



AMENDED

Audit & Governance Committee		Agenda Item
8 March 2024		10
Title:	Constitution Review – Changes to Code of Conduct; Review of Committees' Terms of Reference and Further considerations regarding code of conduct hearings	
Report of:	Edwina Adefehinti	
Lead Member:	Cllr Edna Murphy- Governance	
Public Report:	Yes	
Key Decision:	No	
Voting Arrangements:	Majority	

Recommendations:

A	The committee considers the Terms of Reference and determine whether there is any need for change.
B	The Committee is invited to consider the matters raised in this report and make recommendations to the Combined Authority Board on whether the Local Government Model Code of Conduct be adopted in full or part
C	The Committee is invited to consider whether the associated guidance on the Model Code of Conduct should be adopted in full or in part.
D	The committee is invited to consider whether the associated guidance on complaint handling should be adopted in full or in part
E	The committee is invited to consider comments at paragraph 3.1 from a combined authority board member

Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):	
	The report improves the CPCA's corporate governance framework and helps to protect the interests of the CPCA and promote best value.

Delete as appropriate and include short explanation. Link to relevant sections in business plans.

1. Purpose

1.1	To place before the committee, the Local Government Association's ("LGA") Model Code of Conduct, plus supporting guidance, for the Committee to consider adoption of the Code in whole or in part along with the connected guidance.
1.2	To place before the Committee, suggested amendments to the Code of Conduct.
1.3	To get a steer from the Committee on its Terms of Reference
1.4	For the committee to review the comments from the Combined Authority member

2. Proposal

2.1	For the Committee to consider whether any changes are required to its Terms of Reference
2.2	For the Committee to consider guidance, codes and procedures as are required to keep the ethical culture of the Authority under review.
2.3	For the Committee to consider the present hearings process and determine whether changes are required and to keep the process under review.
2.4	For the Committee to consider <ul style="list-style-type: none">• whether the Model Code should be adopted in its entirety• Whether the Combined Authority's existing arrangements could be amended by including elements taken from the Model Code;• Timeframes for both adoption of a new code and guidance• Requirements for Member training.
2.5	For the committee to decide whether to accede to the comments of the Combined Authority Board member

3. Background

3.1	<u>Member Code of Conduct</u> This report proposes that the Combined Authority adopts the LGA Model Code of Conduct. The current Member Code of Conduct appears to have been adopted and
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has been in force since inception of the CPCA.

This Committee is invited to consider the arrangements that should be in place for a Member Code of Conduct from June 2024. In forming a view about this, the Committee should consider the current Member Code of Conduct as well as the Local Government Association Model Code of Conduct. Further detail about both the current Member Code of conduct and the LGA Model Code of conduct are set out below and in Appendices 1 and 2.

The Current Member Code of Conduct

The Current code complies with statutory requirements as it: -

- deals with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.
- Is consistent with the Seven Principles of Public Life, also known as the Nolan Principles
- includes provision for and requirements relating to registration and disclosure of pecuniary and non-pecuniary interests.

The Local Government Association Model Code of Conduct

The Local Government Association (LGA) has developed a Model Member Code of Conduct, in association with partners and after consultation with Public Sector organisations. A copy of the Model Code is attached at Appendix 2. The Model Code is a template for Local Authorities to adopt in whole and/or with local amendments.

The aim of the Model Code is to enhance the consistency and quality of local authority codes, in line with the recommendations of the Committee on Standards in Public Life in their review of Local Government Ethical standards.

Sitting behind the Model Code, the LGA has produced Guidance on the interpretation of the Code and on the handling of complaints.

A suite of documents is attached to this report for Members' consideration, as follows:

The CPCA's current Standards documents:

Appendix 1: The CPCA's current Members' Code of Conduct and complaints procedure:

<https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/key-documents/constitution/CA-Board-Approved-Constitution-November-2023.pdf>

Appendix 2: Hearing Procedure

<https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/key-documents/constitution/CA-Board-Approved-Constitution-November-2023.pdf>

The LGA's Model Code and Supporting Guidance:

Appendix 3: The LGA's Model Code of Conduct: <https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>

Appendix 4: The LGA's Guidance on the Model Code of Conduct: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

Appendix 5: The LGA's guidance on Complaint Handling: <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

Members are invited to consider to what extent they wish to adopt the Model Code of Conduct and supporting guidance.

Legal and Constitutional matters

The Combined Authority Board is required to adopt a Member Code of Conduct under s.27 of the Localism Act 2011 and the Code must comply with the requirements of s.28 of the Localism Act 2011.

