

## TRAFFORD COUNCIL

**Report to:** Standards Committee  
**Date:** 15 December 2021  
**Report for:** Decision  
**Report of:** Head of Governance and Deputy Monitoring Officer

### Report Title

**Councillor Code of Conduct**

### Summary

The Standards Committee is responsible for monitoring the Councillor Code of Conduct and for making recommendations to Full Council on any changes to the code.

The Local Government Association has produced a New Model Councillor Code of Conduct ("Model Code") and guidance document.

Councillors, Parish Councillors and Standard Committee Members were consulted on the use of the Model Code of Conduct in the development of a new code of conduct for Trafford.

This report provides members with details of feedback received during consultation and subsequent amendments made to the Model Code.

This report recommends a Councillor Code of Conduct for Trafford.

### Recommendation(s)

It is RECOMMENDED that Committee:

- a) Note the content of the report;
- b) Approves the Councillor Code of Conduct for Trafford; and
- c) Recommends the adoption of the Councillor Code of Conduct to the Executive.

Contact person for access to background papers and further information:

Name: Dominique Sykes

## **1.0 Executive Summary**

- 1.1 All councils are required to have a local Councillor Code of Conduct. The Standards Committee is responsible for monitoring the Councillor Code of Conduct and for making recommendations to Full Council on any changes to the code
- 1.2 On 22 September 2021, the Committee received a report which provided information regarding the LGA the Model Code of Conduct and associated guidance document and the report contained proposals to consult with interested parties in order to progress the development of a new code of conduct for Trafford, based on the Model Code.
- 1.3 In line with LGA guidance and the proposals set out in the Committee report dated 25 March 2021, it is proposed that the Council now undertakes steps to consult with interested parties on the proposed adoption of the Model Code. It should be noted that any such consultation exercise with take into consideration the work which is to be undertaken at a GM level.
- 1.4 This report provides Members with an update following conclusion of the consultation exercise, details how the Model Code has been amended to include feedback received and proposes a Councillor Code of Conduct for Trafford.

## **2.0 Trafford Council's current code of conduct**

- 2.1 Trafford Council's current Code of Conduct for Members was adopted by the Council on 19th September 2012 (and amended 25 November 2020). The code of conduct sets out the conduct expected of Members of the Council, both elected and co-opted.
- 2.2 At the time the Council's current Code of Conduct was developed Trafford took the lead for all GM authorities in drawing up the baseline Code of Conduct which was subsequently adopted across GM with some minor local variations.
- 2.3 The Council's current Code of Conduct was largely based on the Model Code of Conduct which was proposed by the LGA following the passing of the Localism Act in 2011.
- 2.4 The publication of the new Model Code and subsequent guidance by the LGA this year provided an excellent opportunity carry out an in-depth review of Trafford's current code of conduct.
- 2.5 A review of the Council's current code of conduct was necessary to ensure that the Council's code of conduct is fit for purpose, provides clarity on expected behaviours and manages and reflects public expectations. It was also important to ensure that the code of conduct reflects advances in technology, social media, case law and changes in legislation. In accordance with the Localism Act 2011, the Council has now reviewed its current code of conduct.

### 3.0 Consultation

- 3.1 Area of Best Practice 3 from the Committee of Standards in Public Life suggests that authorities in reviewing their code of conduct should, where possible, seek the views of interested parties and members.
- 3.2 In terms of a GM position, there has been a varied response to the Model Code by the Greater Manchester authorities with none of the ten authorities having adopted the model code. Three (including Trafford) are progressing towards adoption with local amendments, two are awaiting the government's response to the CSPL recommendations prior to moving forwards, and the other five authorities are either in the early stages of considering the code or are yet to consider it.
- 3.3 In November 2021, Members, Parish Councillors and Standard Committee Members were invited to consider a draft Councillor Code of Conduct and provide feedback on whether it should be adopted as drafted or provide suggestions for amendments.
- 3.4 The responses received during the consultation exercise have been incorporated in to the table below alongside the Councils response to such feedback. The table also includes a summary of the amendments suggested by the LGA in their September 2021 review of the Model Code.

