

Committee(s): Ordinary Council	Date: 27 July 2022
Subject: Model Code of Conduct	Wards Affected: All
Report of: Amanda Julian Corporate Director (Law & Governance) and Monitoring Officer	Public
Report Author/s: Name: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer Telephone: 01277 312500 E-mail: amanda.julian@brentwood.gov.uk	For: Decision

Summary

The Committee in Public Life published a report into standards in public life in 2019. The Local Government Association revised and produced a Model Code of Conduct along with Guidance.

Article 12 of the Constitution details how the changes to the Constitution can be adopted by Ordinary Council, reports must be approved by Full Council after changes have been considered by an appropriate member body detailed in Article 12 paragraph 12.1(a).

The Report and its appendices annexed at appendix A to this report were taken to Audit and Scrutiny on the 5 July 2022, where it was unanimously voted to adopt the Model Code of Conduct.

Recommendation(s)

Members are asked to:

- R1. Adopt the recommendations of Audit and Scrutiny of the 5 July 2022 to adopt the Model Code of Conduct from the 5 July 2022 and to give delegated authority to the Monitoring Officer to make the necessary changes to Part 5 of the Constitution.**

Main Report

Introduction and Background

1. In January 2019 the Committee on Standards in Public Life published a report which recommended that the Local Government Association (LGA) in consultation with Councillors and officers from all tiers of local government, should produce a new Model Code of Conduct.
2. The Model of Code Conduct was first approved by the LGA on 3 December 2020 at this point clarity was still being sought of the rules about declaring interests. The final version was produced in May 21. The revised version addressed the main concerns Monitoring Officers in Essex had. There was a survey of Monitoring Officers in Essex which concluded that most authorities were working to adopt the Model Code of Conduct in the new municipal year.
3. The main aim of the Model Code of Conduct is to create and maintain public trust and confidence in the role of Councillor and local government.
The Model Code of Conduct sets out:
 - The general principles of conduct expected of all Councillors and specific obligations in relation to the standard of behaviour expected.
 - The type of conduct that could lead to action being taken.
4. 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.
 - Gifts and Hospitality.
5. Some of the key features:
 - It has been written in the first person.
 - It contains provisions on the use of social media, including confidentiality.

- In relation to declarations of interest there are three categories:
 - (i) Disclosable Pecuniary Interests.
 - (ii) Other Registerable Interests; and
 - (iii) Non-Registerable Interests.
 - There is a duty to comply with any sanction imposed.
This strengthens those areas of declaration that have seemed weak in the past.
6. The Model Code of Conduct is explicit about declarations of interests that not only affect spouses, civil partners or co-habitees, but also relatives or close associates.
7. The main differences are set out in the Audit and Scrutiny report attached.

Issue, Options and Analysis of Options

8. Having a common code offers significant advantage to Councillors who will be subject to the same requirements and standards.
9. The supporting Guidance will all assist all Councillors and Monitoring Officers to interpret the Model Code of Conduct consistently.
10. A number of Council's across Essex are in the process of adopting the Model Code of Conduct.

Reasons for Recommendation

11. To ensure consistency in application of standards.

Consultation

12. The LGA have undertaken consultation.

References to Corporate Plan

13. To deliver an effective and efficient council to ensure transparency in decision making.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and Section 151 Officer
Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

There are no direct financial implications arising from this report.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer
Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

The Council has a duty to maintain and promote high standards of conduct by Members and co-opted Members of the Council pursuant to s27(1) Localism Act 2011. All Councils are required to have a Code of Conduct.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning and Economy)
Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

There are no direct economic implications from this report.

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)
Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk

The Council in making decisions has due regard to the public sector equality duty in s149 Equality Act 2010.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Background Papers

None

Appendices to this report

Appendix A: Audit and Scrutiny Report.