



Standards Committee

2 July 2018

Revisions to the Code of Conduct for Councillors and Co-opted Members

Report of the Monitoring Officer

1. Summary

- 1.1 Following the Standards Committee's successful review of the Borough Council's Constitution over the last 18 months and the previous Monitoring Officer's report to the last Standards Committee, it was agreed that revisions to the current Code of Conduct should be considered.

The report of the Monitoring Officer supplied at the April 2018 meeting of the Standards Committee identified that, in common with many other authorities, the Borough's Code of Conduct is brief, and broadly limited to the requirements for the registration of Disclosable Pecuniary Interests and the adoption of the Nolan principles. The previous report noted in particular that there was scope for improvement in the way in which non-pecuniary interests are handled at Council meetings.

- 1.2 This report seeks to identify potential areas of addition and amendment to the Borough Council's Code of Conduct and seeks to progress the work of the Committee in considering revisions to the Borough Council's Code of Conduct.

2. Recommendation

It is **RECOMMENDED** that

- a) The Committee consider the issues raised in this report and comment upon them at the meeting;
- b) Appropriate areas for inclusion in the Borough Council's Code of Conduct be identified;
- c) Methodology for dealing with non-pecuniary interests be considered.

3. Reasons for Recommendation

- 3.1 The Borough Council has a duty to keep its Code of Conduct up to date (section 37 of the Local Government Act 2000) and it should include provisions which the Council considers appropriate in connection with the registration and

disclosure of interests (both pecuniary and otherwise) under the provisions of Chapter 7 of the Localism Act.

4. Supporting Evidence

4.1 At the April 2018 meeting of the Standards Committee, it was agreed that the Codes of Conduct for Nottingham City Council and Gedling Borough Council would be considered to ascertain whether there were any elements from these codes which could be usefully incorporated into the Borough Council's Code of Conduct, particularly with regard to non-pecuniary interests. The previous Committee Chairman suggested that the recently revised code of Nottinghamshire County Council should be considered as an appropriate starting point, noting that a number of Rushcliffe Borough Council councillors also served at other tiers of local government including at county level. Although the underlying principles between codes of different authorities and tiers of local government are hopefully largely consistent, it was felt that some level of uniformity between different codes may assist Councillors in dealing with matters relating to conduct. The Nottinghamshire County Council code of conduct is attached at **Appendix 1** to this report. It is noted that the Nottinghamshire County Council code is slightly broader in its scope and extent than the current Rushcliffe Borough Council code.

4.2 Committee members will note in particular that the Nottinghamshire County Council code includes the requirement for councillors to comply with policies, protocols and procedures relating to the following areas/activities:

- i) Councillor Divisional Fund Policy and Guidance (**Appendix 2**)
- ii) Equality and Diversity policy (**Appendix 3**)
- iii) ICT policy and Councillor's ICT Acceptable Use Guidance
- iv) Information Management policies (**Appendix 4**)
- v) Travel and Accommodation policies (**Appendix 5**)
- vi) Councillor Interests Protocols (**Appendix 6**)
- vii) Councillor Gifts and Hospitality Protocol (**Appendix 7**)
- viii) Councillor Use of Resources Protocol (**Appendix 8**)
- ix) Councillors' Social Media Protocol (**Appendix 9**)
- x) Protocol for Councillor and Officer relationships (**Appendix 10**)
- xi) Protocol for investment in outside bodies (**Appendix 11**)
- xii) Councillors' allowances Scheme
- xiii) Disclosure and barring Scheme checks procedures
- xiv) Procedure rules for meetings of Full Council and Committees

Items i – xi (excluding item iii) are annexed to this report for the purposes of review. Clearly, the majority of these items are included already in the Borough Council's current Code of Conduct and constitution. Committee members are invited to consider whether those items which aren't currently included in the Borough Council's Code of Conduct should be included and whether there is scope for improvement on items which are currently included. Support for the introduction of a social media protocol has already been noted. A suggested list of the key points for inclusion in the Borough Council's social media guidance is attached at **Appendix 12** for consideration.

4.3 It has already been noted that there is scope for improving the guidance relating to non-pecuniary interests. The Borough Councillors' current Code of Conduct has the following references to non-pecuniary interests:

- 1) Councillor Code (paragraph F) – “[When acting in your capacity as Councillor or co-opted member]...you must declare any private interests, both pecuniary and non-pecuniary....that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below”
- 2) The “box” referred to above states, with regard to non-pecuniary interests – “In addition [to registration of pecuniary interests within 28 days of appointment] you must, within 28 days of taking office as a Councillor or co-opted member, notify the Council’s monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register”
- 3) The “box” also requires that councillors should “observe the restrictions which the Council places on your involvement in matters which you have a pecuniary or non-pecuniary interest as defined by the Council”
- 4) The planning code (paragraph 7.1) which requires the disclosure of all interests but that “it does not then necessarily follow that the holding of a non-pecuniary interest debars the Councillor from participation in the discussion and voting. If, however, a non-pecuniary interest is capable of affecting the Councillors judgement, then the Councillor must withdraw from the room and not participate in the discussion of the matter”

4.4 The Committee is therefore asked to consider whether the above is sufficient, or whether any of the approaches and/or guidance offered by other councils (such as Nottingham City Council, Gedling Borough Council (annexed to the agenda of the previous meeting of this Committee) or Nottinghamshire County Councils) are more appropriate and helpful to Councillors. Further, whether and to what extent, additional guidelines relating to the handling of nonpecuniary interests might assist Town and Parish councils who have already adopted the Borough Council’s Code of Conduct. The Committee is also invited to consider what effect the amendment of the Borough’s Code of Conduct in this respect would have on the adoption at Town and Parish level of the Borough’s Code. The responses given at the Town and Parish forum (appendix 4c to the agenda pack from the last meeting of this Committee refers) suggests that there may be a level of support.

5. Risk and Uncertainties

5.1 The key risk is achieving a consensus of opinion between stakeholders as to what represents a reasonable way of delivering the improvements contemplated by this report. It is hoped that the Committee can provide robust and reasoned conclusions for recommending the outcomes that it eventually puts forward for determination by Council.

6. Implications

6.1. Finance

It is intended that existing staff resources be used to consider and deliver these proposals.

6.2. Legal

The Legal background is considered above.

6.3. Corporate Priorities

Up to date constitutional documents seek to provide a robust method of supporting delivery of Council objectives.

For more information contact:	Julian Crowle Monitoring Officer 0115 914 8554 jcrowle@rushcliffe.gov.uk
Background papers Available for Inspection:	None
List of appendices:	<ol style="list-style-type: none"> 1. The Code of Conduct for Councillors and Coopted Members 2. Councillor Divisional Fund Policy and Guidance 3. Equality and Diversity policy 4. Information Management policies 5. Travel and Accommodation policies 6. Councillor Interests Protocols 7. Councillor Gifts and Hospitality Protocol 8. Councillor Use of Resources Protocol 9. Councillors' Social Media Protocol 10. Protocol for Councillor and Officer relationships 11. Protocol for investment in outside bodies 12. Social Media Key Points