<u>Relevant Section from Draft Code of Conduct</u>	<u>Suggested Amendment/Proposed Solution</u>	<u>Response</u>
7.2b - use of Council resources	I am happy with the content, but perhaps add something specific about the purdah period during elections	Code amended at 7.2 to include pre-election reference.
9.1 - Register and disclosure of interests	I think that the draft covers this well and agree with the 28 day notification period. Would be a good idea however to have an annual requirement to declare interests	An annual requirement is not necessary as there is a 28 day requirement for all new/changes to interests – which is explained in the code. The introduction of an annual requirement may be misleading. No amendments proposed.
10 - I am happy with the whole of this section 10.2 Gifts and Hospitality over £50	I think that the estimated figure of £50 or over for the declaration of gifts and hospitality is about right	The code already contains a £50 value. Drafting to remain as is - This will result in a reduction from the current limit of £100.
4. Confidentiality and access to information	Make it clear that 4 i-v apply to both section 4 A and B.	Code amended at 4.1.1 to clarify wording application.
8.2 of the Guidance (not the Draft Code)	Albeit not in the code, the guidance will be a public document. In today's society I think threatening, someone's silence or none cooperation could provide an inference of guilt in an investigation feels overbearing/wrong!	Comments noted. Given that this wording is contained in the LGA's guidance document and not in the proposed Code, there are no steps to be taken. The LGA Guidance is out of scope but the Council will feed back the comment to the LGA at the next review opportunity presented by the LGA.

8. Protecting your reputation and the reputation of Trafford Council	Feels the word 'protection' looks to deceive rather than be open and fair	This relates to the section heading prior to section 9 of the code.  Wording amended to replace the word 'Protecting' with the word 'Preserving'
N/A	Include a section on Dispensations relating to declaration of Interests in line with the current Trafford Council Code of Conduct	Text added to Appendix B Paragraph 11 to confirm dispensations will be published on the Council website
<b><u>Amendments proposed by the LGA following and initial review of Model Code</u></b>		
Appendix B 7.2	The word 'authority' was missing	Already amended in draft code
Appendix B 8.2 c	<b>Original wording</b> c. a body included in those you need to disclose under Other Registrable Interests as set out in <b>Table 2</b>	Amended to - a financial interest or wellbeing of a body included under Other Registrable Interests as set out in <b>Table 2</b>
Appendix B 9	<b>Original wording</b>  Where a matter <b><i>affects your</i></b> financial interest or well-being:	Removal of the word 'your' to make it clear it is any of the interests that apply.
<b>Other Local Amendments</b>		
Introduction	Wording has been included to link the development of the code to Best Practice recommendations and detail on those recommendations which are attached at Appendix C of the code	
Appendix B.11	Wording added to confirm that dispensations will be published on the Council's website.	

#### **4.0 Proposed Councillor Code of Conduct**

- 4.1 The previous report dated 22 September 2021, provided members with details of differences between the Council's current code and the LGA's Model Code and draft code for Trafford. Those differences and particular areas for consideration were further highlighted during the consultation exercise and as such, they are not set out again within this report.
- 4.2 The proposed Councillor Code of Conduct is based on the LGA's Model Code and has been developed to include the local amendments detailed in section 3 of this report.
- 4.3 The proposed Councillor Code of Conduct is attached at Appendix 1 to the report.

## **5.0 Proposed Next Steps**

5.1 If the proposed Councillor Code of Conduct is approved by the Standards Committee, the following steps are proposed to progress the adoption and implementation of the Councillor Code of Conduct for Trafford:

- the Councillor Code of Conduct to be submitted to Executive on 28<sup>th</sup> February 2022 with the Committee's recommendation to adopt the Councillor Code of Conduct;
- If approved by Executive, the Councillor Code of Conduct will be submitted to Council on 23 Mar 2022 for final approval;
- Once agreed by full Council, the Council's constitution will be amended to reflect the new Councillor Code of Conduct;
- A training programme will be developed and delivered for all Councillors with a focus upon Executive Members and Councillors on decision making Committees receiving training before their first meetings after the new Code of Conduct is agreed by Council.
- Member induction training to be updated to reflect the new Code of Conduct.
- A review of all related codes and protocols with the outcome reported to the Standards Committee.

### **Other Options**

Retain our current Code of Conduct – but commence our own review and update any associated documents. This option is not seen as the best use of resources that the LGA has again taken a lead on this, consistent with the recommendations from the Committee for Standards in Public Life and the LGA have also indicated they will annually review the Code and provide guidance on interpretation

### **Reasons for Recommendation**

To ensure that the final adopted Code of Conduct for Councillors is fit for purpose, provides clarity on expected behaviours and manages and reflects public expectations