



Audit & Governance Committee

28th November 2024

Title:	Update report on elected member Code of Conduct matters
Report of:	Matt Cumberbatch, Director of Legal & Governance and Monitoring Officer
Lead Member:	
Public Report:	Yes
Key Decision:	No
Voting Arrangements:	Majority

Recommendations:

A	The consider the report of the Monitoring Officer in relation to the administration of the ethical framework for elected members and to make any recommendations for further work as required.
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Strategic Objective(s):

The proposals within this report fit under the following strategic objective(s):

	Achieving Best Value and High Performance – ensuring that the ethical framework is subject to regular review and update assists in the aim to ensure best value for the Combined Authority
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1. Purpose

1.1	This report is to provide an update on work of the Monitoring Officer in relation to the Code of Conduct for councillors since the last update provided to this Committee on 18 th July 2024. The Monitoring Officer is responsible for administering the ethical framework for elected members on behalf of this committee. That includes processing allegations that members of the Combined Authority have failed to comply with the members' code of conduct.
1.2	The Combined Authority has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members of the authority. This interim report provides a further update to this committee on a number of relevant subjects set out in section 3 below.

2. Proposal

2.1	To make any comments or recommendations regarding the areas covered in section 3 or any other relevant matters.
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3. Background

3.1 Complaints

There have been no new complaints received since the last report to this committee. Four complaints have continued to be processed since 28th June 2024. All four have had investigations concluded of which two have been closed with no further action. The outstanding two, at the time of preparing this report, are proceeding to conclusion.

Due to the impact of the Data Protection Act 2018 and UK General Data Protection Regulation (GDPR) the CPCA must ensure that any personal data is processed fairly and lawfully at every stage of the process. Reasonable expectations of privacy need to be balanced against the public interest. Given the actions taken and the current stage of the two remaining matters, it would be unfair to disclose details of the complaint as this could be prejudicial and/or unfair to the parties.

3.2 Independent Persons

Section 28(7) of the Act also requires that the CPCA appoint “at least one independent person” whose views are sought and taken into account before it makes its decision on an allegation of a breach of the code of conduct.

As the committee is aware, Independent Persons may also offer support to councillors who are subject to complaints. Members may approach independent persons when they are informed that a complaint has been made against them. The Independent Persons have access to annual training provided independently by the organisation, Hoey Ainscough, who are experienced and well respected in this area of local government.

In addition the Monitoring Officer will be subscribing to an annual membership offered by Hoey Ainscough to provide support to the organisation. The key factor behind this is that it gives the Independent Person the opportunity to obtain advice independent of the Monitoring Officer if they wish to do so. This could be, for example, in relation to a complaint or a query received from an elected member who is subject to a complaint.

Previously the Committee has asked to review the job role/description for the Independent Person. Accordingly, it is attached at the appendix for consideration.

3.2 Training

Code of Conduct training was provided to Combined Authority Members on 11th July 2024. It was presented online by Hoey Ainscough and there were 17 elected members in attendance. Provision for further training will be put in place for the next municipal year.

3.3 Register of Interest Form

It is proposed to review the format of the Combined Authority’s register of interests form in time for the next municipal year and to bring a revised draft form to this Committee for approval in the New Year.

4. Appendices

4.1 Appendix 1 – Independent Person Role Profile

5. Implications

Financial Implications

5.1	The cost of membership with Hoey Ainscough and the Hoey Ainscough Code of Code of Conduct training costs is met from existing budgets.
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Legal Implications

6.1	<p>Under the Constitution this committee has the responsibility:</p> <ul style="list-style-type: none">• for ensuring the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members• for assisting the Members and Co-opted Members to observe the Code of Conduct and• for implementing the obligation to ensure high standards of conduct amongst Members <p>The Members' Code of Conduct is set out in the constitution. The CPCA's arrangements in Chapter 16 of the constitution, under which complaints about Member conduct are investigated and decided to comply with the relevant provisions of the Localism Act 2011. All complaints are dealt with in consultation with one of the CPCA's Independent Persons.</p>
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Public Health Implications

7.1	N/A
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Environmental & Climate Change Implications

8.1	N/A
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Other Significant Implications

9.1	None
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Background Papers

10.1	None
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