

**Report to:** Governance and Audit Committee

**Date:** 13 January 2022

**Subject:** **Ethical Governance Changes**

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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	
Are there implications for equality and diversity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## 1. Purpose of this report

- 1.1 To consider draft updates to the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct (Appendix 1).
- 1.2. To ask that the Committee recommends to the Combined Authority that these revisions are adopted, to be of effect from the 3 February meeting.

## 2. Information

- 2.1 The Committee may recall that in January 2019, the Committee on Standards in Public Life (CSPL) produced a report into ethical standards in local government accompanied by a series of best practice guidance and recommendations. One such recommendation was that the Local Government Association (LGA) should create a model code of conduct, which it subsequently did and published in December of 2020. The Committee will recall that following publication of the model, it endorsed an amended version of the Combined Authority's Members' Code incorporating those changes, which was adopted at the Combined Authority's Annual Meeting in June 2021.

- 2.2. Since the Committee considered the Combined Authority's Code, the LGA has prepared further guidance on handling complaints arising from the code<sup>1</sup>. In light of this updated guidance, a review of the Combined Authority's procedure for dealing with complaints was considered timely.
- 2.3. A number of changes to the Procedure are proposed to provide further clarity. For ease of reading, and to best incorporate the changes a revised clean version of the proposed Procedure is attached as an Appendix. The main changes are:
- The inclusion of an additional step in the Procedure, namely 'Investigation', which precedes a report being taken to Governance and Audit Committee. This step sets out the investigative process which determines whether a matter should be taken to the Committee, to ensure the procedure is transparent and fit for purpose,
  - For the purposes of clarity, the terminology has been amended throughout and the terms 'Subject Member' and 'complainant' are defined at the outset of the document,
  - The possible outcomes of each stage of the Procedure are now explicitly stated, along with time frames, to ensure all parties to a complaint understand which stage of the Procedure the complaint has reached.

### **3. Tackling the Climate Emergency Implications**

- 3.1 There are no climate emergency implications directly arising from this report.

### **4. Inclusive Growth Implications**

- 4.1 There are no inclusive growth implications directly arising from this report.

### **5. Equality and Diversity Implications**

- 5.1. The Combined Authority's Code of Conduct contains explicit reference to the equality legislation and places an obligation on Members to promote equalities and not discriminate unlawfully against any person. Conduct which amounts to a breach of the Equality Act 2010 could also amount to a breach of the Code of Conduct and give rise to a complaint under the Code.

### **6. Financial Implications**

- 6.1 There are no financial implications directly arising from this report.

### **7. Legal Implications**

- 7.1 The Government has yet to issue its formal response to the CSPL review, and so there has been **no change** to the underlying legislation.

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<sup>1</sup> [Guidance on Member Model Code of Conduct Complaints Handling | Local Government Association](#)

- 7.2. The principal statutory provisions relating to standards of conduct for Members remain those contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that authorities must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 7.4 Sections 27 and 28 of the 2011 Act require an authority to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and considered before the authority makes any decision about an alleged breach of the Code that has been investigated.
- 7.5 There is no obligation to adopt a particular model of the Code of Conduct. The statutory duty is to adopt a code of conduct which complies with the statutory requirements referred to in paragraph 7.4.

## **8. Staffing Implications**

- 8.1 There are no staffing implications directly arising from this report.

## **9. External Consultees**

- 9.1 No external consultations have been undertaken.

## **10. Recommendations**

- 10.1 That the Committee endorses the revised procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct (Appendix 1) and recommends it for approval by the Combined Authority.

## **11. Background Documents**

Not applicable.

## **12. Appendices**

Appendix 1 – Revised procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct