

COUNCILLOR CONDUCT COMMITTEE

21 FEBRUARY 2024

REVIEW OF ETHICAL FRAMEWORK

Report from/Author: Bhupinder Gill, Assistant Director Legal and Governance

Summary

The report informs the Committee that the Monitoring Officer intends to review the ethical framework and seeks to establish a Member informal working group to support this important work.

1. Recommendations

1.1 The Committee are requested to:

1.1.1 Note the review to be undertaken.

1.1.2 Request that the political group whips inform the Monitoring Officer of their nominee(s) for the informal working group.

2. Budget and policy framework

2.1. The decision is within the Council's policy and budget framework including the Council Plan. The undertaking of such a review will support building of confidence in our elected members and the governance systems adopted by the Council.

3. Background

3.1. Every local authority is mandated to have a constitution setting out the rights and responsibilities of various stakeholders and how/who will make decisions. Every constitution is required to have a number of documents therein, although the content of those documents is largely a matter of local choice.

3.2. The Council's constitution is revised from time to time due to:

- New statutory obligations;
- Changes in local practice;
- Adoption of revised best practice;
- Periodic review.

Any changes are approved either by a decision-making body (the Cabinet/committee or Council) or under powers delegated to the Monitoring Officer.

- 3.3. The Council's constitution contains a number of documents that collectively form an ethical framework for Councillors, which is underpinned by a code of conduct, breaches of which can lead to formal action being taken against a member by this committee.
 - 3.4. The Council had all out elections in May 2023 and a significant number of new Members were returned to the Council who had not previously experienced or operated under the Council's ethical framework. Those Members have now been in office approaching a year and therefore it is apt that their experience of the ethical framework is taken into account to review and possibly reshape it. Further, the documents that make up the ethical framework have not been formally reviewed either on their own or collectively for many years. Therefore, it is opportune to review these documents to:
 - Make sure they are fit for purpose;
 - Reflect current best practice;
 - Identify and seek to address any undesirable developing trends;
 - Resolve any interpretation issues;
 - Identify and bridge any shortcomings.
 - 3.5. It is proposed, subject to the committee's views, that the following documents are reviewed:
 - Members' Code of Conduct
 - Protocol on Member/Employee Relations
 - Members' Planning Code of Good Practice
 - Members' Licensing Code of Good Practice
 - 3.6. It is important that Members help to review the documents and identify areas for revision, if any, so that they have confidence that the framework embodies the Nolan principles of public service, and that both internal and external stakeholders have confidence in members when they are acting in office, the Council and our decision making.
 - 3.7. It is proposed that this important work is undertaken by the Monitoring Officer supported by an informal cross party working group of members, reporting back to this committee. Whilst it is a matter for each political group to nominate their members to the working group, it may be helpful for each group whip to be appointed as they play an important and vital role in maintaining good standards of conduct and behaviour. It is practice at Medway for working groups to be politically proportionate (i.e. Labour and Cooperative 3, Conservative 2, Independent Group 1)
- ## 4. Options
- 4.1. Option 1 - Keep the current status quo and not undertake the review. The documents have not been reviewed either on their own or as a collective framework for several years. There has been no substantive change in the

underpinning legislation and anecdotally the framework appears to be working well.

- 4.2. Option 2 - Undertake the review. As stated elsewhere in the paper, the Council has seen a significant number of Members being returned to the council for the first time and thus it appears apt to seek their views on the application of framework and make any changes considered necessary. Further, with the changes in membership demographics, working practices and the increased use of social media in society generally the Council needs to make sure that the framework covers new ways of working and interacting.

5. Advice and analysis

- 5.1. The committee is recommended to approve the undertaking of the review of the framework.
- 5.2. The Committee is advised that the Planning Committee is due to consider a report at its March meeting regarding the issue of ward Councillor attendance at Planning Committee meetings, which is covered in the Members' Planning Code of Good Practice and also the scheme of delegation in so far it relates to planning matters. For the avoidance of doubt, the work of the proposed informal working group will not impede the progress of that work but shall seek to build upon any revisions.

6. Risk management

- 6.1. Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community..

Risk	Description	Action to avoid or mitigate risk	Risk Rating
Outdated governance framework that is no longer fit for purpose	Changes to technology, particularly social media need to be addressed.	1. Seek Members' input to address aspects of the framework that are no longer relevant/ have become relevant. 2. Revise the framework as necessary.	CIII

For risk rating, please refer to the following table

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

7. Consultation

7.1. Members will be consulted through the cross party informal working group.

8. Climate change implications

8.1. [The Council declared a climate change emergency in April 2019](#) - item 1038D refers, and has set a target for Medway to become carbon neutral by 2050.

8.2. There are no direct implications arising from this report.

9. Financial implications

9.1. There are no direct financial implications arising from this report.

10. Legal implications

10.1. These are contained within the body of the report.

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Appendices

None

Background papers

None