

COUNTY COUNCIL

Meeting date: 23 June 2022

From: Leader of the Council

CODE OF CONDUCT

1.0 EXECUTIVE SUMMARY

1.1 *The Council adopted a new members' code of conduct in November 2021 based on the new model code of conduct produced by the Local Government Association. The Standards Committee have recommended some changes to the code of conduct adopted in November 2021 which reflect changes made by the Local Government Association to their model code.*

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

2.1 *A robust ethical standards regime supports the Council in meeting its strategic objectives.*

2.2 *There are no direct equality implications arising out of this report.*

3.0 RECOMMENDATION

3.1 *The Leader recommends the Council to adopt the changes to the Code of Conduct recommended by the Standards Committee.*

4.0 BACKGROUND

4.1 Following an extensive consultation exercise the LGA produce a draft model Code of Conduct on 23 December 2020. This was considered by the Standards Committee in January 2021 and after consultation with group leaders was recommended to Council for approval in November 2021. Council approved the adoption of the new model code.

4.2 The draft model Code of Conduct issued by the LGA in December 2020 extended the definition of a disclosable pecuniary interest to include any unpaid directorship. This was included in the Code of Conduct adopted by full Council in November 2021.

4.3 The treatment of an unpaid directorship as a disclosable pecuniary interest goes wider than the requirements of the relevant regulations, the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. In addition,

this has been changed in updated versions of the model Code of Conduct issued by the LGA. Under the latest version of the model Code of Conduct issued by the LGA unpaid directorships are treated as other registerable interests.

- 4.4 Under the Code of Conduct if a matter arises at a meeting which directly relates to a Disclosable Pecuniary Interest the member is not able to participate in any discussion or vote on the matter and must not remain in the room during the debate unless a dispensation has been granted. In contrast if a matter arises which directly relates to an Other Registerable Interests the member must consider whether a reasonable member of the public, knowing all the facts, would think the interest such that it may influence the way the member would vote. If it would then the member should not participate in the discussion or vote (except to the extent that a member of the public is allowed to speak) but is not required to leave the room.
- 4.5 The Standards Committee considered whether the reference to unpaid directorships should be removed from the definition of Disclosable Pecuniary Interests and instead included within the definition of Registerable Interests at its meeting on 22 April 2022. Making this change would make the Code of Conduct consistent with the relevant regulations, the revised model code. This also reflects the Code of Conducts which were adopted by the Shadow Authorities at their first meetings. The Standards Committee recommended the change was made.

5.0 OPTIONS

- 5.1 Council could decide not to agree the proposed changes to the Code of Conduct to full Council or could recommend other changes.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

- 6.1 There are no direct resource or value for money implications of the recommendations contained in this report.

7.0 LEGAL IMPLICATIONS

- 7.1 S27(2) of the Localism Act 2011 requires a local authority to adopt a code dealing with the conduct expected of members and co-opted members of the authority when they are acting in that capacity.
- 7.2 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 define what is a disclosable pecuniary interest for the purposes of the Localism Act and the requirement on the Monitoring Officer to keep a register of members interests. An unpaid directorship would not be a disclosable pecuniary interest for the purposes of these regulations.

BACKGROUND PAPERS

No background papers.

RESPONSIBLE CABINET MEMBER

Stewart Young, Leader of the Council

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