

Councillor Conduct Committee

22 January 2025

Review of Ethical Framework

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

Summary

The government has recently launched a consultation exercise on reviewing the code of conduct for councillors and the ethical framework. The report seeks members views to feed into the consultation.

1. Recommendation

1.1 The Committee is requested to:

1.1.1 note the proposals set out by the government in the consultation document.

1.1.2 provide feedback to support responding to the consultation.

1.2 Delegate authority to the Monitoring Officer in consultation with the Chairperson to finalise the formal response to the consultation exercise.

2. Budget and policy framework

2.1. The decision is within the Council's policy and budget framework including the Council Plan. Supporting the development of a strong, fit for purpose ethical framework will help to enhance the public's confidence in elected members and local government.

3. Background

3.1. A report was submitted to this Committee back in February 2024 setting out a proposal to undertake a review of the ethical framework, which would include the following sections of the Constitution:

- Members' Code of Conduct
- Protocol on Member/Employee Relations
- Members' Planning Code of Good Practice
- Members' Licensing Code of Good Practice

- 3.2. An informal cross party working group of elected members was subsequently formed, however holding meetings proved challenging due to competing demands on diary space.
- 3.3. In December 2024 this Committee was advised that the Secretary of State for Housing, Communities and Local Government (MHCLG) and Deputy Prime Minister, the Rt Hon Angela Rayner MP, had announced that she would be undertaking a review of the standards regime for elected members. In the context of the pending national review, members determined it would be sensible for Medway to pause on undertaking its own review at this stage.
- 3.4. On 18 December 2024 MHCLG published a consultation document, Strengthening the Standards and Conduct framework for local authorities in England. The consultation runs for 10 weeks and takes the form of a set number of questions.
- 3.5. The foreword to the document, written by the Minister for Local Government and English Devolution, Jim McMahon OBE MP, states

The government is committed to working with local and regional government... to deliver the high standards and strong financial management that they strive for, without needless micromanagement of day-to-day local decision-making. This plan includes:

- improving the standards and conduct regime

This consultation is focused on the proposed reforms to the standards and conduct regime that will contribute to making sure England is covered by effective local and strategic authorities that are well-governed, with high standards met and maintained.

It is an honour and a privilege to be elected as a member and with it comes an individual and collective responsibility to consistently demonstrate and promote the highest standards of conduct and public service.

Members take decisions affecting critical local services such as social care, education, housing, planning, licensing, and waste collection. With greater devolution, local authorities will increasingly be taking decisions to shape local transport, skills, employment support, and growth. Decisions that are the responsibility of members impact virtually every citizen's life at some level, and the electorate has a right to expect that it can trust its local elected members to uphold the highest ethical standards and act in the best interests of the communities they serve.

I strongly believe that the vast majority of local elected members maintain high standards of conduct and that they are driven by duty and service. I believe that people stand for elected office in their local communities with the best intentions to act in the interests of those

communities, bringing an energy and commitment to working collaboratively, creatively, and respectfully.

Members, officers, reporters and members of public are entitled to support and participate in the local democratic process in the confidence that high standards are maintained. This government wants to celebrate the positive power of public service and, in doing so, we want to give individual authorities appropriate and proportionate means to deal with misconduct effectively and decisively when it does occur. We also want to ensure that anyone can rightly feel confident about raising an issue under the code of conduct whether it impacts them personally and/or is a code conduct breach that brings the reputation of the council into disrepute.

With approximately 120,000 councillors in England across all types and tiers of local government, we know there are rare instances of misconduct. Robust political debate is part of our democratic system, but we know from local councils that there are examples of bullying, harassment or other misconduct, when from even a very small minority of members can have a seriously destabilising effect, potentially bringing a council into disrepute and distracting from the critical business of delivering for residents.

This government is committed to working with local and regional government to establish partnerships built on mutual respect, genuine collaboration and meaningful engagement. Our ambition is to create a rigorous standards and conduct framework that will actively contribute to ensuring that local government throughout the country is fit, legal, and decent.

- 3.6. The consultation document is broken down into three parts with subsections asking 40 questions. To avoid repetition and provide members with a comprehensive oversight of the consultation, the Monitoring officer has appended the document in, full save for:
- Deleting background information
 - Administrative details

- 3.7. In addition, next to each question the Monitoring Officer has inserted a draft suggested response or matters for consideration by the committee to assist with formulating a response.

4. Risk management

- 4.1. 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
Standards regime that is not suitable for Medway	Failing to participate in the consultation will mean that the council has to accept the outcome of the review without its voice being heard	Respond to consultation exercise	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

5. Consultation

- 5.1. Members will be consulted through this Committee to draft a response to the consultation exercise.

6. Climate change implications

- 6.1. [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.
- 6.2. There are no direct implications arising from this report.

7. Financial implications

- 7.1. There are no direct financial implications arising from this report.

8. Legal implications

- 8.1. These are contained within the body of the report.

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Appendices

Appendix 1 - consultation document with drafted responses

Background papers

None