

<b>CONSTITUTION AND ETHICS</b>	<b>AGENDA ITEM No. 4</b>
<b>14 JULY 2021</b>	<b>PUBLIC REPORT</b>

<b>Report of:</b>	Fiona McMillan, Director of Governance and Monitoring Officer	
<b>Cabinet Member(s) responsible:</b>	Councillor Wayne Fitzgerald, Leader	
<b>Contact Officer(s):</b>	Fiona McMillan, Director of Governance & Monitoring Officer Amy Brown, Deputy Monitoring Officer	01733 452 617 01733 452 409

<b>REVIEW OF PETERBOROUGH CITY COUNCIL'S CODE OF CONDUCT</b>
--

It is recommended that the Constitution and Ethics Committee:

1. To consider and debate the amendments proposed for inclusion within Peterborough City Council's existing Code of Conduct at Appendix 1 and to recommend adoption by Full Council; and
2. Where available, to note the LGA's Guidance on the new model code and if appropriate, to recommend implementation alongside any associated revisions to the Code.

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Constitution and Ethics Committee in response to recommendations made to the Monitoring Officer at its last meeting on 8<sup>th</sup> February 2021 when the Local Government Association's Model Code was considered.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to provide the Constitution and Ethics Committee with an opportunity to review Peterborough City Council's existing Code of Conduct and where appropriate, to recommend a revised version for approval by Full Council.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2:

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- Promoting and maintaining high standards of conduct by Members and co-opted members;
- Assisting the Members and co-opted members to observe the Code of Conduct;
- Advising the Council on the adoption or revision of the Members Code of Conduct and Officer Code of Conduct;
- Monitoring the operation of the both Codes of Conduct;
- Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	N/A
Date for relevant Council meeting	28 <sup>th</sup> July 2021		

### 4. **BACKGROUND AND KEY ISSUES**

#### 4.1 **Background to Peterborough City Council's Code of Conduct**

The Localism Act 2011 ("the Act") abolished the Standards Regime and Standards Board for England, including the Model Code of Conduct which was introduced in 2000. In its place, sections 27 and 28 of the Act require Councils to adopt 'a' Code of Conduct and have in place arrangements under which alleged breaches of that Code can be investigated and determined. As a consequence Peterborough City Council reviewed its own arrangements and agreed a 'light touch' alternative which was consistent with the (now) MHCLG's suggested approach at the time. Subsequent revisions have been made over the years in accordance with the Monitoring Officer's ongoing responsibility to keep these arrangements under review.

#### 4.2 **Background to the Local Government Association's Model Code**

The Committee on Standards in Public Life wrote to the Prime Minister in January 2018 to inform the Government that the Committee was to undertake a review of local government standards. As part of this review, the Committee held a public stakeholder consultation and looked at the conduct and culture in local government, both at principal authority level and in town and parish councils. The consultation closed on Friday 18 May 2018 and the Committee's report was published on 31st January 2019. Amongst the various recommendations contained within the Report, it was suggested that the Local Government Association should create an updated model Code of Conduct produced in consultation with representative bodies of Councillors and Officers of all tiers of Local Government.

The Board of the Local Government Association on the 11th September 2019 agreed to commence reviewing the Code and in June 2020 they began consulting on a draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information Team via an online questionnaire and by email. Over 1600 written responses to the consultation were received. In addition, workshops of members and Monitoring Officers took place to discuss the approach and content.

The final Model Code of Conduct for Councillors was approved by the LGA on 23 December 2020 and made available to all Local Authorities shortly thereafter. The stated purpose of the LGA's Model Code is to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The main provisions of the model Code were subsequently summarised in a Report to this Committee on 8<sup>th</sup> February 2021 where it was also determined that they should be incorporated into a review of Peterborough City Council's own (and existing) Code. Recommendations were also made by the Scrutiny Committee Task and Finish group to the Constitution & Ethics Committee that the new model code should be adopted as members considered there were significant omissions in the existing code.

