

To:
Governance & Audit Committee 19 October 2022
Council 30 November 2022

**Councillor Code of Conduct - update
Executive Director of Delivery-Legal**

1 Purpose of Report

- 1.1 To introduce cursory amendments to the existing Code of Conduct for Councillors and Co-opted Members as agreed by the Code of Conduct Working Group

2 Recommendation(s)

- 2.1 **That Council approve the changes to the Councillor Code of Conduct as set out in Appendix C of this report and agree to the constitution being amended accordingly.**

3 Reasons for Recommendation(S)

- 3.1 All Councils are required to have a local Councillor Code of Conduct. The Local Government Association published a Model Code as a template for Councils to adopt with or without amendments should they choose to do so in December 2020. A Code of Conduct Working Group determined not to adopt the Model Code but proposed a few cursory amendments to the Councils existing Code.

4 Alternative Options Considered

- 4.1 Adoption of the LGA Model Code was rejected by the Working Group.

5 Supporting Information

- 5.1 In its January 2020 report into Local Government Ethical Standards, the Committee for Standards in Public Life (CPSL) included a best practice recommendation for local authorities to adopt a Code of Conduct based on a model produced by the Local Government Association (LGA).
- 5.2 When researching the local Codes of Conduct, the CPSL found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government.
- 5.3 In December 2020 the LGA produced a model code of conduct, which is based on the CPSL best practice recommendations, and the expectation was that all councils should adopt it as a minimum, but with provision for additional local variations. A Copy of the Model Code is attached as **Appendix A**. A copy of the existing BFC Code is attached as **Appendix B**
- 5.4 A Code of Conduct Working group of Bracknell Forest Council Councillors convened on 18 January 2022 to consider whether the Council should adopt the Model Code in whole or in part or alternatively retain its existing Code.

- 5.5 The Working group expressed a general satisfaction with the Council's existing Code but suggested a few cursory amendments-specifically to;
- (i) redraft the Code in first person,
 - (ii) reference the Mayor's Charter and
 - (iii) include a link to the LGA Guidance.

5.6 Amendments were drafted by the Borough Solicitor and agreed at a meeting with the Chair of the Working Group and the Assistant Director Democratic & Registration Services. These were circulated to members of the Working Group in July for final approval. A copy of the amended version is attached as **Appendix C (tracked and clean versions)**

6 Consultation and Other Considerations

Legal Advice

- 6.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 6.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.
- 6.3 There is no obligation by the Council to adopt a particular model of the Code of Conduct.
- 6.4 The Council must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area,

Financial Advice

- 6.5 There are no specific financial implications arising from the recommendation in this report.

Equalities Impact Assessment

- 6.6 An Equality Impact Assessment (EIA) is not relevant to this report.

Strategic Risk Management Issues

- 6.7 The Code of Conduct is a key element in the maintenance of an effective ethical governance culture.

Climate Change Implications

- 6.8 The recommendation in Section 2 above are expected to have no impact on emissions of CO₂.

Contact for further information

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