

# **WESTMORLAND AND FURNESS JOINT COMMITTEE**

**Meeting date: 11 April 2022**

**Report of: Linda Fisher –Technical Lead Legal and Democratic Work Stream and Monitoring Officer (South Lakeland District Council)**

**Subject: Proposed Code of Conduct, Guidance and Arrangements for Westmorland and Furness Shadow Authority**

## **1.0 SUMMARY:**

**1.1** The Joint Committee is required to formulate proposals for the code of conduct to be adopted by the Shadow Authority for Westmorland and Furness and present those proposals to the first meeting of that Shadow Authority. This report recommends an appropriate code of conduct; arrangements for dealing with code of conduct matters; and guidance, to fulfil this obligation. The report also seeks authority to start recruitment of the Independent Person(s).

## **2.0 RECOMMENDATION:**

**That the Joint Committee:-**

**2.1** recommends to the Shadow Authority for Westmorland and Furness that it adopts from the date of its first Meeting the Code of Conduct, the Arrangements for Dealing with Standards Matters and the Code of Conduct Guidance and Register of Interests Form, as set out in the Report; and

**2.2** authorises the Monitoring Officer to initiate a recruitment process to enable the Shadow Authority Westmorland and Furness to appoint an Independent person(s) at the earliest opportunity.

## **3.0 BACKGROUND, INTRODUCTION AND CONSIDERATIONS:**

**3.1** Members of the Joint Committee will be aware that 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** Structural Changes) Order 2022 (“SCO”) establishes Shadow Authorities for the areas to be known as Cumberland and Westmorland and Furness and beforehand a Joint Committee for each of those areas. Article 25 of the SCO requires that the Westmorland and Furness Joint Committee must formulate proposals for the code of conduct to be adopted by the Shadow Authority for Westmorland and Furness and present those proposals at the first meeting of the Shadow Authority. In formulating the proposals, the Joint Committee must have regard to sections 27 and 28 of the Localism Act 2011 (“the Act”). The two sections of the Act are attached to this report as Appendix 1.

- 3.3** Section 27 of the Act requires that any relevant authority must promote and maintain high standards of conduct by members and co-opted members of the authority. In particular, in discharging its duty a relevant authority must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. 'Co-opted member' includes persons co-opted on to committees and also a Police and Crime Commissioner when participating in relevant meetings.
- 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 can 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 independent person's views may be sought by the Council or by a member or co-opted member. Section 28 contains provisions as to who may or may not be an independent person and the manner in which they must be appointed. This report seeks authority for the Monitoring Officers from the relevant authorities to conduct a recruitment exercise in order that the Shadow Authorities may consider shortlisted applications and make appointments at the earliest opportunity.
- 3.8** Once adopted, the Council must publicise such adoption in such manner as it considers likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.
- 3.9** **Code of Conduct, Arrangements and Guidance for Westmorland and Furness**
- 3.10** Members of the Joint Committee will 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 is invited to consider the following documents and thereafter recommend them for adoption by the Shadow Authority:

Appendix 2: Westmorland and Furness Code of Conduct  
Appendix 3: Arrangements for Dealing with Standards Matters  
Appendix 4: Code of Conduct Guidance  
Appendix 5: Register of Interests Form

### **3.12 CONSULTATION**

- 3.13** 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 amendments have been consulted upon and discussed by the Cumbrian Monitoring Officers.

### **4.0 OPTIONS, INCLUDING ALTERNATIVES (IF ANY)**

- 4.1** 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 Cumbrian Monitoring Officers.

### **5.0 IMPLICATIONS:**

#### **5.1 Financial and Procurement:**

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

#### **5.2 Staffing:**

- 5.2.1** There are no direct staffing implications associated with this report.

#### **5.3 Legal:**

- 5.3.1** All Legal implications are outlined within this report.

#### **5.4 Information Governance:**

- 5.4.1** There are no direct information governance implications associated with this report.

### **6.0 HEALTH AND SUSTAINABILITY IMPACT:**

- 6.1** There are no direct health and sustainability implications associated with this report.

## **6.2 EQUALITY AND DIVERSITY IMPACT:**

**6.3** There are no direct equality and diversity implications associated with this report.

## **7.0 RISKS:**

The Shadow Authority is required to adopt an appropriate code and arrangements for dealing with relevant matters. If it does not do so it will fail to comply with the requirements of The Cumbria (Structural Changes) Order 2022.

## **8.0 CONCLUSION:**

**8.0** In order to comply with recommended best practice it is recommended that the LGA Code of Conduct, with appropriate local amendments, together with the revised Arrangements and Guidance be adopted by the Shadow Authority for Westmorland and Furness as from the date of its first Meeting and that the Joint Committee recommend accordingly.

**8.2** Once the new Code is in place, training will be provided for Members.

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

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## **APPENDICES**

Appendix 1 - Sections 27 and 28 of the Localism Act 2011

Appendix 2 - Proposed Code of Conduct

Appendix 3 - Proposed Arrangements for Dealing with Standards Matters

Appendix 4 - Proposed Guidance for Standards Matters

Appendix 5 - Template Interests Form