

Report to: Audit & Governance Committee: 19 February 2025

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<b>Report Summary</b>	
<b>Report Title</b>	Code of Conduct – Update and Government Consultation
<b>Purpose of Report</b>	To consider an update on Code of Conduct complaints and the Government Consultation on Strengthening the standards and conduct framework for local authorities in England
<b>Recommendations</b>	To note the report and approve a Council response to the Government consultation as set out in the Appendix to the report.
<b>Reason for Recommendation</b>	To promote and maintain high standards of conduct by Members.

## **1.0 Background**

- 1.1 The Audit & Governance Committee has responsibility for promoting and maintaining high standards of conduct by Members and Co-opted Members of the Council. It is also responsible for maintaining an overview of the Member Code of Conduct and arrangements for dealing with complaints.
- 1.2 The Code of Conduct Annual Report was presented to Committee on 31 July 2024. Committee requested a 6-month update due to concerns about the significant increase in complaints reported, and in relation to 4 investigations that were ongoing.
- 1.3 The Committee also received a report ‘Conduct and Public Service’ at its meeting of 11 December 2024, to consider implementation of the Full Council resolution made on 15 October 2024. It was agreed that an informal workshop would be arranged to consider proposals further. It is intended to confirm the date of that workshop verbally at this meeting.

1.4 Government published its consultation 'Strengthening the standards and conduct framework for local authorities in England' on 18 December 2024. The consultation closes at 11:59pm on 26 February 2025.

## **2.0 Code of Conduct Complaints**

2.1 The Monitoring Officer recorded 28 formal complaints within the period 31 May 2024 to 31 January 2025; of these 15 related to District Councillors and 13 related to Town or Parish Councillors. Members will note that the number of complaints remains high.

2.2 In relation the 28 complaints received, 14 complaints were closed without investigation. It was determined following appropriate consultation with the Independent Persons that either no further action was required, or that informal resolution was appropriate. 14 complaints are currently open.

2.3 14 of the 28 complaints were received from members of the public and 14 from elected officials.

## **3.0 Formal Investigation and Code of Conduct Hearings**

3.1 On 31 July 2024 it was reported that 4 Code of Conduct complaints had been referred for independent investigation.

3.2 The outcomes of those investigations were as follows: -

- Finding of no breach – no further action
- Finding of breach – the Councillor resigned before a hearing was arranged
- Partial finding of non-egregious breach – the Monitoring Officer concluded no further action should be taken – the Councillor resigned
- Finding of breach – the Councillor issued a formal apology and offered to undertake training – the Monitoring Officer concluded no further action should be taken

3.3 The costs of these investigations totalled £26,474.91 excluding VAT.

## **4.0 Code of Conduct Training**

4.1 Officers presented a training session for all Members on 19 November 2024 regarding Equalities and the Code of Conduct. The session was well attended.

## **5.0 The process for dealing with Code of Conduct Complaints**

5.1 Members will recall that an updated process was approved by Audit & Governance Committee on 25 September 2024. A further review will be needed if statutory provisions are revised by Government.

## 6.0 **Government Consultation**

- 6.1 This consultation seeks views on introducing a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils investigating serious breaches of their member codes of conduct, including the introduction of the power of suspension. The consultation document including proposed response is attached as the **Appendix** to this report.
- 6.2 Committee is asked to consider the draft response. Members may also wish to send their own individual responses. Officers are also able to do this.

## 3.0 **Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### 3.2 **Legal Implications (LEG2425/1299)**

Audit & Governance Committee is the appropriate body to consider this report by virtue of its terms of reference.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Government Consultation is published -

<https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england>

Audit & Governance Committee report 11 December 2024 is published –

<https://democracy.newark-sherwooddc.gov.uk/documents/s21437/Item%2018%2011.12.24%20Conduct%20and%20Public%20Service.pdf>

Audit & Governance Committee report 25 September 2024 is published - *item 9* -

<https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?Cid=298&Mid=986>

Audit & Governance Committee report 31 July 2024 is published -

<https://democracy.newark-sherwooddc.gov.uk/documents/s20492/Item%2017%2031.07.24%20Annual%20Code%20of%20Conduct%20Complaints%20Report.pdf>