

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

21 JANUARY 2019

Title:

REVIEW OF MEMBER CODE OF CONDUCT

**[Portfolio Holder: Cllr Julia Potts]
[Wards Affected: All]**

Summary and purpose:

Waverley adopted a local *Members' Code of Conduct and Arrangements for dealing with complaints under the Code of Conduct* on 17 July 2012, in accordance with the requirements of the Localism Act 2011. The Code of Conduct, Arrangements for dealing with Complaints, and the Planning Code of Conduct, were reviewed in 2016, and revised versions agreed by Council on 18 October 2016.

This report proposes a number of additions to the Code of Conduct which provide additional clarification on the core principles of the Code, and address some procedural matters on which the Code is currently silent.

How this report relates to the Council's Corporate Priorities:

Confidence in high standards of conduct is a key part of understanding and responding to our residents' needs.

Financial Implications:

There are no budget implications, and the operation of the new Code has generally been accommodated within existing budgets over the last four financial years.

Legal Implications:

The Council is under a range of duties under the Localism Act and operating the Code and arrangements is a key part of discharging these duties. The Council can choose to amend its Code or arrangements when it considers appropriate.

Introduction

1. The Localism Act 2011 gave Councils an explicit duty to promote and maintain high standards of Member conduct. It obliged the Council to adopt a Code dealing with the high standard of conduct that is expected of Members when acting in their official capacity.
2. The Members' Code of Conduct, Planning Code of Good Practice, and Arrangements for dealing with complaint about Members were adopted in July 2012 and subsequently revised in October 2016, the revisions reflecting and providing

clarification on issues that had arisen through complaints submitted to the Monitoring Officer.

3. The Monitoring Officer team has considered the Code of Conduct in the light of recent complaints, and requests for advice; information from other local authorities; and also as part of the preparations for induction and training of councillors after the May 2019 elections. As a result of these considerations, it is suggested that there are a number of matters where more clarification could be provided to councillors in relation to the code of conduct.

Recommended changes

4. Annexe 1 sets out the text of the existing Code of Conduct with all suggested amendments highlighted in red. The following tables summarise the key changes that have been put forward and why.

Table 1 – Suggested Amendments to Waverley Code of Conduct

Where	What	Why
<i>Paragraph 1 (1)</i>	<i>Includes explicit reference to Members being bound by the Code when using email and social media platforms.</i>	<i>For the avoidance of any doubt, and recognising the increased use of email and social media such as Facebook or Twitter to engage with residents.</i>
<i>Paragraph 1 (3)</i>	<i>Clarifies the detail of the Nolan principles.</i>	<i>For the avoidance of doubt.</i>
<i>Paragraph 1 (5)</i>	<i>Clarification of definition of terms used in the Code.</i>	<i>For the avoidance of doubt.</i>
<i>Paragraph 1 (7)</i>	<i>Clarification that allegations of a breach of the Code will be dealt with in accordance of the agreed Arrangements.</i>	<i>In the interests of transparency. To make explicit what is already referred to by cross-references between this code and the Arrangements for dealing with complaints against a councillor or co-opted Member.</i>
<i>Paragraph 2 (2)</i>	<i>Specifically addresses the need to observe protected characteristics under the equality enactments.</i>	<i>For the avoidance of doubt.</i>
<i>Paragraph 2 (8)</i>	<i>Specific cross reference to the Planning Code of Best Practice and Member/Officer Protocol</i>	<i>For the avoidance of doubt.</i>

<i>Paragraph 5 (1)</i>	<i>Clarification that Members must not participate in any decision where they may be seen as having a conflict of interests.</i>	<i>To promote public transparency. To support the Monitoring Officer in providing advice to members on the implications of their interests.</i>
<i>Paragraph 5 (6)</i>	<i>Clarification of the arrangements in relation to public disclosure of sensitive information as part of a Member's register of interests.</i>	<i>For the avoidance of doubt that this facility is available in exceptional circumstances.</i>
<i>Paragraph 5 (7)</i>	<i>Clarification that entries on the register of interests will be removed once the Monitoring Officer is advised that the Member no longer has the interest, or they cease to be an elected councillor or co-opted Member.</i>	<i>For the avoidance of doubt.</i>
<i>Paragraph 7</i>	<i>Clarificaton that elected councillors may participate in Council business in respect of housing (even if they are a Council tenant), agreeing the Members Allowances Scheme, setting the council tax pre-cept.</i>	<i>For the avoidance of doubt.</i>
<i>Paragraph 9</i>	<i>New! The Code is currently silent on the arrangements for considering and granting requests for dispensations. This paragraph confirms that the Monitoring Officer will consider requests and may grant dispensations that fall with the</i>	<i>For the avoidance of doubt (this was part of the agreement of the new Standards Arrangements by Council on 17 July 2012, but not explicitly referred to in the Code of Conduct).</i>

Recommendation

It is recommended that the Standards Committee considers the proposed amendments to the Members Code of Conduct and recommends to Council that these be adopted.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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