

Code of Conduct Adoption

Introduction

Councillors are being asked to consider whether to approve the recommendation to adopt the LGA New Model Code of Conduct in its entirety to replace the Parish Council's current Code. The current Code of Conduct regulating member behaviour, including the registration and declaration of interests, has been in place since 2014.

It has enabled the Monitoring Officer and Standards Committee to effectively deal with the wide-ranging complaints that have been received.

The text below is taken from the report written by Shropshire Council's Monitoring Officer Tim Collard and considered at Full Council on 23.9.21.

Revised Code of Conduct

The LGA are now recommending that Councils consider their new Model of Conduct ("new Code") attached. Though it is much more detailed than the current Code it does have the advantage of setting out a more complete set of behavioural principles as well as providing a comprehensive system of registering and declaring interests (beyond disclosable pecuniary interests). There is also extensive guidance published by the LGA which provides a number of helpful practical examples of how to apply the new Code to day to day scenarios.

The new Code includes the following principles from the current Code:

- Not using position improperly to advantage or disadvantage of anyone (i.e. act solely in public interest).
- Not using resources of Council improperly for political purposes.
- Promoting high standards of conduct. The new Code does not include the following principles from the current Code:
 - Make all choices based on merit
 - Being Accountable for decisions
 - Being open about and give reasons for decisions and actions

However, it is not considered that the lack of these principles being explicitly provided for in the new Code weakens it in any way as they are regarded as rules of natural justice in any event – i.e. they are principles that should be applied by members in their day to day decision-making whether set out in a Code of Conduct or not. The new Code states that members must not compromise the impartiality of anyone who works for the Council. On the face of it, this is weaker than the current Code which requires members to avoid financial or other obligations to individuals/organisations that Council might seek to influence them. However, this is now replaced and strengthened by a more comprehensive registration and declaration of interests process designed to ensure members identify and avoid conflicts of interest.

The new Code introduces some important new principles such as:

- Treating staff, other councillors and members of the public with respect;
- Not to bully, harass or discriminate

- A detailed framework for dealing with confidential information It is suggested that these additions to the Code are to be welcomed as they frequently arise in the complaints received about members and so to have them explicitly referenced should be of assistance.

Currently members are required to register disclosable pecuniary interests and declare certain non-pecuniary interests. This is considerably expanded within the new Code which links to the key principles of bias and pre-determination. There is also considerable guidance on gifts and hospitality. Such a comprehensive structure should be helpful to both members and officers alike in establishing which decisions they should and should not participate in although it is acknowledged that the Code is complex in parts.

Conclusions

Whilst it is acknowledged that the new Code is more complex and detailed than the current Code (17 pages rather than the current 2) it is recommended for adoption by the Council as it has been the result of comprehensive consultation undertaken by the LGA. That should mean that if an unusual situation arises in Shropshire it is likely to have arisen elsewhere and the LGA will be better equipped to offer advice to the Monitoring Officer on the scenario than would be the case if the Council decides to continue with its current. It is only fair to point out that the new Code is very similar to the Code that was in existence prior to the changes introduced by the Coalition Government in the Localism Act 2011.

However, the key distinction is that the new Code does not re-introduce any of the controversial sanctions then available for a breach of the Code such as suspension or disqualification.

Shropshire Council adopted the code on 23.7.21 under the following resolution:

To approve the adoption of the LGA Model Code of Conduct in its entirety as the member Code of Conduct for Shropshire Council from 1st December 2021 following training.

To request that the Monitoring Officer write to all Town and Parish Council in Shropshire to recommend that they too adopt the LGA Model Code of Conduct

Clerks Recommendation

To approve the adoption of the LGA Model Code of Conduct in its entirety as the member Code of Conduct for Knockin Parish Council from 1st April 2022.