

SUBJECT	Standards Procedures for Buckinghamshire Council and Update on the LGA Model Code
RELEVANT MEMBER	Chairman of Audit & Standards Committee – Councillor John Gladwin
RESPONSIBLE OFFICER	Monitoring Officer- Joanna Swift joanna.swift@chilternandsouthbucks.gov.uk Tel : 01494 732761
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WARD/S AFFECTED	None

1. Purpose of Report

- 1.1 To inform the Committee about the standards arrangements in place for members of Buckinghamshire Council.
- 1.2 To update members on progress with a Model Code of Conduct being drafted by the Local Government Association.

RECOMMENDATION:

1. The Committee is invited to note the information in this report regarding the Code of Conduct and complaints procedure for Buckinghamshire Council.
2. The committee authorises the Monitoring Officer to respond to the Local Government Association Consultation, in consultation with the Chairman of this Committee.

2. Reasons for Recommendations

- 2.1 To ensure that the Committee is aware of the newly adopted Code of Conduct and complaints procedure for Buckinghamshire Council.
- 2.2 To enable the Monitoring Officer to respond to the Local Government Association Consultation on the drafting of the new model code of conduct, giving members the opportunity to input into the proposed model code of conduct being produced by the Local Government association.

3 Content of Report

- 3.1 As members are aware both principal and local Councils have a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct amongst their elected and co-opted members and to adopt a code governing member conduct. Principal Council must also have arrangements in place for dealing with any complaints that members may have breached the code of conduct. Any complaints

that town or parish councillors have breached their council's code of conduct are covered by the principal Council's arrangements.

- 3.2 Under the Act and accompanying statutory regulations members must disclose any pecuniary interests (DPI's) held by themselves or their spouse/partners in items of Council business. Failure to disclose a DPI is a criminal offence.

THE CODE OF CONDUCT

- 3.3 The Act gives Councils discretion over the contents of their code of conduct provided that it accords with the following 7 principles of conduct in public life: -
- selflessness
 - integrity
 - objectivity
 - accountability
 - openness
 - honesty
 - leadership
- 3.4 Buckinghamshire Council must have a code of conduct in place for 1 April 2020 and this was adopted as part of the Council's Constitution at the Shadow Authority meeting on 27 February. A copy is attached at Appendix 1. The Constitution also included the new Council's arrangements for dealing with complaints and this is attached at Appendix 2. The code largely follows the model adopted by Chiltern District Council and includes the requirement for members to disclose non-pecuniary personal and prejudicial interests, in addition to the statutory DPI's.
- 3.5 The complaints procedure is also similar to the arrangements at Chiltern adopting a three stage approach.

LOCAL GOVERNMENT ASSOCIATION DRAFT MODEL CODE OF CONDUCT

- 3.6 The Local Government Association's ("LGA") have recently issued an update on progress with preparing a Model Code of Conduct in line with the following recommendation in the Committee on Standards in Public Life report published on 30 January 2019 *"The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government in consultation with representatives of following the recommendations of the Committee of Standards in Public Life report published on 30 January 2019"*.
- 3.7 The Board of the LGA at its meeting on 11 September 2019 (report attached as Appendix 3) considered and agreed to commence work on a Model Code ahead of central government's response to the recommendations of the report. This work is

part of a wider programme of work on civility in public life and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.

- 3.8 The LGA consider that if the code is completed before any government response, Local Authorities will still be able to adopt the Code. However, some of the recommendations in the CSPL report, for example the power to suspend councillors, will require legislation which means that these provisions cannot be included in the Model Code.
- 3.9 The LGA confirmed the next stages of the review process and will publish the draft consultation code following the LGA board meeting in March.

Summary of Model Code drafting timetable/milestones

- 3 February –2 March preparation of draft code and report for LGA Board
- Wednesday 11 March – Draft Code to Board for consideration and approval for consultation
- W/C 16 March – launch of consultation period (6 weeks takes us up to Friday 24 April)
- W/C 16 March – Round table discussion with key stakeholders (including LGO)
- *RISK* – Thursday 26 March start of pre-election period for local government elections
- Friday 24 April – close of consultation
- Monday 27 April – Friday 15 April (3 weeks) review of consultation findings and final drafting
- *Note* – Thursday 7 May local government elections
- Friday 15 May – deadline for final draft from Hoey Ainscough
- w/c 18 May – Drafting of report for Board /final edits to code
- Monday 25 May – LGA deadline for submission of report for Board
- Wednesday 3 June – Final copy to Board for approval
- W/C 8 June – LGA design and print and final editing for launch
- Tuesday 30 June – Launch at first day of LGA conference, Harrogate

4. Consultation

Not applicable.

5. Options (if any)

The report is for noting and information

6. Corporate Implications

Reports must include specific comments addressing the following implications:

6.1 Financial- None

6.2 Legal – As set out in the report

6.3 Risks issues – None

6.4 Equalities - None

7. Unitary Implications (if applicable)

The standards arrangements for the new Unitary Council form part of the Constitution and will be reviewed by the new Council's Standards Committee who will have this responsibility from 1 April 2020.

8. Links to Council Policy Objectives

Whilst there is no direct link to the Council's main objectives the monitoring of complaints contributes to ensuring good governance.

Background Papers:	None except those referred to in the report
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Appendices

Appendix 1 – Buckinghamshire Council's Code of Conduct

Appendix 2- Buckinghamshire Council's complaint procedure

Appendix 3- LGA Board meeting report