



Policy and Finance Committee

Date: 15 April 2019

Title: Code of Conduct review

Purpose of the Report: To review the Town Council’s Code of Conduct.

Contact Officer: Sarah Sandiford, Head of Democratic and Central Services

Corporate Objective/s	To consolidate processes and procedures, ensuring operational efficiency.	
Implications:		
Financial		
Human Resources		
Operational/Service delivery	√	

1. RECOMMENDATION

Should Members be minded, the recommendations are:

- 1.1 To consider recommending to Council approval of the proposed amendments to the Town Council’s Code of Conduct, as set out at item 4 and shown in red in the attached draft document.**

2. BACKGROUND

- a. The Town Council’s current Code of Conduct was adopted by Council in 2012 as a result of the requirements set out in sections 26-37 of The Localism Act 2011.
- b. The 2011 Act sets out that parish councils must adopt a code of conduct for members and co-opted members and that this may be either the code adopted by the relevant local authority, a template code or its own bespoke code of conduct.
- c. At the time of adopting the Code, the template code issued by the National Association of Local Councils was used as the basis for the Town Council’s code of conduct and it was noted that NALC specifically advised against adopting codes issued by the National Government Association or the

Department of Communities and Local Government, as neither concisely described obligations regarding conduct.

- d. A Dispensations Procedure was later developed and adopted in January 2013, to work alongside the code of conduct.
- e. Neither the Code of Conduct nor the Dispensations Procedure has been reviewed or amended since 2012/2013.
- f. As a result of proposed amendments to Standing Orders, forthcoming local elections and the recent publication of the Local Government Ethical Standards report, it was felt that it would now be appropriate to review both documents to ensure they remain fit for purpose.

3. REVIEW

3.1 The review has taken into account the following:

3.1.1 Guidance from the Society of Local Council Clerks regarding Standards and Codes of Conduct for Parish Councillors in England

3.1.2 Legal Topic Note 80, issued March 2017 from the National Association of Local Councils

3.1.3 Central Bedfordshire Council's Code of Conduct as set out in section 5A of its Constitution, updated March 2017

3.1.4 Legal Briefing L09-12, issued May 2018 from the National Association of Local Councils

3.1.5 Proposed amendments to Town Council Standing Orders, in accordance with the NALC model, due for consideration by Council on 29 April 2019 and which include amendments to section 13 (Code of Conduct and Dispensations) and the introduction of a new section, 14, regarding Code of Conduct Complaints.

3.2 Advice has also been sought from the Monitoring Officer at Central Bedfordshire Council in respect of any potential changes to its Code of Conduct which may result from the publication in January 2019 of the Local Government Ethical Standards report by the Committee on Standards in Public Life.

3.3 The report includes 26 recommendations including a call for an updated model code of conduct. It also directs 15 best practices to local authorities, which it expects any authority can and should implement. The full report can be viewed at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

3.4 A report to Central Bedfordshire Council's General Purposes Committee on 28 March 2019 asked the committee to consider whether changes to the code of conduct would be required. At the time of writing, the outcome of that meeting is unknown.

4.0 RECOMMENDATIONS

4.1 The Town Council's Code of Conduct remains almost identical to the majority of content of both the NALC Model Code of Conduct and the Central Bedfordshire Council Code of Conduct.

4.2 The only omission from the Town Council's Code is any reference to disclosure of interests in meetings and to obtaining dispensations where appropriate.

4.3 It is recommended therefore to include a reference in the Code to disclosure at meetings. Proposed wording is taken directly from the NALC Model Code of Conduct.

4.4 Whilst the Town Council does have a separate Dispensations Procedure, it is recommended to include brief reference to dispensations in the Code of Conduct.

4.5 Proposed new Town Council Standing Orders, based largely on the NALC Model and reviewed by both a Task and Finish group and by the Policy and Finance Committee in late 2018/early 2019, includes reference to Code of Conduct Complaints. It is recommended that reference to this – subject to approval by Council of the amended Standing Orders in April 2019 - is included in the Code of Conduct.

4.6 Draft amendments to the current Code of Conduct are shown in red type in the **attached** document for Committee consideration.

4.7 It is proposed that should Central Bedfordshire Council make any amendments to its own Code of Conduct at a later date as a result of the Ethical Standards report, that any implications for the Town Council's Code of Conduct then be given further consideration.

4.8 No changes are required to the existing Dispensations Procedure.

End.