

Guildford Borough Council

Report to: Council

Date: 22 January 2025

Ward(s) affected: All

Report of Joint Strategic Director Democracy, Law and People and Monitoring Officer

Author: Deborah Upton, Interim Head of Governance

Email: Deborah.upton@guildford.gov.uk

Report Status: Open

Proposed Changes to the Member Code of Conduct

1. Executive Summary

- 1.1 Guildford Borough Council adopted a revised Code of Conduct in October 2020, with subsequent amendments agreed in 2021. This report is suggesting that the Council considers adopting the LGA Model Code of Conduct, in place of the existing Code of Conduct for Councillors.
- 1.2 The Corporate Governance & Standards Committee, at its meeting on 16 January 2025, will be considering this matter and the Committee's recommendation will be included on the Supplementary Agenda Pack for the Council meeting.

2. Recommendation to Council

Subject to the comments and recommendation of the Corporate Governance and Standards Committee, the Council is asked to resolve:

- (1) That the LGA Model Councillor Code of Conduct, as set out in **Appendix 1** to this report, be adopted and incorporated into the Constitution in place of the existing Code of Conduct for Councillors.

- (2) That the process for dispensations be agreed by the Corporate Governance & Standards Committee and circulated to members.

3. Reasons for Recommendation:

- 3.1 The LGA Model Councillor Code of Conduct was widely consulted on by the LGA and is reviewed by them on an annual basis.
- 3.2 It is the recognised Code which is adopted by the majority of local authorities, including Waverley Borough Council and most of the Surrey Councils. This will make it easier for members who are twin-hatters with Surrey County Council, as they will be using the same Code.
- 3.3 Having both Councils working to the same Code of Conduct will ensure that both Councils require the same standards of behaviour from members and co-opted members.
- 3.4 The same Code of Conduct will provide more transparency for residents and greater clarity for staff, particularly in the case of, for example, joint meetings and shared decision making.

4. Purpose of Report

- 4.1 The Council, on the recommendation of the Corporate Governance & Standards Committee, is asked to consider the adoption into the Constitution of the LGA Model Code of Conduct, without amendment, which will replace the existing Code of Conduct for Councillors.

5. Strategic Priorities

- 5.1 This report will assist in the delivery of the priorities within the Council's adopted Corporate Strategy, in particular a resilient and well-managed Council, and will support the collaborative working agenda.

6. Background

- 6.1 In order to support Councils, the Local Government Association (LGA) produced a Model Code of Conduct in December 2020 for Councils to adopt in whole, or with local variations. A copy of the Model Code is set out in **Appendix 1** to this report. The LGA keeps this Code under

annual review to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA Model Code also encompasses the recommendations from the Committee on Standards in Public Life, including the 'Nolan' principles.

- 6.2 The purpose of a Code of Conduct is to protect individual councillors, the public, fellow councillors, local authority officers and the reputation of local government. The Code helps Councillors to model the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against councillors.
- 6.3 Guildford Borough Council adopted a revised Code of Conduct in October 2020, based on the recommendations of the Committee on Standards in Public Life. This was before the production of the LGA Model Code of Conduct.
- 6.4 **Appendix 2** sets out a complete comparison of the GBC Code against the Model Code. Most areas are broadly similar, other than the following:
- (a) The GBC Code contains information on predetermination. This is not a Code of Conduct matter, but members should be provided with advice on this area.
 - (b) Dispensations. Whilst these are referred to in the current GBC Code, no reference is made to them within the Model Code. If GBC were to adopt the Model Code, a separate protocol for obtaining a dispensation will need to be agreed.

7. Consultations

- 7.1 Member of the Executive have been consulted at a briefing session, and their views were that it would be helpful for members if the Model Code were now adopted.
- 7.2 The Joint Constitutions Review Group also considered this matter at its meeting on 16 December 2024, and agreed to recommend to the

Corporate Governance & Standards Committee that the LGA Model Code of Conduct should be adopted at Guildford Borough Council.

- 7.3 The Corporate Governance & Standards Committee will consider this matter on 16 January 2025, and their recommendation will be included in the Supplementary Agenda Pack for this Council meeting.

8. Key Risks

- 8.1 There is a risk that where officers are working jointly across both Councils, they could perceive that there are different standards of behaviour expected from members of both Councils as two different Codes are in place.
- 8.2 There is a risk of confusion for residents with two different Codes of Conduct being used, particularly in areas where the Councils have joint meetings or shared decision making. For example, both councils use different terminology for interests i.e. 'non-pecuniary' and 'other registerable'.

9. Financial Implications

- 9.1 There are no financial implications resulting from this report.

10. Legal Implications

- 10.1 Local authorities, including parish councils, have a duty, under s.27 Localism Act 2011 (the Act), to promote and maintain high standards of conduct by their members and co-opted members. All Councils must adopt a Code dealing with the conduct that is expected of members and co-opted members when they are acting in that capacity.

11. Human Resource Implications

- 11.1 There are no direct HR implications.

12. Equality and Diversity Implications

- 12.1 There are no equality and diversity implications arising from this report. This report has given due regard to the requirements of the

Public Sector Equality Duty (Equality Act 2010) when making any recommendations concerning constitutional arrangements.

13. Climate Change/Sustainability Implications

13.1 There are no climate change or sustainability implications.

14. Summary of Options

14.1 The Council is asked to consider the Corporate Governance & Standards Committee's recommendation in respect of the adoption of the LGA Model Code of Conduct (subject to separate advice being provided by the Monitoring Officer on predetermination and a procedure being agreed for dealing with dispensations). The Council may:

- (a) adopt the Model Code of Conduct, with the Committee to agree the dispensations procedure, or
- (b) decide that no changes are required.

15. Background Papers

Code of Conduct for Councillors – GBC

16. Appendices

Appendix 1: LGA Model Councillor Code of Conduct

Appendix 2: Comparison of GBC Code with LGA Model Code