The Local Government Association are currently in the final stages of drawing up guidance to accompany the model Code and this is expected to be launched at its Annual General Meeting on 8<sup>th</sup> July 2021 and members will be signposted to this as soon as it becomes available.

#### 4.3 **Review of Peterborough City Council's Code of Conduct**

In producing this Report, the LGA's Model Code has been amalgamated with Peterborough City Council's existing Code of Conduct to also include the recommendations made by the Task and Finish Group following their review. The product of that exercise can be found at Appendix 1 of this Report and is recommended for approval by the Constitution and Ethics Committee.

## **5. CONSULTATION**

- 5.1 The Local Government Association held a public stakeholder consultation as part of its overall review and in arriving at the final published version of the revised Model Code of Conduct.
- 5.2 Subject to the Constitution and Ethics Committee's Agreement to the recommendations set out in this report, the proposed amendments to Peterborough City Council's Code of Conduct will be presented to Full Council for approval. There will as part of that process be an opportunity for all members to debate the proposals before a final decision is taken as to whether or not they should be implemented.
- 5.3 Subject to the proposed amendments being finally approved by Full Council, the Monitoring Officer will consider what, if any, additional training needs exist and will also commence a period of engagement with Parish Clerks who will be encouraged and supported to amend their respective Codes with the aim of achieving consistency across the area.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that Members of the Constitution and Ethics Committee will take this opportunity to review and update Peterborough City Council's current Code of Conduct so as to bring it in line with current national standards and the recommendations made by the Committee on Standards in Public Life's report on Local Government Ethical Standards.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 The Council should consider introducing a new Code of Conduct to update its current arrangements to address the concerns highlighted by the LGA in its report on Civility in Public Life and the recommendations of the CSPL. In its role of promoting and maintaining member standards in the Council, the Constitution and Ethics Committee can make an effective contribution to the adoption of a new Code.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Alternatives options considered but not recommended for approval include:

*Adopting the LGA Model Councillor Code in full without amendment.* Whilst the amended Peterborough City Council Code of Conduct incorporates the LGA's Model Code, there are some minor local variations which it is considered enhance the content and have been recommended both by the Task and Finish Group and also as part of the amalgamation process. Adopting the LGA Model Code without amendment would compromise those enhancements.

*To do nothing.* Whilst Peterborough City Council's current Code of Conduct is not unlawful, it does not incorporate the amendments recommended by the CSPL or, many of the provisions of the LGA's Model Code. The LGA's Model Code has been widely consulted on and provides and opportunity to update and refine our existing provisions in line with national standards.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 Whilst there is no immediate financial pressure, there is an ongoing requirement to ensure that principal, town and parish councillors receive adequate training as part of their induction and subsequent refresher training as required to ensure continued compliance.

### **Legal Implications**

- 9.2 Local authorities are statutorily obliged to have in place a Code of Conduct based on the Nolan Principles which outlines the behaviour required of councillors.

### **Equalities Implications**

- 9.3 There are none.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Local Government Ethical Standards Report to Constitution & Ethics Committee dated 11<sup>th</sup> March 2019

<https://democracy.peterborough.gov.uk/documents/s38363/Item%205.%20Local%20Government%20Ethical%20Standards.pdf>

LGA Model code of Conduct Report to Constitution & Ethics Committee dated 8<sup>th</sup> February 2021.

<https://democracy.peterborough.gov.uk/documents/s43353/Item%204.%20LGA%20Model%20Code%20of%20Conduct.pdf>

Peterborough City Council Code of Conduct

<https://democracy.peterborough.gov.uk/documents/s42733/Part%205%20Section%201%20-%20Members%20Code%20of%20Conduct%20-%20Version%200008.pdf>

Local Government Association Model Councillor Code of Conduct (and Guidance when published)

<https://www.local.gov.uk/sites/default/files/documents/Local%20Government%20Association%20Model%20Councillor%20Code%20of%20Conduct%202020%20WEB.pdf>

## **11. APPENDICES**

- 11.1 Appendix 1 – Marked up version of Peterborough City Council's Model Code of Conduct.