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NON-EXEMPT

# EAST HAMPSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

7<sup>th</sup> SEPTEMBER 2021

## GUIDE TO COUNCILLORS' CODE OF CONDUCT

### FOR DECISION

Portfolio Holder: Cllr Nick Drew, Governance and Legal Portfolio

Key Decision: No

Report Number: EHDC/021/2021

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#### 1. Purpose

This paper is submitted to Standards Committee to progress an action arising out of the Independent Governance Review. The Committee is asked to consider and approve a short companion guide to the Councillors' Code of Conduct.

#### 2. Recommendation

- 2.1. Members are requested to agree the adoption of supplementary guidance to the Councillors' Code of Conduct, in the form set out in the appendix to the report, sourced by hyperlink in the Council's Constitution.

#### 3. Executive Summary

- 3.1. The findings of an independent governance review carried out by David Bowles were published in December 2020. The recommendations arising from that review were distilled into the Governance Improvement Action Plan (GIAP) and the Committee is receiving regular updates on progress made so far against the

action plan. Completion of the GIAP is being monitored and overseen by the Corporate Management Board which is chaired by the Monitoring Officer.

- 3.2. Recommendation 9 of the report made by David Bowles addressed the application of the Councillors' Code of Conduct. The updated Code was commended as an improvement to the Council's ethical governance framework, but it was considered beneficial to supplement the Code with practical guidance "describing how (the Code) may be applied in many of the more routine issues a Councillor may face and deal with the issues of perception".
- 3.3. David Bowles thought it would be useful to set out how the Code would be interpreted in common situations, particularly in relation to conflicts of interest. It was important to tackle the essential issue of public perception. This meant instilling an appreciation that it was not necessary to 'prove' actual bias in order to establish a breach of the Code. A 'perception' or appearance of bias was damaging to public confidence and should be avoided.
- 3.4. The draft guidance attached to this report picks up the themes identified by David Bowles and is intended to be used as a practical companion to the Code. It should read as a simpler, less legalistic guide to key obligations. The guide explains when the Code will most frequently apply, what obligations mean in practice and it provides examples based on real cases and LGA guidance.

#### **4. Additional Budgetary Implications**

- 4.1. None.

#### **5. Background and relationship to Corporate Strategy and/or Business Plans**

- 5.1. Not applicable except as an essential step in the GIAP.

#### **6. Options considered**

- 6.1. Not applicable. This is a step required by and set out in the GIAP.

#### **7. Resource Implications**

##### **7.1. Financial Implications**

There are no financial implications arising from this report.

**7.2. Human Resources Implications**

None.

**7.3. Information Governance Implications**

None.

**7.4. Links to Shaping our Future Programme**

7.5. The form of the current Councillors' Code of Conduct is common to both councils and shared supplementary guidance would be a further alignment of process consistent with the aim of closer working. The guidance contains links to related Constitutional provisions in both authorities, which will make for ease of online navigation, and it will help in establishing a clearer definition of the member role in setting corporate objectives.

**7.6. Other resource implications**

There are no other resource implications arising.

**8. Legal Implications**

8.1. The maintenance and publishing of the Councillors' Code of Conduct is a statutory obligation contained in the Localism Act 2011. The preparation of a companion guide to the Code is supportive of that statutory obligation and will further strengthen the Council's governance framework.

**Monitoring Officer comments**

Date: 27 August 2021

Regular reporting on the progress of the Governance Improvement Action Plan is an important process committed to in January 2021. The Council has an ongoing commitment to best practice in good governance and this supplementary guidance will help maintain standards of ethical propriety.

**9. Risks**

9.1. There are no known risks arising from this report.

**10. Consultation**

10.1. Not applicable

**11. Communication**

11.1. Not applicable.

**12. Appendices**

12.1. A Draft Guide to Councillors' Code of Conduct.

**13. Background papers**

13.1. None other than published documents.

Agreed and signed off by:

Monitoring Officer: Daniel Toohey 27 August 2021

Section 151 Officer: Matthew Tiller 27 August 2021

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