
A new Councillors Code of Conduct – Supporting Information

1. Introduction

- 1.1 The Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by Councillors and co-opted members of the Council.
- 1.2 The Council must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person' to investigate alleged breaches, and sanctions to be imposed on any councillors who breach the code.
- 1.3 The Council's existing Code of Conduct (hereafter referred to as The Code) was adopted by the Council at its meeting on 10th May 2012 and confirmed at a meeting on 16th July 2012. It came into effect on 1st July 2012. The revised Code was adopted at the Council meeting on the 12 December 2013.
- 1.4 At the Governance and Ethics Committee's meeting on 23 November 2015, the then Chairman, Councillor Quentin Webb, noted that it was nearly three years since the adoption of the Code and requested that the Code of Conduct be reviewed. A Task Group was established for this purpose.
- 1.5 The Task Group included the following members:
 - Councillors Rick Jones, Quentin Webb, Graham Bridgman and Lee Dillon.
 - Barry Dickens (Co-Opted Member) and James Rees (Independent Member).
- 1.6 The Task Group stated that their focus would be to ensure the Code was clear in its definitions and guidance. They also were mindful that the Code would be read on electronic devices and suggested that this be borne in mind when reformatting it. The Code now consists of a short summary document, with the detail in its appendices.

2. Councillor's Code of Conduct

- 2.1 The Task Group identified that since the passage of the 2011 Act, model codes of conduct have been produced by DCLG, the Local Government Association, and the National Association of Local Councils (NALC). The Task Group considered that these model codes did not offer the detail or clarity they felt would be appropriate.
- 2.2 The Task Group also examined the Codes of other Councils and identified some features that would be useful to Councillors, such as a flowchart to explain Interests.

3. Interests

- 3.1 Alongside the requirement to draw up a code of conduct, the Localism Act 2011 strengthened requirements on councillors to register and disclose interests. Schedule 2 of the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 lists the disclosable pecuniary interests specified for the purposes of the Act. The Task Group identified that the Council's existing Code was not clear enough on how it defined interests, or what a Councillor should do about their interests.
- 3.2 The new Code also provides guidance to councillors on Other Registrable Interests and Personal Interests.
- 3.3 The requirements to register Disclosable Pecuniary Interest apply to either an interest of the councillor or an interest of the Councillor's spouse/ partner. The task Group recommended that in the case of Other Registrable Interests and Personal interests, Councillors are asked to consider whether an interest belonging to a family member should be declared to maintain transparency.

4. Councillors Gifts and Hospitality Protocol

- 4.1 The Task Group also considered whether any changes were required to the estimated value (£25 or more) of a gift or hospitality, whether offered or received, to them or their spouse/partner. They concluded that this figure was still relevant so do not propose any change is made.

5. Conclusion

In conclusion, the Task Group present a new Councillors Code of Conduct which is designed to be read on electronic devices and offers clearer guidance to Councillors.

6. Recommendations

- 6.1 The Task Group recommends that the Council:
- (1) Approves and adopts the new Councillors Code of Conduct
 - (2) Delegates authority to the Monitoring Officer to make any required changes to the Council's Constitution in light of a new Councillors Code of Conduct
 - (3) Delegates authority to the Monitoring Officer to update the process for investigating alleged breaches of the Code of Conduct
 - (4) Delegates authority to the Monitoring Officer to publicise the revisions and replacement of the Councillors Code of Conduct in accordance with Section 28 (12) of the Localism Act 2011.

7. Consultation and Engagement

- 7.1 Councillors: Rick Jones (as Chairman of the Governance and Ethics Committee), Quentin Webb, Graham Bridgman, Lee Dillon, Alan Macro, Barry Dickens (Co-Opted Member), James Rees (Independent Member), Operations Board

7.2 Officers: David Holling, Head of Legal Services (as Monitoring Officer); Moira Fraser (Democratic and Electoral Services Manager), Sarah Clarke (Legal Services Manager), Corporate Board

Background Papers: Minutes from the Code of Conduct Task Group (available on request), Local government standards in England – House of Commons Briefing Paper.

Wards affected: All

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

MEC – Become an even more effective Council

The proposals contained in this report will help to achieve the following Council Strategy priority:

MEC1 – Become an even more effective Council

The proposals contained in this report will help to achieve the above Council Strategy aim and priority by ensuring that all councillors uphold high standards of conduct.

Officer details:

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Appendix B

Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity.

Please complete the following questions to determine whether a Stage Two, Equality Impact Assessment is required.

Name of policy, strategy or function:	Code of Conduct for Members of West Berkshire Council
Version and release date of item (if applicable):	
Owner of item being assessed:	Moira Fraser
Name of assessor:	Jo Reeves
Date of assessment:	16 June 2016

Is this a:		Is this:	
Policy	Yes	New or proposed	No
Strategy	No	Already exists and is being reviewed	Yes
Function	No	Is changing	No
Service	No		

1. What are the main aims, objectives and intended outcomes of the policy, strategy function or service and who is likely to benefit from it?	
Aims:	To ensure high standards of conduct by councillors.
Objectives:	To clarify the expectation on councillors in their role.
Outcomes:	Appropriate declaration of interests, gifts and hospitality.
Benefits:	To uphold the integrity and transparency in the conduct of councillors.

2. Note which groups may be affected by the policy, strategy, function or service. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.		
(Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
None		

Further Comments relating to the item:	
3. Result	
Are there any aspects of the policy, strategy, function or service, including how it is delivered or accessed, that could contribute to inequality?	No
Please provide an explanation for your answer: All councillors will be expected to uphold high standards of conduct.	
Will the policy, strategy, function or service have an adverse impact upon the lives of people, including employees and service users?	No
Please provide an explanation for your answer:	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage 2 Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the Equality Impact Assessment guidance and Stage Two template.

4. Identify next steps as appropriate:	
Stage Two required	No
Owner of Stage Two assessment:	n/a
Timescale for Stage Two assessment:	n/a
Stage Two not required:	Yes

Name: Jo Reeves

Date: 16 June 2016

Please now forward this completed form to Rachel Craggs, the Principal Policy Officer (Equality and Diversity) for publication on the WBC website.