

Report To:	STANDARDS COMMITTEE
Date:	7 November 2023
Reporting Officer:	Sandra Stewart, Chief Executive
Subject:	REVIEW OF COUNCIL CONSTITUTION – PART 5: STANDARDS OF CONDUCT AND ETHICS
Report Summary:	The report informs Standards Committee of the overall review of the Council Constitution and seeks the views of the Committee on the contents of Part 5: Standards of Conduct and Ethics.
Recommendations:	The Standards Committee is asked to review Part 5 a – g of the Council Constitution and to recommend any changes they wish to see or to endorse the current contents.
Financial Implications: (Authorised By Section 151 Officer)	There are no significant financial issues arising from this Report.
Legal Implications: (Authorised By Borough Solicitor)	The promotion and maintenance of high standards of conduct by councillors and officers is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.
Risk Management:	Standards Committees should be aware of the National position in order that consistency of approach is taken in respect of setting and advising on local ethical and standard issues.
Links To Community Plan:	Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.

Access To Information

NON-CONFIDENTIAL

This report does not contain information, which warrants its consideration in the absence of the Press or members of the public.

Reference Documents:

The background papers relating to this report can be inspected by contacting the report writer, Robert Landon, Head of Democratic Services:



Telephone: 0161 342 2146



e-mail: robert.landon@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Local Government Act 2000, as amended, requires a local authority, which is operating executive arrangements, to prepare and keep up-to-date a Constitution. The Monitoring Officer is required to monitor and review the operation of the Constitution on an on-going basis, and, where necessary, bring forward amendments to the Council. Although specific elements of the Constitution have been reviewed and amended, the Constitution as a whole has not been comprehensively reviewed for a number of years. It is also timely to ensure that the Constitution is fit for purpose prior to LGA peer review and to ensure that the Constitution reflects organisation and legislative changes.
- 1.2 The Council Constitution provides a framework within which people can understand their own responsibilities, and the responsibilities of others. It allows decision-making, within a democratically elected body, to be consistent, accountable and transparent. The Constitution should facilitate strong, effective relationships. Good constitutions provide an anchor for strong organisational and political cultures in which people work well together, and in which decision-making is well-understood by (and visible to) the public. Constitutions are also rulebooks, they set out much, but not all, of the technical detail of how the Council's main decision-making systems operate.
- 1.3 The overall review of the Council Constitution will be considered by Council on 5 December 2023. A significant part of the Constitution is Part 5: Standards of Conduct and Ethics. This Part of the Constitution contains a number of codes, protocols and policies, which set the framework within which both Members and Officers are expected to act. The following documents form Part 5 of the Constitution:

5a	Members Code of Conduct
5b	Whistleblowing Policy
5c	Anti-Fraud, Bribery and Corruption Strategy
5d	Members Planning Code
5e	Monitoring Officer Protocol
5f	Section 151 Officer Protocol
5g	Member/Officer Protocol

2. SUMMARY OF PART 5 OF COUNCIL CONSTITUTION

Members Code of Conduct

- 2.1 The Members Code of Conduct was reviewed and amended by Council on 12 January 2021 following recommendations of the Standards Committee.
- 2.2 The purpose of this Code of Conduct is to assist Councillors in modelling the behaviour that is expected of them, to provide personal checks and balances, and to set out the type of conduct against which appropriate action may be taken. It was also to protect Councillors, the public, fellow Councillors, council officers and the reputation of local government. It sets out the conduct expected of all Members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of Members and local government.

Whistleblowing Policy

- 2.3 This policy applies to everyone with a concern about wrongdoing in the Council's activities, whether they are a Councillor, a council employee, a contractor, an associated party or a concerned member of the public. The purpose of the Whistleblowing Policy is to:
- Provide avenues to raise genuine concerns,
 - Allow people to take the matter forward if they are dissatisfied with the Council's response,

- Reassure people that they will be protected from reprisals or victimisation for speaking up in good faith.

2.4 The concern may be about something that:

- is unlawful (for example theft, fraud, bribery and corruption); or
- breaks the Council's constitution; or
- falls below established standards or practice; or
- amounts to improper conduct; or
- anything that makes you feel uncomfortable or that you think is wrong.

Anti-Fraud, Bribery and Corruption Strategy

2.5 This strategy states that the consequences of fraud, bribery and corruption affect all employees, service users and council tax payers as every pound lost results in fewer jobs, reduced services and higher council tax bills and can impact upon the Council's reputation and its ability to achieve its corporate objectives. The Council's aim is to foster a culture where fraud, bribery and corruption within our organisation is never acceptable; therefore, it has formally decided that:

- We will not tolerate malpractice or wrongdoing. We are determined that all instances of malpractice will be fully investigated and will ensure that appropriate action is taken against all those concerned.
- We believe that members of the public, Councillors, employees, contractors or any other interested party should feel able to report any cases of malpractice or wrongdoing without fear of recrimination.
- All Councillors and employees are asked to exercise proper stewardship of public money, carry out all business fairly, honestly and openly, and put in place appropriate systems and procedures, incorporating efficient and effective internal controls, to prevent and detect fraud, bribery and corruption.

Members Planning Code

2.6 The aim of this Code is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way. This code applies to Members at all times when involving themselves in the planning process. (This includes when taking part in the decision-making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

Monitoring Officer Protocol

2.7 The Monitoring Officer is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at Tameside Borough Council. The current responsibilities of the Monitoring Officer role rest with the Assistant Director (Legal Services) who undertakes to discharge their statutory responsibilities in a manner that enhances the overall reputation of the Council. In doing so they will also safeguard, so far as is possible, Members and Officers who are acting in their official capacities from legal difficulties and/or criminal sanctions.

Section 151 Officer Protocol

2.8 The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at Tameside Borough Council. 2. The current responsibilities of the Chief Finance Officer role rest with the Director of Resources, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.

Member Officer Protocol

- 2.9 The protocol seeks to maintain and enhance the integrity (real and perceived) of local government, which demands the highest standards of personal conduct. The Protocol sets out the roles of Members and Officers and how they should interact with each other.

3. RECOMMENDATIONS

- 3.1 As set out at the front of the report.