



Governance and Audit Committee

Item
10

13 December 2023

Report of	Head of Governance and Monitoring Officer	Author	Andrew Weavers ☎ 282213
Title	Annual review of the Members' Code of Conduct and the Council's Localism Act Arrangements		
Wards affected	Not applicable		

1. Executive Summary

- 1.1 This report requests the Committee to review the Councillors' (Members') Code of Conduct, the Council's Localism Act Arrangements for dealing with complaints made regarding councillors.
- 1.2 The report also provides an update on the number and types of complaints received under the Members' Code of Conduct.

2. Recommended Decisions

- 2.1 To note the contents of this report.

3. Background

- 3.1 The Localism Act 2011 ("the Act") introduced the current system of regulation of standards of conduct for elected and co-opted Members. The Act requires local authorities to adopt a code of conduct consistent with the seven Nolan Principles of public life and that Principal Authorities put in place "Arrangements" to deal with allegations that Councillors had failed to comply with the Members' Code of Conduct. Principal Authorities are also required to appoint at least one "Independent Person" who are to be consulted as part of the Council's "Arrangements".
- 3.2 The Full Council at its meeting on 19 October 2022 formally adopted the Local Government Association's Model Councillor Code of Conduct ("the LGA Code") and agreed that it would come into effect on 1 December 2022. The City Council's code of conduct is published on the Council's website: [CCC-Code-of-Conduct Nov 22](#)
- 3.3 The Act also introduced the disclosable pecuniary interest's regime and the LGA Code introduced Other Registerable Interests and Non-Registerable Interests which replaced the former pecuniary and non-pecuniary interests under the previous version of the Council's Members Code of Conduct. The Council's "Arrangements" were also amended to reflect that they applied to the LGA Code.
- 3.4 The Act places on the City Council a statutory duty to promote and maintain high standards of conduct for its elected and co-opted members. The Full Council has in turn delegated this function to this Committee as part of its terms of reference.
- 3.5 The Committee at its meeting on 22 November 2022 last reviewed the Council's Localism Act processes and this report reviews our subsequent experience to date.
- 3.6 The Monitoring Officer arranged a series of training for all Councillors on the LGA Code prior to its implementation. This has also been extended to Town and Parish Councils.

4. Review of the Current Code

- 4.1 The Act did not prescribe the contents of the Code (save that it should be consistent with the seven Nolan Principles) and accordingly the LGA Code promoted by the Local Government Association is intended to encourage a consistent approach across the Country with the aim that all council's (county, districts and parishes) adopt the model code to provide a clarity for Councillors.
- 4.2 The LGA Code has also been adopted by a number of the Town and Parish Council's in the City. However some are still operating on various version of the Code. The City Council has been successfully operating the LGA Code during the past year without any apparent difficulties or concerns. It is suggested that the Committee continues to keep the Code under annual review. The Local Government Association will also be keeping its model code under review and any changes will be reported to the Committee.
- 4.3 The Act requires the Monitoring Officer to compile and publish on the City Council's website a Register of Members' Interests. This includes Disclosable Pecuniary Interests for both Councillors and their partners. In addition, Other Registrable Interests just for Councillors and registerable under the LGA Code are also published in the Register of Interests. All City Councillors interests are published and most of those of the Town and Parish Councillors in the City have also been published on the City Council's website. The Act does make it an offence for a councillor to fail to register their Disclosable Pecuniary Interests within a period of 28 days of becoming elected.
- 4.4 The City Council's Committee Management Information System (CMIS) enables the Register of Members' Interests to be published in line with the Government's transparency agenda so that all Councillors' information is in one place on the website. The Monitoring Officer has the ability to agree with a Councillor that certain interests can be redacted from the public register as being a "sensitive interest" in specified circumstances. This arrangement also applies to Town and Parish Councillors.
- 4.5 Training on the LGA Code has been provided by the Monitoring Officer for City Councillors during the year and this has recently been provided to Town and Parish Councillors.

