

## Report of Head of Legal Services

### Updated Code of Conduct

#### Purpose of report

1. To update Members on the best practice recommendations from the recent report published by the National Committee on Standards in Public Life and to put forward a revised draft code of conduct for approval.
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#### Recommendation

***It is recommended that the Authority approves the draft code of conduct which has been revised to take into account areas of best practice identified by the National Committee on Standards in Public Life.***

#### Introduction and Background

2. In 2018, the National Committee on Standards in Public Life (also referred to as the Nolan Committee) undertook a review of the effectiveness of the current arrangements for standards in local government. The review examined whether the structures, processes and practices are conducive to high standards of conduct in local government and a report was published earlier this year.
3. The review has not revealed any widespread standards problems within local government and found that the vast majority of members and officers maintain high standards of conduct. However, the Nolan Committee has highlighted some areas that need to be clarified and strengthened. The report sets out a number of recommendations to government and specific groups of public office holders, which include changes to current legislation and also specified areas of best practice for local authorities to consider.
4. The recommendations for government to consider include:
  - power for local authorities to suspend councillors without allowances for up to six months;
  - abolition of the criminal offences in relation to disclosable pecuniary interests;
  - including categories of non-pecuniary interests in registers of interests; and
  - establishing a legal requirement to maintain a gifts and hospitality register.
5. The Government has not yet published any responses to the Nolan Committee report, however local authorities can begin to undertake work to

ensure that their structures, processes and practices meet the areas of best practice put forward by the Nolan Committee.

## **Best Practice Recommendations**

6. Members may be aware that most councils in Worcestershire, together with the Fire Authority have adopted the same code of conduct (the pan-Worcestershire Code). The Monitoring Officers for these authorities regularly meet to discuss standards issues and have reviewed the best practice recommendations and the code of conduct in light of the recent Nolan Committee review.
7. **BP1 – the Code of Conduct should include prohibitions on bullying and harassment, with definitions and examples.**  
The current code prohibits bullying but gives no definitions or examples. This has now been rectified in the proposed revised code attached at Appendix 1.
8. **BP2 - the Code of Conduct should require councillors [and fire authority members] to comply with formal standards investigations and prohibit trivial and malicious allegations by councillors [and fire authority members].**  
This Authority has had no formal investigations in recent years and there is no history of any member obstructing an investigation. The best way of dealing with trivial and malicious allegations is through robust filtering right at the start of the process and avoiding tit-for-tat complaints. This filtering process is already built into the Authority's agreed procedure for handling complaints under the code of conduct. The consensus amongst the Worcestershire Monitoring Officers was that a simple obligation to co-operate with any standards investigations will suffice.
9. **BP5 – local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.**  
This Authority already has a gifts and hospitality register in place for both members and for staff. The protocol on gifts and hospitality for members is included in the constitution and currently requires any gift or hospitality worth more than £5 to be recorded. In discussion, the Monitoring Officers considered that £15 was a suitable value threshold for such registration to meet the purpose of transparency. The gifts and hospitality protocol has now been amended accordingly and incorporated into the code of conduct itself.

## **Conclusion/Summary**

10. In response to the areas of best practice set out by the Committee on Standards in Public Life, the current code of conduct has been reviewed by the Monitoring Officers group. The Monitoring Officers agreed that the current code remained fit for purpose, but would benefit from some small amendments to reflect the areas of best practice identified by the Committee on Standards in Public Life. The revised draft code of conduct is attached and recommended for approval.

## Corporate Considerations

<b>Resource Implications</b> (identify any financial, legal, property or human resources issues)	Any further training required for Members on the revised code of conduct can be carried out in-house by officers.
<b>Strategic Policy Links</b> (identify how proposals link in with current priorities and policy framework and if they do not, identify any potential implications).	The members Code of Conduct links with the Service values
<b>Risk Management / Health &amp; Safety</b> (identify any risks, the proposed control measures and risk evaluation scores).	The proposed amendments to the code of conduct will help to reduce risks associated with decision making
<b>Consultation</b> (identify any public or other consultation that has been carried out on this matter)	The Worcestershire Monitoring Officers have discussed the best practice recommended by the Nolan Committee.
<b>Equalities</b> (has an Equalities Impact Assessment been completed? If not, why not?)	No, the recommendation contained in this report does not require any policy change and therefore does not require an EIA.

## Supporting Information

Appendix 1 – revised draft Code of Conduct

Background papers – [Local Government Ethical Standards: A Review by the Committee on Standards in Public Life – January 2019](#)