

**Barrow Borough Council**  
**Audit and Governance Committee**  
**7 December 2021**  
**Code of Conduct, and Guidance Revision**

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**Report from:** Monitoring Officer

**Report Author:** Debbie Storr

**Wards:** Not applicable

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**1.0 Summary and Conclusions**

1.1 That the Audit and Governance Committee considers the Code of Conduct as reviewed through Cumbria Monitoring Officers, together with revisions to the guidance for recommendation to Council.

**2.0 Recommendations**

**(1) It is recommended that the Audit and Governance Committee considers recommending to Council that it adopts the LGA Code of Conduct (as amended); and**

**(2) That subject to the revised code being adopted that the Guidance be revised as set out in the report.**

**3.0 Background and Proposals**

3.1 At its last meeting Audit and Governance Committee considered a review of its standards arrangements and received an update with regard to the model LGA Code of Conduct which had been considered by the Cumbria Monitoring Officers Group and had requested that a report be brought back to this meeting with the amended version of the code and revised guidance for final consideration ahead of recommendation to full Council.

3.2 As Members are aware best practice recommendations from the Committee on Standards in Public Life set out a number of recommendations, many of which require changes to legislation and so are the responsibility of central government to implement, however a number were for local authorities to implement, and the report on 30 September 2021 provided an update in terms of the Council's implementation of those recommendations.

- 3.3 One of the recommendations was that the Local Government Association (“LGA”) should create an updated Model Code of Conduct. When the Committee considered the Council’s code back in 2020 the LGA were still working on this and the LGA Model Code was published in December 2020. The Cumbria Monitoring Officers have worked together on the Model Code to make appropriate amendments (the Model Code is promoted as a template to be amended for local circumstances).
- 3.4 The Model Code of Conduct with suggested amendments is shown as Appendix 1 of the Report. The amendments are shown via tracked changes to make it easier for Members to see where the suggestions have been made to the LGA Model Code of Conduct.
- 3.5 Hopefully the changes are self explanatory but providing some additional detail:
- 3.6 Paragraph 7.2 deals with the use of Council resources for political purposes. At the moment the position is clear, Members may not use Council resources to promote any particular political party. The Cumbria Monitoring Officers are of the opinion that the suggested wording in the LGA Model Code would introduce ambiguity where non currently exists, hence the suggested amendment.
- 3.7 Paragraph 10.2 covers the value of gifts/hospitality to be recorded. Members have previously discussed this. The current level in this Council’s Code is £50, Members may wish to revisit or reaffirm the amount.
- 3.8 In matters where Members disclose a disclosable pecuniary interests, the amendment to the proposed code continues the current arrangement whereby if the public has the right to speak then so does the Member. The Member, having spoken must then leave the room/meeting. This ensures that Members do not have fewer rights than they would do as ordinary members of the public.
- 3.9 In relation to other declarations of interests (non-pecuniary) the LGA Code requires the Member to leave the room/meeting. However, this goes further than the law requires and is unnecessary; not participating when it would be inappropriate to do so is the more important point.
- 3.10 In paragraph 9 on page 13 of the Code, the LGA attempts to revert to the pre 2012 Statutory Code of Conduct. The test as to whether a Member’s financial position is affected “to a greater extent that it affects the financial interests of the majority of inhabitants of the ward affected by the decision” is too imprecise a test to apply. The suggested local amendment of whether an ordinary member of the public would believe the Member’s judgement be affected is a far clearer, objective judgement and should be easier to apply and use.
- 3.11 Since the LGA Code was published a revised version was issued in July 2021 and the tweaks are incorporated into this version. Members are asked to confirm whether they wish to see unpaid directorships added to the other registrable interests which the Council has said should be declared. If Members agree that

these should be included this will be incorporated into the recommendations for full Council.

- 3.12 The Guidance for Members has also been revised to take account of the new Code and this is attached as Appendix 2.

### **Recommendations**

- 3.13 Members are requested to consider the LGA Model Code as amended by the Cumbrian Monitoring Officers, and accompanying guidance and recommend the Code to full Council for adoption.

### **4.0 Consultation**

All Borough councillors and Parish/Town Clerks have been sent a copy of the revised draft on 11 October 2021 and invited to submit any comments to the Committee. The Independent Person has also been consulted.

### **5.0 Alternative Options**

- 5.1 The report is to consider and comment.

### **6.0 Contribution to Council Plan Priorities**

- 6.1 Ethical standards underpin the governance controls of the Council.

### **7.0 Implications**

#### **Financial, Resources and Procurement**

- 7.1.1 There are no finance or resource implications arising from this report.

#### **Legal**

- 7.1.2 There are no legal implications arising from this report. Any changes to standards arrangements must be in accordance with the relevant legislative requirements.

#### **Equality and Diversity**

- 7.2 Have you completed an Equality Impact Analysis? No – there are no issues to raise.

#### **Risk**

<b>Risk</b>	<b>Consequence</b>	<b>Controls required</b>
That the Council is failing in its standards arrangements	Poor standards of behaviour – reputational	Monitor and review arrangements on a regular basis

#### **Contact Officers**

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### Appendices Attached to this Report

Appendix No.	Name of Appendix
1	LGA Model Code of Conduct as adapted
2	Updated Guidance on Code of Conduct

### Background Documents Available

Background documents available	
1. Local Government Ethical Standards – a Review by the Committee on standards in Public Life	<a href="https://www.gov.uk/government/publications/local-government-ethical-standards-report">https://www.gov.uk/government/publications/local-government-ethical-standards-report</a>
2. Barrow Borough Council existing Member Code of Conduct	<a href="https://www.barrowbc.gov.uk/resources/assets/attachment/full/0/8539.pdf">https://www.barrowbc.gov.uk/resources/assets/attachment/full/0/8539.pdf</a>