

South Lakeland District Council
Council
Wednesday, 13 July 2022
Amendment to the Council's Code of Conduct

Portfolio: Customer and Locality Services Portfolio Holder
Report from: Linda Fisher - Legal, Governance and Democracy Lead Specialist (Monitoring Officer)
Report Author: Linda Fisher – Legal Governance and Democracy Lead Specialist (Monitoring Officer)
Wards: (All Wards);
Forward Plan: Not applicable

Links to Council Plan Priorities:

Working across boundaries –N/A

Delivering a balanced community –N/A

A fairer South Lakeland – The Code of Conduct is an integral part of ensuring that the Council has strong ethical standards and behaviour required to deliver the Council's Corporate Priorities

Addressing the climate emergency –N/A

1.0 Expected Outcome and Measures of Success

1.1 To propose amendments to the Member Code of Conduct to address the matter of declaration of interests for members who serve on more than one local authority. To clarify that participation in discussion and decision making at one local authority will not by itself normally prevent members from taking part in discussion and decision making on the same matter at another local authority. This will remove the need for members to receive dispensations for being a member of another authority.

2.0 Recommendation

2.1 It is recommended that Council:

- (1) agrees the amendments to the Member Code of Conduct outlined in paragraph 3.6 of this report; and**
- (2) note that the Lead Specialist Legal Governance and Democracy (Monitoring Officer) will make the necessary changes to the Council's Constitution.**

3.0 Background and Proposals

3.1 At its meeting on the 17 May 2022 the Shadow Authority for Westmorland and Furness agreed its Member Code of Conduct. Since then officers have received queries regarding dispensations for members who are members of more than one authority.

- 3.2 Under the Localism Act 2011, dispensations only apply to Disclosable Pecuniary Interests. South Lakeland District Council have adopted the LGA model code (with amendment) and this brings with it the possibility of dispensations for any other interests including “Other Registrable Interests”.
- 3.3 It is proposed that, rather provide dispensations, we instead make an amendment to the Member Code of Conduct to address the matter and to avoid the need to provide dispensations.
- 3.4 The need to request dispensations for Disclosable Pecuniary Interests will still apply.
- 3.5 The need for members to consider their position on bias, predetermination and predisposition will still apply.
- 3.6 It is proposed that the following wording is inserted into the relevant section of the agreed Member Code of Conduct as follows:

“The requirements to disclose an Other Registrable Interest and not participate in a decision directly relating to or affecting it, shall be applied in such a manner as to recognise that this Code should not obstruct a member’s service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member’s judgement of the public interest and will only regard a matter as giving rise to bias in exceptional circumstances”.

4.0 Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Council Code of Conduct

5.0 Consultation

- 5.1 A similar report is proceeding through the Shadow Authority for Westmorland and Furness.

6.0 Alternative Options

- 6.1 Dispensations could be provided. However, it is considered appropriate and more efficient and transparent to deal with by way of the amendment to the Member Code of Conduct.

7.0 Implications

Financial, Resources and Procurement

- 7.1 There are no financial implications arising from this report.

Human Resources

- 7.2 There are no human resources implications arising from this report.

Legal

- 7.3 The Council is required to ensure that it accords with the requirements of the Localism Act 2011. The legal implications are explained within the report.

Health and Sustainability Impact Assessment

7.4 Have you completed a Health and Sustainability Impact Assessment? No

7.5 If you have not completed an Impact Assessment, please explain your reasons: This is not considered to be required in the circumstances and given the nature of the proposed amendment to the code of conduct.

7.6 Summary of Health and Sustainability Impacts

		Positive	Neutral	Negative	Unknown
Environment and Health	Greenhouse gases emissions		X		
	Air Quality		X		
	Biodiversity		X		
	Impacts of Climate Change		X		
	Reduced or zero requirement for energy, building space, materials or travel		X		
	Active Travel		X		
	Economy and Culture	Inclusive and sustainable development		X	
	Jobs and levels of pay		X		
	Healthier high streets		X		
	Culture, creativity and heritage		X		
Housing and Communities	Standard of housing		X		
	Access to housing		X		
	Crime		X		
	Social connectedness		X		

Equality and Diversity

7.7 Have you completed an Equality Impact Analysis? No

7.8 If you have not completed an Impact Analysis, please explain your reasons: This is not considered to be required given the nature of the proposed amendment to the Code of Conduct.

7.9 Summary of Equality and Diversity impacts

Please indicate: P = Positive impact; 0 = Neutral; N = Negative; Enter "X"						
Age	P		0	X	N	
Disability	P		0	X	N	
Gender reassignment (transgender)	P		0	X	N	
Marriage & civil partnership	P		0	X	N	

Pregnancy & maternity	P		0	X	N	
Race/ethnicity	P		0	X	N	
Religion or belief	P		0	X	N	
Sex/gender	P		0	X	N	
Sexual orientation	P		0	X	N	
Armed forces families	P		0	X	N	
Rurality	P		0	X	N	
Socio-economic disadvantage	P		0	X	N	

Risk Management	Consequence	Controls required
The provision of dispensations for all matters, or at the request of individual members would be time consuming and inefficient.	Members could be unclear what the dispensation has been granted for and decision making could be impacted upon.	The amendment to the member code of conduct will provide reassurance to all members regarding the rules relative to being a member of another authority.

Contact Officers

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Background Documents Available

Name of Background document	Where it is available
Constitution of South Lakeland District Council	https://www.southlakeland.gov.uk/your-council/councillors-and-decisions/council-constitution/

Tracking Information

Signed off by	Date sent	Date Signed off
Section 151 Officer	N/A	N/A
Monitoring Officer	Report Author	Report Author
CMT	N/A	N/A

Circulated to	Date sent
Lead Specialist	N/A
Human Resources Lead Specialist	N/A
Communications Team	N/A
Leader	
Committee Chairman	
Portfolio Holder	
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A
Council	N/A