

Cumberland Shadow Authority Meeting

17 May 2022

Code of Conduct and Standards Arrangements

Report from: Linda Fisher, Technical Lead, Legal and Democratic Workstream and Monitoring Officer (South Lakeland District Council)

Report Author: Mark Lambert, Monitoring Officer (Carlisle City Council)

Wards: All

Key Decision: No

1.0 Purpose/Summary of report

1.1 This report brings forward proposals for the code of conduct to be adopted by the Shadow Authority as formulated by the Cumberland Joint Committee.

2.0 Recommendation

2.1 It is recommended that Council:

- (1) Adopts the Code of Conduct, Guidance and Arrangements for Dealing with Standards Matters and Register of Interests form, as set out in the report; and**
- (2) Notes that a recruitment process is being initiated to enable the Shadow Authority to appoint an Independent Person at the earliest opportunity.**

3.0 Background and Proposals

3.1 Councils have a legal obligation to adopt a Code of Conduct regarding the conduct which is expected of members of the Council and co-opted members of the authority (Localism Act 2011).

3.2 Article 25 of the Cumbria Structural Changes Order 2022 ("the 2022 Order") required the Cumberland Joint Committee to formulate proposals for the code of conduct to be adopted by the Shadow Authority and present those proposals at the first meeting of the Shadow Authority. In formulating the proposals, the Joint Committee was required to have regard to sections 27 and 28 of the Localism Act 2011 ("the 2011 Act"). The sections of the Act are attached as Appendix 1 to this report.

- 3.3 Article 8 of the 2022 Order requires the Shadow Authority to adopt a code proposed pursuant to Article 25 at its first meeting. In doing so, it must make such amendments or modifications to the proposals submitted to it as it considers necessary to secure that, when adopted, the code will satisfy the requirements of section 27 (duty to promote and maintain high standards of conduct) and section 28 (codes of conduct) of the 2011 Act.
- 3.4 Section 28 of the Act requires that the code of conduct, when viewed as a whole is consistent with the following principles:
- a. Selflessness
 - b. Integrity
 - c. Objectivity
 - d. Accountability
 - e. Openness
 - f. Honesty
 - g. Leadership
- 3.5 The code of conduct must include provisions the authority deems appropriate in respect of the registration in its register, and disclosure of, pecuniary interests and interests other than pecuniary interests.
- 3.6 The authority is required to have in place arrangements under which allegations relating to the code of conduct may be investigated and arrangements under which decisions on allegations may be made.
- 3.7 The arrangements referred to must include provision for the appointment of at least one independent person whose views are to be sought and taken into account by the authority before it makes a decision on an allegation that it has decided to investigate. The Joint Committee approved the Monitoring Officers from the relevant authorities to consider a recruitment exercise in order that Shadow Authorities may consider shortlisted applications and make appointments at the earliest opportunity. It is proposed that members of the Standards Committee will be involved in the process of recruitment and appointment of the independent member.

3.8 Once adopted the Council must publicise the adoption in such manner as it considers likely to bring the adoption to the attention of persons who live in the area. If adopted, it is proposed that the Code be published on the Shadow Authority website.

3.9 **Code of Conduct, Arrangements and Guidance for Cumberland**

3.10 Some Members may be aware that the local authorities across Cumbria have adopted, subject to minor local variations, a consistent code of conduct, arrangements and guidance. The code used in Cumbria has only recently been updated across the authorities (or is in the process of being updated) following the publication of a model template by the Local Government Association which was designed to incorporate the best practice recommendations made by the Committee on Standards in Public Life which were published in 2019 (see background documents for the relevant link). Other recommendations of the said Committee require changes to legislation.

3.11 The Joint Committee considered the following documents at their meeting on 11 April 2022 and have referred them to the Shadow Authority for consideration:

Appendix 2: Cumberland Code of Conduct

Appendix 3: Arrangements for dealing with standards matters

Appendix 4: Code of Conduct Guidance

Appendix 5: Register of Interests Form

4.0 **Consultation**

4.1 The Local Government Association carried out a wide consultation when formulating its proposed Code of Conduct. This was promoted with Members of the different Cumbrian Councils at the time in order that they could contribute. The suggested Code and arrangements have been consulted upon and discussed by the Cumbria Monitoring Officers with amendments and a final draft worked up through collaboration of the Cumbrian Monitoring Officer Group.

4.21 The Joint Committee has considered the documents as attached to the report and referred them to the Shadow Authority for consideration.

5.0 Alternative Options

- 5.1 There is an option to put forward revisions to the code, but this is not recommended. The recommended code is based on the LGA Model Code of Conduct and collaborative work undertaken by the Cumbria Monitoring Officers.

6.0 Implications

Financial, Resources and Procurement

- 6.1 The costs incurred in respect of appointing an Independent Person for the Shadow Authority would be funded from the combined LGR reserve.

Human Resources

- 6.2 There are no direct staffing implications associated with this report. The Monitoring Officer is required to maintain a register of members' interests which will be made available on the Council's website.

Legal

- 6.3 All legal implications are as outlined in the report.

Health and Sustainability Impact Assessment

- 6.4 Have you completed a Health and Sustainability Impact Assessment? appendix) / No – There are no direct health and sustainability implications associated with this report.

Equality and Diversity

- 6.6 Have you completed an Equality Impact Analysis? Yes – there are no direct equality and diversity implications associated with this report.

Risk Management	Consequence	Controls required
That the Shadow Authority fails to adopt a code of conduct at its first meeting	Failure to comply with the requirements of the Cumbria (Structural Changes) Order 2022	Ensure adoption of a code in accordance with the requirements of the 2022 Order

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	Sections 27 and 28 of the Localism Act 2011
2	Proposed Code of Conduct
3	Proposed Arrangements for Standards
4	Guidance for Standards matters
5	Register of Interests Form

Background Documents Available

Name of Background document	Where it is available
Localism Act 2011	Localism Act 2011 (legislation.gov.uk)
The Cumbria (Structural Changes Order) 2022	The Cumbria (Structural Changes) Order 2022 (legislation.gov.uk)
Recommendations from Committee on Standards in Public Life 2019	Local Government Ethical Standards January 2019 (publishing.service.gov.uk)