

CAMBRIDGE CITY COUNCIL

REPORT OF: Head of Legal Services and Monitoring Officer

TO: Civic Affairs Committee

27/6/2012

WARDS: None directly affected

ADOPTION OF A NEW CODE OF CONDUCT FOR COUNCILLORS

1 INTRODUCTION

- 1.1 The Localism Act 2011 introduces a new standards regime. The existing statutory Code of Conduct for Members will be repealed on 30 June 2012. Each local authority must adopt its own Code of Conduct to take effect "on or after 1st July 2012". The purpose of this report is to formally consider three draft Codes and to seek a recommendation from the Committee for adoption of a Code by the Council at its meeting on 19 July 2012.

2. RECOMMENDATIONS

- 2.1 That the Standards Committee consider all three draft Codes of Conduct and recommend the "Cambridgeshire" model code (Appendix 1) to the Council for adoption.

3. BACKGROUND

- 3.1 The Council is required to put procedures in place in order to comply with the provisions of the Localism Act 2011, which places a statutory duty upon the Council to promote and maintain high standards of conduct amongst its own elected members and any co-opted members.
- 3.2 Strong ethical governance is critical to the Corporate Governance of the Authority and supports the Council's decision making processes across the organisation as a whole. It is important for the corporate governance of the Authority that the Council has the highest standards of conduct from its elected members and that the public has confidence that any complaints procedure is robust and

transparent. If the Council fails to adopt a code of conduct which is fit for purpose or to establish an appropriate procedure for complaints to be effectively dealt with then there are risks to the Council from a reputational management viewpoint and also to the integrity of the Councils corporate governance and decision making process. Equally the Council must ensure frivolous or tit for tat complaints are discouraged if the process is not to fall into disrepute.

3.3 Any local code must be consistent with the Nolan principles of:

- (a) Selflessness
- (b) Integrity
- (c) Objectivity
- (d) Accountability
- (e) Openness
- (f) Honesty
- (g) Leadership

3.4 With the objective of achieving a common way forward across the Cambridgeshire authorities so that all councillors at all three tiers of local government were subject to the same code and in the absence of any published national model code at the time, all the Monitoring Officers in the county have drafted a Cambridgeshire Code. This code draws on guidance obtained through national networks such as the Association of Council Secretaries and Solicitors (ACSeS), and is based on the first section of the current Code of Conduct. A copy of the Cambridgeshire Code, adapted for Cambridge, is attached as Appendix 1. (There are minor differences in the ways in which Cambridgeshire Councils have adopted the basic model to suit local needs.)

3.5 On 11 April 2012, DCLG published an "illustrative text" for a Code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity. A copy of the DCLG Code is attached as Appendix 2. It provides an example of what a local authority's Code of Conduct for the new standards arrangement might look like.

3.6 Shortly afterwards, following discussions with Members, Officers and professional bodies, the Local Government Association (LGA), SOLACE and ACSeS published their own draft Code. A copy of the LGA Code is attached at Appendix 3.

3.7 On 8th June 2012 Regulations were issued by the Department of Communities and Local Government (DCLG) outlining what

'Disclosable Pecuniary Interests' (DPIs) Members will have to declare. No opportunity was given to comment on a draft before publication. These have been included in an updated Cambridgeshire Code. There may be other, non-pecuniary interests which each Council will wish to specify.

3.8 Monitoring Officers within Cambridgeshire are recommending the adoption of the Cambridgeshire model set out in Appendix 1.

4. COMPARISON BETWEEN THE CODES

4.1 Code 1 – The Cambridgeshire Code

Pros	Cons
This model is being recommended to all other councils in Cambridgeshire.	Previous regime “top down”, centrally imposed
A common approach will give consistency across the tiers of local government in Cambridgeshire	Not innovative
Members familiar with it	Any other declarable interests will need to be defined
Members have been trained on it	Longer than Codes 2 and 3
Guidance on it available	Wording may be seen as prescriptive
Common Code across Cambridgeshire will make it easier to monitor and enforce	
principles – selflessness, integrity, objectivity, accountability, openness, honesty, leadership	
Also includes provisions on respect, confidentiality, bullying and intimidation, abiding by the equalities legislation and disrepute (all part of the current code)	
Will promote and maintain high standards of conduct	

4.2 Code 2 - DCLG Code

Pros	Cons
Light touch Code	Regulations about DPIs (declarable pecuniary interests) not built in
Endorsed by DCLG	Any other declarable interests will need to be defined
Will promote and maintain high standards of conduct	Members will need to familiarise themselves with it
Based on seven Nolan principles	No guidance on it
Shorter than Codes 1 and 3	Does not include respect, bullying, etc.
Outcome based	
Less prescriptive	

4.2 Code 3 – LGA Code

Pros	Cons
Light touch Code	Regulations required about DPIs are not built in • • •
Endorsed by LGA with input from SOLACE & ACSeS	Any other declarable interests will need to be defined
Will promote and maintain high standards of conduct	Longer than Code 2
Based on seven Nolan principles	Wording open to wide Interpretation - what is meant by championing the needs of local residents'?
Shorter than Code 1	No guidance on it
Outcome based	
Less prescriptive	
Includes respect and stewardship	

5. CONSULTATIONS

Codes 1 and 3 were reviewed by members at a briefing meeting on 4 April. Code 2 was not available at that time.

6. **OPTIONS**

The Council must adopt a Code of Conduct based on the seven Nolan principles set out in paragraph 3.3. But, subject to this, it is open for the Council to decide what form a code should take. It can choose from the three codes annexed to this report or it can devise a code of its own. The Council needs to adopt a code on 19 July. If members believe that further work is needed, then it would be possible to adopt a revised code at a future meeting.

7. **IMPLICATIONS**

(a) **Financial Implications** - None

(b) **Staffing Implications** - None

(c) **Equal Opportunities Implications** – An EQIA has not been conducted in respect of this report as there is no obvious differential impact on groups with protected characteristics.

(d) **Environmental Implications** – Nil.

(e) **Community Safety** - None

BACKGROUND PAPERS: The following are the background papers that were used in the preparation of this report:

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