

Governance Working Group

Ward(s) Affected:	All
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Purpose

The Council is asked to consider recommendations from the Governance Working Group in relation to revisions to the Members' Code of Conduct, Arrangements for Dealing with Allegations of Misconduct, Planning Code of Practice for Councillors and Officers, and ICT Code of Practice for Members.

1. Background

- 1.1. The Working Group met on 26 November 2021. At this meeting it considered a number of issues and made recommendations which are addressed below.

2. Review of the Constitution

- 2.1. The Working Group considered proposed revisions to the Members' Code of Conduct, Arrangements for Dealing with Allegations of Misconduct and the Planning Code of Practice for Councillors and Officers, which formed phase 3 of the review of the Constitution.

Members' Code of Conduct

- 2.2. The Working Group considered a number of amendments to the Members' Code of Conduct proposed by the Monitoring Officer.
- 2.3. The Introduction and Interpretation of the Code has been updated to reflect that any assessment of a Member's capacity, in terms of acting as a councillor, is an objective assessment. This section has also been updated to reflect case law regarding every councillor's enhanced right to freedom of political expression. The section relating to General Obligations has been updated to include more positive obligations.
- 2.4. The Working Group was reminded that pecuniary interests were defined in legislation and also included those of a Member's spouse or civil partner, or a person with whom a Member was living with as a spouse or civil partner. Although the law did not extend this definition to other members of the family or close associates, it was proposed to include reference to financial interests of close family or close associates in the list of non-pecuniary interests and for the same rules to be applied in respect of participation at meetings.
- 2.5. Having discussed a proposal to include a reference to matters that directly affect a Member's wellbeing in the list of non-pecuniary interests, it was agreed to alter this to more specifically refer to planning matters.

- 2.6. The Group discussed a proposal to reduce the value set in relation to the acceptance of gifts and hospitality from £50 to £25. It was noted that this had previously been the limit and, having taken into consideration that this revised amount was in line with the Code of Conduct for Officers, the Group agreed to recommend this change.
- 2.7. The revisions to the Code also include a new requirement for a Member who has predetermined a matter to withdraw from a meeting where that item is under consideration.

Arrangements for dealing with allegations of misconduct under Section 28 Localism Act 2011

- 2.8. The Working Group considered proposed changes to the procedures for dealing with allegations of misconduct by councillors, including
- clarifying that a Deputy Monitoring Officer is authorised to have conduct of complaints;
 - reflecting good practice that the Monitoring Officer and the subject member should not be advised by the same independent person;
 - ensuring the Monitoring Officer is not limited regarding consultation with third parties and clarifies what actions the Monitoring Officer may take regarding the preliminary assessment;
 - providing guidance to the Monitoring Officer on making a decision to refer any complaint for formal investigation;
 - enabling the Monitoring Officer to appoint more than one investigating officer. For some cases, it may be that an investigation would benefit from different skill sets. For example, the appointment of senior officers from Legal and HR; and
 - providing guidance on considering any complainant's request for anonymity.
- 2.9. Having considered a proposal to provide more flexibility for the Monitoring Officer to acknowledge a complaint within 5 working days of receipt, the Working Group agreed not to amend this section.
- 2.10. References to the Sub Committee of the Audit & Standards Committee which considers complaints referred by the Monitoring Officer have been changed from 'Hearing Sub Committee' to 'Standards Sub Committee', to reflect the change of name agreed in 2019.

Planning Code of Practice for Councillors and Officers

- 2.11. The Working Group considered proposed changes to the Planning Code of Practice for Councillors and Officers. The changes principally reflected changes to the senior management. Amendments also included a minor change to facilitate presentations from developers and also updated the section on the management of planning appeals.

- 2.12. In addition to the changes proposed by officers, the Working Group agreed to remove ambiguous wording concerning avoiding inappropriate social contact with applicants, agents, objectors and other interested parties from paragraph 3.8 of the Code.

3. ICT Code of Practice for Members, Digital Storage Solution and Multifactor Authentication

- 3.1. The Working Group received an update on of Multifactor Authentication (MFA) for councillors, to further enhanced security when accessing email and data. A pilot has been successfully undertaken with 3 councillors it is now proposed to roll this out to all other councillors.
- 3.2. Following previous conversations about digital storage solutions, the Group was updated on proposals to upgrade existing Microsoft licenses to enable access to OneDrive for Business and Office apps for iPad. ICT will conduct an initial pilot working with a small number of councillors to enable the functionality and to confirm it meets the requirements. Following a successful pilot, it is proposed to extend access to storage for any councillors requiring it.
- 3.3. The Working Group discussed proposed amendments to the ICT Code of Practice for Members, which principally related to the storage solution. Having considered the suggested revisions it was agreed to add further detail clarify what constitutes ward work and add reference to Data Protection Guidance provided to councillors. It was also suggested that the Code advises councillors to conduct annual audits of the data they are processing and storing.

4. Resource Implications

- 4.1. There are no direct financial implications identified in relation to the recommendations being made by the Working Group.

5. Legal Implications

- 5.1. Any amendments to the provisions of the Constitution must be made by the Council, unless they relate to Executive Functions, and within the statutory framework.

6. Recommendation

- 6.1. The Council is advised to RESOLVE that
- (i) the Members' Code of Conduct at Part 5, Section A of the Constitution be updated as set out at Annex A to this report;
 - (ii) the Arrangements for dealing with allegations of misconduct under Section 28 Localism Act 2011 at Part D of the Documents Which Support the Constitution, be updated as set out at Annex B to this report;

- (iii) the Planning Code of Practice for Councillors and Officers at Part 5, Section D of the Constitution be updated as set out at Annex C to this report; and
- (iv) the ICT Code of Practice for Members at Part 5, Section C of the Constitution be updated as set out at Annex D to this report.

Annexes	Annex A – Revised Members’ Code of Conduct Annex B – Revised Arrangements for dealing with allegations of misconduct under Section 28 Localism Act 2011 Annex C – Revised Planning Code of Practice for Councillors and Officers Annex D – Revised ICT Code of Practice for Members
Background Papers	Governance Working Group Agendas and Meetings
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