The current Member code of Conduct is one of the Codes and Protocols in Part 16 of the Constitution.

This committee is responsible for advising the Combined Authority Board on the adoption and operation of the Member Code of Conduct and for making recommendations for change.

Committee on Standards in Public Life

On 30 January 2019, the Committee on Standards in Public Life (CSPL) produced a report on Local Government Ethical Standards. The report found that there is considerable variation in the length, quality and clarity of local authority Codes of Conduct. CSPL made various formal and best practice recommendations intended to improve local government ethical standards and improve public confidence in the arrangements. The Government responded to these recommendations in March 2022 (links below under Background Papers).

The first recommendation was that the Local Government Association should create an updated Model Code of Conduct, in consultation with representative bodies of members and officers of all tiers of local government.

The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a Code of Conduct for their Members. It is for individual local authorities to set their own local code.

The Committee on Standards in Public Life also made recommendations in relation to best practice. These can be found in the link- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

There are 15 recommendations:

1. Include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment.
2. Include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment,
3. Provisions requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.
4. Review of code of conduct each year and regularly seek, where possible,

the views of the public, community organisations and neighbouring authorities.

5. Publish a clear and straightforward public interest test against which allegations are filtered.
6. Have access to at least two Independent Persons.
7. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.
8. Have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.
9. Procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.
10. Include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment,
11. Provisions requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.
12. Review of code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.
13. Publish a clear and straightforward public interest test against which allegations are filtered.
14. Have access to at least two Independent Persons.
15. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment
16. Have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.
17. Procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

The current Code and updated procedure for dealing with complaints mostly complies with the recommendations from the Committee on Standards in Public Life. However, the current Code does not contain the principle of civility.

Furthermore, whilst it is customary to review the Code of Conduct in advance of the next local elections, the Code of Conduct is not currently reviewed on an annual basis. Members may wish to consider this when deciding how best to proceed.

The Model Code of Conduct is the first recommendation in the Ethical Standards report and the Government has noted the production of the Model Code in its response to the report, whilst highlighting that it remains a local decision on whether to adopt it or not.

The intention is that the updated Model Code of Conduct establishes a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities.

Comments from Combined Authority Board member

- A review by the A&G Committee of the written apology sent to those involved- This was discussed at the January meeting of this committee

	<ul style="list-style-type: none"> • An apology by the Mayor to the constituent authorities- An apology from the mayor or any other member to constituent authorities may be beyond the powers of the A&G committee as the sanctions in the constitution limits apologies to persons affected. • A full review of how the Whistleblowing Policy and the Code of Conduct interplay with each other. The whistleblowing policy is within the remit of the CPCA's HR committee but this committee can consider the interplay following a decision on whether to adopt the LGA code of conduct. • A full review of safeguarding practice and training at this and all constituent authorities- This is in my view outside of the purview of this committee, but falls within the remit of the CEO and relevant statutory officers as the member is referring to safeguard of staff. A safeguarding policy will be taken to the HR committee when required.
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3.2	<p><u>Local Benchmarking</u></p> <p>From a brief review of other neighbouring and Combined Authorities' Member Codes of Conduct:</p> <table border="1"> <thead> <tr> <th>Authority</th><th>Status</th></tr> </thead> <tbody> <tr> <td>Cambridge City Council</td><td>Reviewing whether they adopt</td></tr> <tr> <td>Cambridge County Council</td><td>Looking to adopt</td></tr> <tr> <td>East Cambridgeshire District Council</td><td>Reviewing whether to adopt- Adopted last week</td></tr> <tr> <td>Fenland District Council</td><td>Not adopted</td></tr> <tr> <td>Huntingdonshire District Council</td><td>Adopted</td></tr> <tr> <td>Peterborough City Council</td><td>Not adopted</td></tr> <tr> <td>South Cambridgeshire Council</td><td>Adopted</td></tr> <tr> <td>Greater Manchester Combined Authority</td><td>Reviewing whether to adopt</td></tr> <tr> <td>West Midlands Combined Authority</td><td>Adopted</td></tr> <tr> <td>South Yorkshire Combined Authority</td><td>Not adopted</td></tr> <tr> <td>West Yorkshire Combined Authority</td><td>Not adopted</td></tr> <tr> <td>West Of England Combined Authority</td><td>Looking to adopt</td></tr> <tr> <td>Greater London City Council</td><td>Not adopted</td></tr> <tr> <td>Liverpool City Region</td><td>Not adopted</td></tr> <tr> <td>Northeast Combined Authority</td><td>Not adopted</td></tr> <tr> <td>Tees Valley Combined Authority</td><td>Not adopted</td></tr> <tr> <td>East Midlands Combined Authority</td><td>Not adopted, Recently established</td></tr> <tr> <td>York and North Yorkshire</td><td>Not adopted Recently established</td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> </tbody> </table>	Authority	Status	Cambridge City Council	Reviewing whether they adopt	Cambridge County Council	Looking to adopt	East Cambridgeshire District Council	Reviewing whether to adopt- Adopted last week	Fenland District Council	Not adopted	Huntingdonshire District Council	Adopted	Peterborough City Council	Not adopted	South Cambridgeshire Council	Adopted	Greater Manchester Combined Authority	Reviewing whether to adopt	West Midlands Combined Authority	Adopted	South Yorkshire Combined Authority	Not adopted	West Yorkshire Combined Authority	Not adopted	West Of England Combined Authority	Looking to adopt	Greater London City Council	Not adopted	Liverpool City Region	Not adopted	Northeast Combined Authority	Not adopted	Tees Valley Combined Authority	Not adopted	East Midlands Combined Authority	Not adopted, Recently established	York and North Yorkshire	Not adopted Recently established										
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3.2	<p><i>Alternative options considered:</i></p> <p>The options available for the Committee's consideration are to make no changes to the Combined Authority's current Codes and procedures, adopt some or all of the LGA's Model Code and/or guidance or to introduce other changes to the Code of Conduct not covered by the LGA's Model Code.</p>																																																

