

TEWKESBURY BOROUGH COUNCIL

Appendix 1

Report to:	Standards Committee
Date of Meeting:	19 September 2022
Subject:	Review of Code of Members' Conduct / draft Gloucestershire Councils' Code
Report of:	Corporate Director
Head of Service/Director:	Corporate Director
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	One

Executive Summary:

This report sets out a proposal to review the Code of Members' Conduct and to introduce a common Code of Conduct for all Councils within Gloucestershire.

Recommendation:

The Committee is asked to consider the draft Code of Members' Conduct attached at Appendix 1 and approve a draft for consultation with all Councillors as set out in Paragraph 2.7 of this report.

1.0 INTRODUCTION

- 1.1** The Council's Code of Members' Conduct has been in place since 1 July 2012 when it was adopted in response to the Localism Act 2011 which made significant changes to the Councillor conduct regime. The national mandatory Code of Conduct, the Standards Board and sanctions to suspend or disqualify Councillors from Office were removed and Councils were given the freedom to adopt their own Codes of Members' Conduct.
- 1.2** During 2018/19 the Committee on Standards in Public Life (CSPL) undertook a review of Local Government ethical standards and the Standards Committee made a formal response to the consultation which took place in 2018. The review concluded by CSPL issuing a report, in January 2019, making a series of recommendations, some asking the Government to make changes to legislation and others which were 'best practice' recommendations which did not require changes in legislation and could be implemented by individual local authorities. The Standards Committee considered the CSPL recommendations at its meeting on 16 September 2019.

1.3 CSPL noted a wide disparity in the style and content of local Codes of Conduct and that within the same geographical area, different Codes of Conduct could be in place at County, District and Parish Council levels which caused confusion to the public and potentially to 'multi hatted' Councillors. CSPL recommended that the Local Government Association (LGA) develop a Model Code of Conduct that Councils could choose to adopt and/or adapt to suit their circumstances. The LGA accepted this recommendation and completed work on a Model Code of Conduct in December 2020, which has since been modified to correct a number of minor anomalies. The current version of the LGA Code is available on the LGA website at <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>.

1.4 The experience of CSPL in the disparity of local Codes of Conduct referred to above is replicated within Gloucestershire with different Codes being in use in the County, District/ Borough and Town/ Parish Councils. The LGA Model Code does not differ significantly in content from the Code already in use at Tewkesbury Borough Council, although the style and language is different.

2.0 DEVELOPMENT OF A GLOUCESTERSHIRE CODE OF MEMBERS' CONDUCT

2.1 The Gloucestershire Local Authority Monitoring Officers have met to discuss the possibility of introducing a common Code of Conduct for use across all tiers of local government in Gloucestershire.

2.2 It is recognised that Councils' starting points are very different. Some have already adopted the LGA Model Code in its entirety, others consider their existing Code to be effective and felt in no rush to change it. However, the potential benefits of having a shared Code have created a strong case for convergence and alignment.

2.3 These potential benefits have been strengthened by the involvement of Gloucestershire Association of Parish and Town Councils (GAPTC) in the Monitoring Officer Group discussions. Whilst individual Parishes are under no obligation to adopt a common Gloucestershire Code, GAPTC is extremely supportive of them doing so, as it will enable them to provide better advice, support and training. As far as the Town and Parish Councils within Tewkesbury Borough are concerned, 39 of the 43 Town and Parish Councils have adopted the Code recommended to them in 2012 by the Standards Committee, which is based upon the Council's Code with suitable amendments to reflect the Town / Parish status.

2.4 The Gloucestershire Monitoring Officers have considered and discussed the form and content of the Code that they are prepared to recommend to their authorities. The work undertaken by the Monitoring Officers has now reached the point at which the draft Code of Members' Conduct, attached at Appendix 1, is being put forward to all seven Councils for consultation and consideration. While the content of the draft Code is fully consistent with that of the LGA Model Code, its style and layout is different.

2.5 There will, inevitably, be some minor differences between the Codes adopted by the seven Councils, including the following:

- The sections on executive decision making will not feature in the version of the Code which applies to those Councils who operate a Committee system of governance rather than executive arrangements.
- There may be some minor variations over such issues as the value over which gifts and hospitality must be declared.
- Not all of the clauses in the attached draft Code are relevant to Parish and Town Councils and therefore the version being produced by the Gloucestershire Monitoring Officers for use by those Councils will omit those matters.

Nevertheless, it is intended that in all other respects, the wording of the Codes of the seven Gloucestershire Principal Councils should be identical.

- 2.6** It is proposed that the draft Code of Conduct is used as the basis for each Council to consider whether it meets with their requirements recognising that the individual Council will determine how best to proceed. It is envisaged that the Monitoring Officers will meet to consider the outcome of the consideration by the seven Councils and whether any revisions to the attached draft should be recommended.
- 2.7** In the case of Tewkesbury Borough Council, it is suggested that the Committee approves the attached draft for the purposes of consultation with all Members and that any feedback received from that consultation, together with any received from other Councils, be referred back to the Standards Committee to enable it to make a recommendation to Council on revisions to its Code of Members' Conduct. It is suggested that Member consultation commence following the meeting, with a deadline for responses of 14 October 2022.

Background Papers: None

Contact Officer: Corporate Director Tel: 01684 272011
sara.freckleton@teWKesbury.gov.uk

Appendices: 1. Draft Code of Members' Conduct