the Local Government Association.

12. The Committee is invited to consider the draft documents attached to this report and make a recommendation to the Council to adopt the revised Members' Code of Conduct along with the associated standards arrangements. The proposal is to introduce the new Code and standards arrangements effective from 6th May, 2022. The documents are based on the LGA model and reflect aspects of our own local choice and operational experiences. Subject to the Council's approval, suitable training will be made available for all Members of the Council and Co-opted Members in due course.

Finance

13. Any financial implications arising from the implementation of the revised Members' Code of Conduct and the associated standards arrangements will be met from existing resources.

Law

14. The relevant provisions are contained in the Localism Act 2011 together with regulations, orders and statutory guidance issued by the Secretary of State.

Risk Management

15. This report complements the objectives of the Council's Risk Management Framework by maintaining and supporting strong corporate governance arrangements.

Equality Impact

16. The Members' Code of Conduct reflects the Council's commitment to equality and diversity and compliance with statutory duties under the Equality Act 2010 and other relevant legislation. This includes a commitment to behaviour that is consistent with the seven principles of public life and with specific reference to the promotion of equality.

Human Resources/Organisational Development

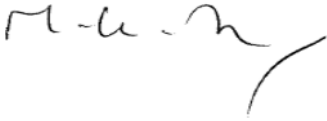
17. The administration of the Members' Code of Conduct and standards arrangements is primarily undertaken by the Monitoring Officer with support from the Democratic Services Team. There are no additional human resources or organisational development implications.

Commercial/Procurement

18. There are no commercial or procurement implications arising from this report.

Council Priorities

19. The Members' Code of Conduct and standards arrangements are key governance documents, forming part of the Council's Constitution, which underpin the delivery of Council priorities including the Borough Vision, Council Plan and Future Council Programme.



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List of Background Documents

[Local Government Association – Model Members' Code of Conduct Report and Minutes of the Council – 16th July, 2012](#)
[The Council's Constitution](#)