

Divisions Affected – N/A

COUNCIL 5 APRIL 2022

CODE OF CONDUCT

Report by the Director of Law and Governance

RECOMMENDATION

1. **The Council is RECOMMENDED to adopt the revised Councillors' Code of Conduct at Appendix 1 for implementation from the 1st May 2022.**

Executive Summary

1. Section 27(2) of the Localism Act 2011 requires that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
2. The revised Councillors' Code of Conduct was considered and approved by the Audit and Governance Committee on the 16th March 2022. Oxfordshire County Council having previously adopted the Member's Code of Conduct on 10th July 2012, it forms part of the Constitution.
3. All Oxfordshire local authorities are covered by a single, jointly-agreed Code of Conduct which ensures that councillors who are members of multiple authorities within the area, are covered by a single code providing clarity and consistency. The same Members' Code of Conduct has been adopted by many town and parish councils in Oxfordshire.

Local Government Association Model Code of Conduct

4. In 2018 the Committee on Standards in Public Life ("the CSPL") undertook a review of local government ethical standards. CSPL considered that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.
5. The CSPL published the Local Government Ethical Standards report ("the Report") on 30 January 2019. The Local Government Association ("the LGA") then released a draft Model Member Code of Conduct on 8 June 2020 and sought views on it. The LGA published a Model Member Code of Conduct in December 2020 which was updated in January and May 2021.
6. The LGA Model Code is said to "have been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to

be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government.”

7. Oxfordshire Monitoring Officers working with the Oxfordshire Association of Local Councils have drafted an amended Councillors’ Code of Conduct which will be considered by each of the Oxfordshire Authorities for approval. The proposed draft is contained in Appendix1 to this report, and it is intended that all of the Oxfordshire Authorities adopt the Code for implementation from May 2022 onwards.

Differences in the Code

8. The LGA Model Code does not differ significantly in content from the local code already in operation in Oxfordshire, although some of the language used is different
9. The draft Code sets out general principles of conduct expected of all Councillors as well as specific obligations in relation to standards of conduct. The fundamental aim of the draft Code is to create and maintain public confidence in the role of the Councillor and in Local Government.
10. The Code of Conduct will apply to each Councillor as soon as they sign the declaration of acceptance of the office of Councillor or attend their first meeting as a co-opted member and continues to apply until the role as a Councillor ceases.

Draft Oxfordshire Code

11. The draft Oxfordshire Code applies to members acting in their capacity as a Councillor which may include when:
 - the position as a Councillor is misused; or when
 - the impression is given to a reasonable member of the public with knowledge of all the facts that an individual is acting as a Councillor.
12. The draft Oxfordshire Code applies to all forms of communication and interaction, including at face-to-face meetings, at online or telephone meetings, in written communication, in verbal communication, in non-verbal communication and in electronic and social media communication, posts, statements and comments.
13. The draft Oxfordshire Code includes the following standards and obligations, with guidance given for each obligation to help explain the reasons for the obligations and how they should be followed:
 - (1) Respect
 - (2) Bullying, Harassment and Discrimination
 - (3) Impartiality of Officers of the Council

- (4) Confidentiality and access to information
- (5) Disrepute
- (6) Use of position
- (7) Local authority Resources and Facilities
- (8) Compliance with the Code of Conduct
- (9) Gifts and Hospitality

14. The draft Oxfordshire Code sets out the obligations for councillors in relation to the registration/declaration of interests including Disclosable Pecuniary Interests (DPI) and other registrable interests.
15. The draft Oxfordshire Code contains guidance on the steps that must be taken if a Councillor has an interest in a matter that is under consideration by the Council, including when it relates to a non-registrable interest. Where a matter arises at a meeting which directly relates to a Councillor's financial interest or wellbeing (and does not fall within the definition of disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, it is a non-registrable interest.

Corporate Policies and Priorities

16. This report takes forward the Council's Strategic Plan 2022-225 by promoting a vibrant and participatory local democracy. The proposed Code of Conduct ensuring alleged breaches are dealt with fairly and with due process, the code is enforced, and member interest are dealt with appropriately.

Financial Implications

17. There are no financial implications associated with this report.

Legal Implications

18. Section 27(2) of the Localism Act 2011 says that a local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
19. Adoption of the draft Code of Conduct will ensure continued statutory compliance and uniformity across the Oxfordshire.

Comments checked by: Sukdave Ghuman, Head of Legal Services

Staff Implications

20. There are no staffing implications associated with this report.

Equality & Inclusion Implications

21. There are no direct equality and inclusion implications associated with this report.

Sustainability Implications

22. There are no sustainability implications associated with this report.

Risk Management

23. There are no risk management implications associated with this report.

Consultations

24. There are no consultation implications associated with this report.

Anita Bradley, Director of Law and Governance and Monitoring Officer

Annex: Appendix 1 Councillors' Code of Conduct

Background papers: Audit and Governance Committee 16th March 2022, Item 10 "Code of Conduct".

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