5. Review of the Arrangements and the Code of Conduct

- 5.1 The Act required the Council to adopt "Arrangements" for dealing with allegations that Councillors have potentially failed to comply with the Code. Any allegations that Councillors have not complied with the Disclosable Pecuniary Interests regime under the Act are not dealt with under the Council's "Arrangements" as they are potentially criminal offences and need to be dealt with by the Police. As at the date of this report there have been no such allegations or referrals.
- 5.2 The Council's "Arrangements" are made publicly available on the City Council's website and have been implemented in relation to both City and Parish Councillors. All allegations are received by the Monitoring Officer who makes an initial assessment of the merits of the complaint in consultation with an Independent Person in accordance with the "Arrangements".
- 5.3 The table at Appendix 1 below details the number, type and outcome of allegations received between November 2018 and November 2022 under the City Council's previous code of conduct along with those of Town and Parish Councils. The table at Appendix 2 below details the number, type and outcome of allegations received between December 2022 and November 2023 under the LGA Code together with those of Town and Parish Councils.

- 5.4 Overall the Council's Localism Act "Arrangements" appear to have been operating satisfactorily over the past year. The Monitoring Officer has reviewed the "Arrangements" in the light of the Hearings Sub-Committee meeting earlier in the year and an updated version is attached at Appendix 3 and I would recommend that the Committee continues to keep them under annual review.
- 5.5 Under the Act the Council is required to appoint at least two Independent Persons. The current two persons appointment is due for review in 2024 and a recruitment exercise will be undertaken which will be reported to the Committee.
- 5.6 The Council's agreed guide for the granting of dispensations under the Council's Code of Conduct was reviewed by the Committee last year and is appended for information.

6. Strategic Plan References

- 6.1 The manner in which the Council governs its business is an underpinning mechanism in the Council's Strategic Plan priorities to set out the direction and future potential for our city.

7. Publicity Considerations

- 7.1 The Council's Code of Conduct and "Arrangements" are available on the Council's website [Councillors' code of conduct and register of interests · Colchester City Council](#)

8. Financial, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety, Risk Management and Environmental and Sustainability Implications

- 8.1 None.

Appendices:

- Appendix 1 – Code of Conduct Allegations received (previous code)
Appendix 2 - Code of Conduct Allegations received (LGA Model code)
Appendix 3 – Localism Act Arrangements

Councillor Code of Conduct Allegations received between November 2018 and November 2022 (Previous Code)

Allegations	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Number received	3	6	9	8	26
City Councillor	3	5*	6**	3	17
Parish Councillor	0	1	3	5	9

NB.

*one person made the same complaint against two councillors

**two persons made the same complaint against one councillor

Source of complaints	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Member of the public	3	5	5	8	21
City Councillor	0	0	2	0	2
Parish Councillor	0	1	2	1	4
County Councillor	0	0	0	0	0
Member of Parliament	0	0	0	0	0

	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Referrals to Governance and Audit Committee	0	0	0	1	1

Outcome	Nov 18 – Oct 19	Nov 19 – Oct 20	Nov 20 – Oct 21	Nov 21 – Nov 22	Total
Not within remit of Code of Conduct	1	0	0	0	1
Merits no further investigation	2	6	6	7	21
Merits further investigation	0	0	1*	1	2

NB.

* The investigation was ceased following the Councillor concerned resignation.

Councillor Code of Conduct Allegations received between December 2022 and November 2023 (LGA Code)

Allegations	Dec 22 – Nov 23	Total
Number received	5	5
City Councillor	3	3
Parish Councillor	2*	2

*four persons made the same complaint against one councillor

Source of complaints	Dec 22 – Nov 23	Total
Member of the public	7	7
City Councillor	0	0
Parish Councillor	1	1
County Councillor	0	0
Member of Parliament	0	0

	Dec 22 – Nov 23	Total
Referrals to Governance and Audit Committee	0	0
Hearings Sub-Committee	1	1

(Hearing Sub-Committee determined a previous version of the Code complaint)

Outcome	Dec 22 – Nov 23	Total
Not within remit of Code of Conduct	0	0
Merits no further investigation	4	4
Merits further investigation	0	0

(One complaint not assessed as at date of this report)