4. Appendices	
4.1	<p>Appendix 1 – Current Member Code of Conduct and complaints procedure- https://cambridgeshirepeterborough-</p>

[ca.gov.uk/wp-content/uploads/documents/key-documents/constitution/CA-Board-Approved-Constitution-November-2023.pdf](https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/key-documents/constitution/CA-Board-Approved-Constitution-November-2023.pdf)

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Appendix 6- LGA 2023 survey showing 63% of Councils have adopted the model code of conduct for members:

<https://www.local.gov.uk/sites/default/files/documents/Code-of-Conduct-Survey-Research-Report-July-2023-AA.pdf>

Appendix 7- Audit & Governance Committee Terms of Reference- <https://cambridgeshirepeterborough-ca.gov.uk/wp-content/uploads/documents/key-documents/constitution/CA-Board-Approved-Constitution-November-2023.pdf>

5. Implications

Financial Implications

5.1

Legal Implications

- 6.1 Under the Constitution this committee has the responsibility:
- for ensuring the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members
 - for assisting the Members and Co-opted Members to observe the Code of Conduct and
 - for implementing the obligation to ensure high standards of conduct amongst Members
- This responsibility includes advising on the Members' Code of Conduct and associated guidance. Changes to the Code of Conduct and the Constitution are, however, reserved to the Combined Authority Board and any recommendation for changes to the Code of Conduct, which forms part of the Constitution, would need to be made to the Combined Authority Board
- The Members' Code of Conduct is set out in the constitution. The CPCA's arrangements in Chapter 16 of the constitution, under which complaints about Member conduct are investigated and decided to comply with the relevant provisions of the Localism Act 2011. All complaints are dealt with in consultation with one of the CPCA's Independent Persons.
- Considering best practice and implementing improvements will help maintain sound

	<p>corporate governance and the integrity of local authority decision making.</p> <p>Under the Localism Act 2011 all Local Authorities must adopt a code of conduct dealing with the conduct that is expected of Members and co-opted Members when that are acting in that capacity. There is no national prescribed version of a code in England and no obligation to adopt a particular model.</p> <p>The Code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Local Authorities must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.</p> <p>The Combined Authority will publicise its adoption, revision or replacement of a Code of Conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area. This will be on the Combined Authority's website.</p>
Public Health Implications	
7.1	
Environmental & Climate Change Implications	
8.1	
Other Significant Implications	
9.1	
Background Papers	
10.1	<p>Local Government Ethical Standards A Review by the Committee on Standards in Public Life ("the Ethical Standards report") January 2019: Local Government Ethical Standards January 2019 (publishing.service.gov.uk)</p> <p>Government's response to the Ethical Standards report: https://assets.publishing.service.gov.uk/media/62346bc3e90e0779a31e082b/Government_response_to_CSPL_review_of_local_government_ethical_standards.pdf</p>