

North East Derbyshire

Standards Committee

30 June 2021

Draft new Code of Conduct for Councillors

Report of the Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Sarah Sternberg, Monitoring Officer

PURPOSE / SUMMARY

To present for Members consideration a new draft Code of Conduct for Councillors based on the new Local Government Association Model Code.

RECOMMENDATIONS

1. That Members consider and comment on the draft Code of Conduct for Councillors.
2. That Members recommend to Council adoption of the draft Code of Conduct for Councillors.
3. That Members identify the training for all District Councillors on the new Code of Conduct for Councillors and how it is to be provided.
4. That Members consider the approach to the Parish and Town Councils recommending that they adopt the Local Government Association Model Code of Conduct for Councillors

Approved by the Portfolio Holder – As this is a matter for the Standards Committee and Council this approval is not needed.

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no financial consequences of adopting a new Code of Conduct for Councillors

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

The Council is required to have a Code of Conduct for Councillors by the Localism Act 2011. The Local Government Association has produced a model Code following the recommendations of the Committee for Standards in public life. The Council must therefore consider the model and it is good practice to adopt the model as amended to meet the council's circumstances. The model does not introduce any areas that are not currently part of the Code of Conduct either explicitly or implicitly. Rather it clarifies the expectations in relation to the conduct of Councillors in carrying out their role.

On Behalf of the Solicitor to the Council

Staffing:

Yes

No

Details:

There are no additional staffing issues resulting from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	N/A
<p>District Wards Significantly Affected</p>	All indirectly through the behaviour of Councillors representing them.
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	All Members will be consulted at Council when the draft Code is presented following Standards Committee

<p>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</p>
<p>This is an ethics issue covering the behaviour of all Councillors.</p>

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 As Members may recall, following the recommendations of the Committee for Standards in Public Life, the Local Government Association has produced a model Code of Conduct for Councillors. Members of the Committee considered the draft Code at a previous meeting. This report is accompanied by a draft Code for North East Derbyshire Councillors.

- 1.2 It is necessary to consider and recommend to Council what training should be undertaken on the new Code of Conduct for Councillors once adopted by Council.
- 1.3 In addition, as the Monitoring Officer and Standards Committee for the Parish and Town Councils in the North East Derbyshire Council area we need to inform them of the adoption (post Council) of the new code and recommend it to them for adoption.

2. Details of Proposal or Information

2.1 Members are invited to consider and comment on the draft and then to recommend to Council the final version.

2.2 in considering the draft, Members should be aware that in its current form which follows the LGA model:

- There is no provision for the declaration of an interest that is not significant. The interest is declarable or it is not. If it is declarable the Councillor must leave the meeting following declaration.

This is different from the current Code which splits the non statutory interests into “Other Interests” where the Councillor can declare stay speak and vote and “Significant Other Interests” where the Councillor would declare and leave the meeting. This allows Councillors to make colleagues and the public aware of a connection which doesn’t amount to a conflict of interest meaning that the Councillor should not take part and should leave the meeting. This aids the transparency of Councillors’ interests and enables Councillors to tell the public and have it recorded that there is a connection which doesn’t amount to a conflict of interest.

Members should consider whether they wish this to be reinstated in the new Code.

- Provision will need to be made for the granting of dispensations. This is included in the current Code and has therefore been added to the draft.
- The current Code includes reference to Councillors’ obligation to attend Essential Training which is missing from the LGA model. The current Code includes a requirement to attend essential training as listed in an appendix to the code. This has been included in the draft.

Members need to confirm if they are happy with this.

- The Current Code contains an explanation of Predetermination or Bias. This has also been included in the Code.
- Members are also asked to identify any other matters which they feel should be included in the Code.

2.2 The Local Government Association (LGA) will undertake an annual review of their model Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to

town and parish councils.

- 2.2 In relation to training, a session has been run recently in relation to the current Code of Conduct. This was reasonably well attended. However it is important that all District Councillors are informed of the contents of the new Code of Conduct for Councillors and are able to ask questions on its contents. One way of doing this is by doing a presentation to Council on the contents as part of the referred item from Standards Committee.
- 2.3 Alternatively a separate session could be arranged for Members.
- 2.4 In addition it could be useful to have a briefing note explaining the differences. Members need to decide their preference.
- 2.3 In relation to the Parish and Town Councils, it is suggested that the Chair of Standards Committee and the Monitoring Officer write to the Chairs of the Parish and Town Councils following adoption by the Council and recommend adoption of the North East Derbyshire District Council Code of Conduct for Councillors. This is particularly relevant where some Parish Councils have a code, the contents of which are solely the Nolan principles.

3 Reasons for Recommendation

- 3.1 To ensure that the District Council and Parish and Town Councils have a Code of Conduct for Councillors which follows best practice and that the Councils' ethics are beyond reproach.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternatives.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft North East Derbyshire District Council Code of Conduct for Councillors
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	