

Classification	Item No.
Open	

Meeting:	Standards Committee
Meeting date:	21 st September 2023
Title of report:	Member Code of Conduct- Task and Finish Group Review
Report by:	Democratic Services
Decision Type:	Non Key
Ward(s) to which report relates	All

1. Introduction and Purpose of the Report

This note is to –

- Update Members on earlier reports to the Standards Committee in relation to the LGA's revised code of conduct.
- Standards Committee proposed that a working group was established to consider the current code of conduct and consider whether revisions should be made.
- The working group would then make recommendations for any revised code, if applicable to be considered by all Members at Council.

2. Background

- Establishment of the working group was made for up of 3 Members of the Standards Committee, the Monitoring Officer and Head of Democratic Services.
- The Working party was delegated by Standards Committee to make a recommendation to Council in relation to the code of conduct.

- The Code of Conduct working Group was agreed by Standards Committee on the 14th March 2023, the Group was to include Cllrs Rafiq, Dean and Booth from each of the political parties. Craig Ainsworth, an Independent Person was also invited to the working party.
- A working group meeting was arranged in early May but due to election work had to be postponed and then the summer recess took place.
- Since the annual appointments were made at the Council AGM in May 2023 Cllr Dean is no longer on the Standards Committee. An update on a Conservative change in membership is TBC

3. Current position

Consideration was given to review the Council's existing Code of Conduct for Members following the publication of the Local Government Ethical Standards report produced by the Committee on Standards in Public Life (CSPL) and the Local Government Association's (LGA) Model Code of Conduct (LGA's Model Code).

Attached as appendices are:-

- Existing Bury code of conduct
- Proposals to comply with The Local Government Ethical Standards report Best Practice recommendations

Included are the 15 Best Practice recommendations, with an explanation to be completed of how Bury Council already complies or what steps it is taking in order to comply where it considers it appropriate.

In terms of definitions of bullying and harassment outlined in Best Practice 1. The evidence received by the CSPL suggests that most allegations of code breaches relate to bullying and harassment. Bullying and harassment can have a significant impact on the wellbeing of officers and councillors who are subject to it. Individuals who are subject to bullying or harassment may be pressured to make decisions or act in ways which are not in the public interest. As such, it is important that bullying and harassment are dealt with effectively, and that a local authority's code of conduct makes provision to address these matters.

Best Practice 2 recommends an express requirement for members to comply with any investigation in relation to complaints, as complying with standards investigations and not seeking to misuse the standards process is an important aspect of ethical conduct. The CSPL recognises that there is a strong public interest in an effective process that is not subject to disruption or abuse, that councillors should seek to maintain an ethical culture in their authority and show appropriate respect for the process, and that non compliance and misuse wastes public money.

The experience of the CSPL is that whilst transparency does not automatically increase public trust in a process, it is nevertheless essential to enabling public scrutiny and accountability. It considers that the best examples of good practice in how open councils'

standards processes are involve a single, easily accessible page on an authority's website explaining in straightforward terms how a member of the public can make a complaint under the code of conduct, what their complaint needs to include, the process for handling complaints, and the expected timescales for investigations and decisions. That page would also include links to recent decisions on allegations that came before the standards committee.

- Other LA's adaptation

In the course of reviewing the existing Code, and the consideration a Model Code that had been drafted by the Local Government Association following publication of the CSPL's report. The Model Code has received a lukewarm response from local authority Monitoring Officers due to a number of ambiguities contained in it at this moment in time. Feedback from local authority networks is included for information (Exempt from public packs).

4. Options

The sub-committee can consider and produce a report as to whether it should adopt the Model Code and report back to Standards Committee in the first instance with their findings; or

Resolve not to recommend to Full Council to approve the Model Code at this juncture; or

Defer the decision to adopt the Model Code due to the perceived ambiguities in the LGA's Model Code at this moment in time and review the situation when the position is clearer or the LGA produces an updated Code.