



Report of:	Meeting	Date
The Monitoring Officer, Liesl Hadgraft	Standards Committee	15 November 2018

Review of Councillors Code of Conduct and Complaints Process

1. Purpose of report

- 1.1** To agree a process for a review of the Councillors Code of Conduct and procedures for dealing with alleged breaches.

2. Outcomes

- 2.1** More robust ethical standards.

3. Recommendations

- 3.1** That a working group made up of 7 Councillors (5 to be nominated by the Leader of the Conservative Group and 2 by the Leader of the Labour Group) be set up to review Wyre's Councillors Code of Conduct and the process for dealing with complaints of alleged breaches of the Code.
- 3.2** That the working group reports its recommendations to the Standards Committee for consideration and endorsement on 14 March 2019, prior to submission to full Council for approval on 4 April 2019.

4. Background

- 4.1** When the Localism Act came into force in 2011 a review of the Councillors Code of Conduct was required. Wyre chose to adopt a shortened version, which focuses on the registration and declaration interests by elected members, in particular the disclosable pecuniary interests (which are statutory).
- 4.2** Many of the former 'behavioural' conditions of the pre Localism Act code are not currently included in Wyre's code and therefore there is little to help restrict inappropriate behaviour. Complaints of this nature have been an issue, particularly when dealing with Parish/Town Councils.

4.3 The following are areas which are missing from Wyre's current code which were in the pre Localism Act code and could therefore be re-introduced:

- *Commitment to uphold the law*
- *Have respect for others*
- *Have regard, when reaching decisions to the advice of the Monitoring Officer or Chief Financial Officer.*
- *Not to bully any person*
- *Not to intimidate or attempt to intimidate any person who is likely to be a complainant, or witness etc.*
- *Not to disclose confidential information except in certain specified situations (e.g. with consent or if required by law to do so).*
- *Not to bring their office into disrepute.*

5. Key issues and proposals

5.1 Given the types of complaints that have been made to the Monitoring Officer in recent months and in light of the fact that it has been seven years since the revised Code of Conduct was introduced, it is considered appropriate to arrange for matters relating to the members code of conduct to be reviewed and, in particular, consideration be given to re-introducing the behavioural conditions set out above.

5.2 A review is timely as it would allow a revised code of conduct to be distributed to the intake of new and re-elected members following the May 2019 elections.

Financial and legal implications	
Finance	None.
Legal	<p>The Council is required by Section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by members of the authority and to publish a code of conduct. There is no longer an 'official' model code, so the Council is responsible for agreeing its own code. The Council must also have procedures in place to deal with any breaches of the Code.</p> <p>Parish and town councils in the Borough are required either to agree their own code or to adopt Wyre's. However, Wyre is responsible for dealing with any alleged breaches of the code by parish and town councillors.</p> <p>Officers will advise the members of the proposed working group of the detailed requirements of the Act.</p>

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	✓
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x

Processing Personal Data

If the decision(s) recommended in this report will result in personal data being processed, a primary impact assessment (PIA) will have been completed and signed off by the council's Data Protection Officer before the decision is taken (as required by the General Data Protection Regulations 2018).

report author	telephone no.	email	date
Liesl Hadgraft	01253 887316	liesl.hadgraft@wyre.gov.uk	31/10/18

List of background papers:		
name of document	date	where available for inspection
None	-	-

List of appendices

None.