

Report of:	Charlotte Benjamin Director of Legal and Governance Services / Monitoring Officer
Submitted to:	Standards Committee 19 July 2021
Subject:	Revised Members Code of Conduct

Summary

Proposed decision(s)
That the Standards Committee consider the proposed revised edition of the Members Code of Conduct and endorse the revised code which will be submitted for approval by full Council.

Report for:	Key decision:	Confidential:	Is the report urgent? ¹
Discussion & information	N/A	No	NO

Contribution to delivery of the 2021-24 Strategic Plan		
People	Place	Business

Ward(s) affected
None

What is the purpose of this report?

1. To update the Committee on proposals for a Revised Members’ Code of Conduct to reflect the recommendations on best practice resulting from the Local Government Ethical Standards Committee Review in relation to Standards in Public Life.

Why does this report require a Member decision?

2. Requirements to maintain high ethical standards for members, together with the requirement to adopt a code of conduct, was introduced by the Localism Act 2011. The Standards committee plays a key part in ensuring the code of conduct is applied and upheld and therefore are key consultees on any proposed revisions to the Members’ Code of Conduct.

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Report Background

3. The Code applies when Members act in their role as a Member of the Authority
4. The most recent version of our Code was adopted by Council with effect from 1 December 2016.
5. The Committee on Standards in Public Life (the Committee) was established in 1994 by the then Prime Minister, and is responsible for promoting the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership – commonly known as the Nolan Principles. The Committee undertook a review on Local Government Ethical Standards and produce a report in January 2019.
6. The purpose of the review was for the Committee to assure themselves that the current standards framework was conducive to promoting and maintaining the high standards expected by the public.
7. The Committee made 26 recommendations and identified 15 recommendations of best practice to improve ethical standards in local government. The recommendations included the suggestion for the Local Government Association (LGA) to create an updated Model Code of Conduct to enhance consistency and the quality of local authority codes.
8. As a result of the above recommendations Middlesbrough Council looked to review its own Code of Conduct to ensure any best practice recommendation could be included and a report was submitted to the Constitution and Member Development Committee in February 2020.
9. A model code has been developed by the LGA, and the above code has been updated to reflect that.
10. The Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. If the Government chooses to implement any of the recommendations, this could require a change to this Code.
11. Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
 - The introduction of sanctions
 - An appeals process through the Local Government Ombudsman
 - Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
 - Updates to the Local Government Transparency Code
 - Changes to the role and responsibilities of the Independent Person
 - That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

What decision(s) are being asked for?

12. That the Standards Committee consider the proposed revised edition of the Members' Code of Conduct and endorse the revised code which will be submitted for approval by full Council.

Why is this being recommended?

13. The role of Members across all tiers of local government is a vital part of our country's system of democracy. It is important that as elected Members' can be held accountable and all adopt the behaviours and responsibilities associated with the role and understand that conduct as an individual Member can affect the reputation of all elected Members.

14. The purpose of the revised Code of Conduct is to;

- Assist Members' in modelling their behaviours to those expected of them, and to set out the type of conduct that could lead to action being taken against them.
- Protect Members, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.
- Reflect the recommendations on best practice resulting from the Local Government Ethical Standards Committee Review in relation to Standards in Public Life.

15. The Constitution and Member Development Committee have also been consulted on the proposed revisions and proposed some minor amendments which have been incorporated into this version.

16. A copy of the proposed revised Members Code of Conduct is attached at Appendix A.

17. A copy of the Committee for Standards In Public Life recommendations on best practice is attached at Appendix B;

Other potential decisions and why these have not been recommended

18. Following the development of this code The LGA have also since compiled a new Model a Code of Conduct. Comparisons were made to ensure that the revised code incorporates any recommendations in the LGA Model Code, however the proposed revised code contains more detailed examples of behaviours as suggested in the Committee for Standards In Public Life recommendations.

Impact(s) of recommended decision(s)

19. The code is intended to be applied to all elected members and co-opted Members of Middlesbrough Council and Parish Councillors for Nunthorpe Parish Council and Stainton and Thornton Parish Council.

Legal

20. Under section 27 of the Localism Act 2011 each local authority must adopt a code of conduct against which councillors' conduct may be assessed. This code, when viewed as a whole, should reflect the Seven Principles of Public Life. A local authority must also make appropriate provision for councillors to register pecuniary and non-pecuniary interests.

Policy Framework

21. The Members' Code of Conduct forms part of the Council's Constitution and therefore amendments may be made to the Constitution following Council approval.

Equality and Diversity

22. All groups are affected equally

Risk

23. Failure to have an adequate standards framework in place will not be conducive to promoting and maintaining the high standards expected by the public and therefore may lead to a loss of confidence in elected members and lead to reputational damage for the Council.

Actions to be taken to implement the decision(s)

24. A report will be presented to Council on 28 July 2021 for approval.

Appendices

Appendix A Revised Members Code of Conduct

Appendix B Committee for Standards In public Life, recommendations on best practice

Background papers

Body	Report title	Date
Committee on Standards in Public Life	Local Government Ethical Standards - A Review by the Committee on Standards in Public Life	January 2019
Local Government Association	Model Code of Conduct	December 2020

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