



Essex County Council

Agenda item 6

SC/002/14

Report to Essex County Council and Essex Fire Authority Joint Standards Committee	
Date of meeting: 8 August 2014	County Divisions affected by the decision: All Divisions
Title of report: Proposed Review of Code of Conduct	
Report by Terry Osborne – ECC’s Director for Corporate Law and Assurance and Monitoring Officer	
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1. Purpose of report

- 1.1 This report proposes a review of the Codes of Conduct adopted by Essex County Council and Essex Fire Authority.

2. Recommendations

- 2.1 That the Committee agree to a review of the Codes of Conduct.

3. Background

- 3.1 The current ECC code of conduct was approved at a meeting of the full Council on 16 October 2012. The Essex Fire Authority was approved at a meeting of the authority on 5 December 2012.
- 3.2 These were the first which each organisation had adopted under the provisions of the Localism Act 2011 which gave the local authority discretion as to the contents of the code of conduct, but took away the power of the Council to apply any substantive sanction for councillors found to have broken the code.
- 3.3 The current codes are both based on a ‘template’ code drafted by monitoring officers across Essex. Most Essex councils, including ECC, have used this as a starting point. This template is based to some extent on the previous national code of conduct.

- 3.4 The codes have now been in force for nearly two years. There have been no allegations at ECC which have resulted in a formal investigation or a formal decision by the Standards Committee. Officers have however had to advise on the interpretation of the code. The County Council and the Essex Fire Authority have also had a large new intake of new councillors - with two new political groups being formed on the County Council.
- 3.5 It is sensible to review any new system after it has had the chance to bed in. There are a few minor issues with the wording of the code where officers feel that the wording could be improved and members may also have suggestions about how the code could be improved. Accordingly it is suggested that now would be a good time to review the code. The Monitoring Officer of the Essex Fire Authority supports the proposal to review the EFA code alongside the ECC code in order to ensure as far as possible that the County Council code is as similar as possible to the Fire Authority Code.
- 3.6 As part of the review the Monitoring Officer would write to all ECC councillors and to all other members of the Essex Fire Authority to see if they have any proposals about the code of conduct and whether the code is causing them any difficulties in practice. We would also contact the appointed independent persons for their view.
- 3.7 We may hold an informal seminar for the committee for them to consider the issues before the Committee meets to consider the outcome of the review.
- 3.8 The Joint Committee will make recommendations to Essex County Council and to Essex Fire Authority about any changes to each code.

4. Financial Implications

- 4.1 This report has no financial implications.

5. Legal Implications

- 5.1 This report forms part of the Council discharging its duty under section 27 of the Localism Act 2011 to promote and maintain high standards of councillor conduct. Any changes to the Code of Conduct must be approved at a meeting of the full Council.

6. Staffing and other resource implications

- 6.1 All resource requirements for this work will be provided by the Monitoring Officer personally or by the small team of Corporate Lawyers.

7. Equality and Diversity implications

- 7.1 Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when ECC makes decisions it must have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.
- 7.3 The equality duty means that, when we take decisions, we must balance equalities issues alongside other considerations. There is no legal duty to achieve all the outcomes set out in the duty at the expense of other factors.
- 7.4 The current code requires Councillors to uphold equality law. As part of the review we would examine whether there is any evidence of any adverse impact on any equality group.

8. Background papers

None.