

## **STANDARDS AND ETHICS COMMITTEE**

### **23 OCTOBER 2019**

# **LOCAL GOVERNMENT ETHICAL STANDARDS – UPDATED PAN-WORCESTERSHIRE CODE OF CONDUCT FOR MEMBERS**

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#### **Recommendation**

- 1. The Head of Legal and Democratic Services recommends that the Committee:**
  - (a) notes the discussions which have taken place between the Monitoring Officers of the principal authorities within Worcestershire in response to the report published by the National Committee on Standards in Public Life (the Nolan Committee) on standards in local government;**
  - (b) endorses the principle of a pan-Worcestershire Code of Conduct for members, and**
  - (c) endorses the draft Code of Conduct set out at the Appendix and recommends that Council adopts it.**

#### **Summary**

2. The Committee received a report at its April 2019 meeting on the Nolan Committee recommendations in relation to local government standards in relation to the legislative regime, and best practice recommendations to local government.
3. Legislation is naturally a matter for Government and Parliament, but the Committee asked the Monitoring Officer to discuss implications for the pan-Worcestershire Code of Conduct with his colleague Monitoring Officers, having regard to the initial views of the Committee, and receive a further report. Those discussions have taken place, and a consensus formed on updating the Code.

#### **Background information**

4. The Committee will recall from previous reports that the National Committee on Standards and Public Life (often called the "Nolan Committee") visited the Council in September 2018 as part of its gathering of comments and evidence of good practice in local government – the Council was the only county council visited. Following the visit, the Chairman of the Committee was invited to attend the formal launch of the report at the end of January 2019.
5. The Nolan Committee was kind enough to write and say its delegation was impressed by the leadership demonstrated by senior officers and members of the Council, which has allowed the Council to cultivate a culture of high standards and a civil approach to politics. They considered it particularly insightful to see how proper governance structures have a substantial influence on the way in which ethical standards operate at the Council. There are clearly issues elsewhere in the country

which have informed the recommendations and which do not exist here, so we need to be mindful of that context and the need for a proportionate response to the Best Practice recommendations.

## Summary

6. There remained a consensus that a pan-Worcestershire Code remains the best approach for the benefit of the public, members, and good governance.

7. The Monitoring Officers shared the Committee's view that the current Code was fit for purpose, but would benefit from a few relatively small amendments flowing from some of the Nolan Best Practice (BP) recommendations relevant to the Code and as discussed by the Committee:

**BP1 – the Code of Conduct should include prohibitions on bullying and harassment, with definitions and examples.** Our current Code prohibits bullying but gives no definitions or examples. Members supported the principle and asked the Monitoring Officer to seek to agree a definition with his MO colleagues. This has been done and included in the new draft Code.

**BP2 – Code should require councillors to comply with formal standards investigations, and prohibit trivial or malicious allegations by councillors.** The Council has very few formal investigations and no history of councillors obstructing them. The best way of dealing with trivial or malicious allegations is through robust filtering right at the start of the process, and avoid tit for tat complaints. The consensus amongst the MOs was that a simple obligation to co-operate with any standards investigations would suffice.

**BP5 – In line with proposed new legislation, authorities should update a Gifts and Hospitality Register at least quarterly.** The Committee agreed that such a Register was expected by the public and should be re-introduced ahead of any legislation. In discussion, the MOs considered that £15 was a suitable value threshold for such registration to meet the purpose of transparency but not worry about trivial items.

The amendments to the Code were supported by all the MOs and the proposed redraft is attached as an Appendix. The 7 Nolan Principles have also been updated to 10. The Committee is asked to review the amended Code and consider recommending it to full Council for formal adoption.

## Supporting Information

Appendix – draft Code of Conduct

## Contact Points

### County Council Contact Points

County Council: 01905 763763

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### Specific Contact Points for this report

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## **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the background papers relating to the subject matter of this report are the agenda papers for the meeting of the Standards and Ethics Committee on 10 April 2019.