

Allerdale Borough Council

Council – 7 December 2022

Governance Updates

Portfolio holder	Councillor M Fitzgerald, PH Policy, Governance and People Resources
Report from	Sharon Sewell, Chief Officer Place & Governance, Monitoring Officer
Wards affected	All wards
Is this a key decision	No

1.0 The reason for the decision

- 1.1 To appoint a new Chair of Audit Committee following the resignation of Councillor Alan Tyson from the Council.
- 1.2 To approve the new model code of conduct, as amended, as approved by the Standards Committee.
- 1.3 To approve amendments to the Councils Officer Scheme of Delegation following recent changes in responsibilities for the Senior Management Team.

2.0 Recommendations

- 2.1 That nominations be sought from Council for the Chair of Audit Committee;
- 2.2 That the new model code of conduct as amended, as set out in Appendix B, be approved;
- 2.3 That the Officer Scheme of Delegation as set out in Appendix D be approved.

3.0 Background and Introduction

Audit Committee Chair

- 3.1 On 28 October 2022 Councillor Alan Tyson resigned from the Council due to health reasons.

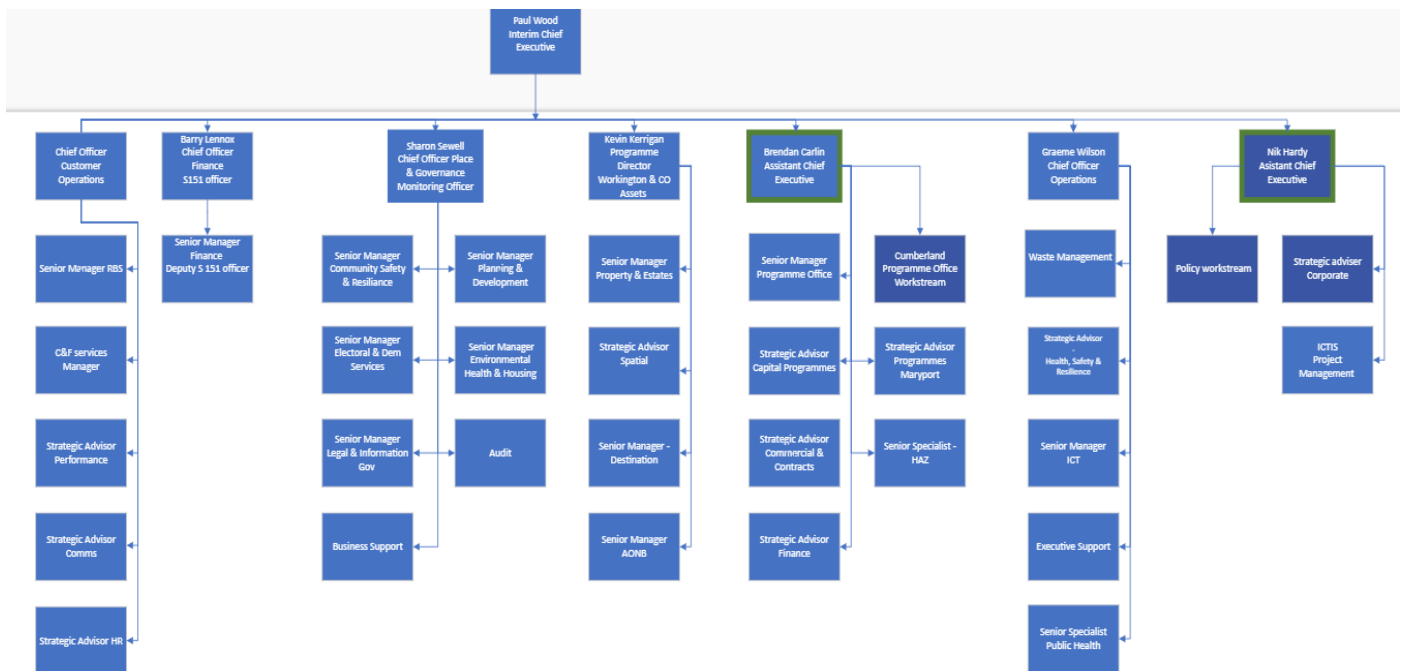
- 3.2 Under the Section 89(3) of the Local Government Act 1972 if a casual vacancy occurs in the six months before the date on which that elected member would have retired, an election is not to be held, unless more than one third of the authority's seats are vacant.
- 3.3 The relevant dates are the date the vacancy is deemed to have occurred and the date that the elected member would have ordinarily retired (not the date of the scheduled election).
- 3.4 As Allerdale Borough Council is to cease as of the 1st April 2023 the vacancy will remain until that date. The vacancy remains none aligned to any political group.
- 3.5 At the time of his resignation Councillor A Tyson was the Chair of Audit Committee therefore Council are now required to put forward nominations from the political Groups for a replacement to that role.

Review of Code of Conduct

- 3.6 In December 2020 the Local Government Association published its Model Code of Conduct for Local Authority Members. The Councils Standards Committee considered this earlier in the year and recommends adopting the Code (with some local revisions) so as to implement the Committee for Standards in Public Life's Best Practice Recommendations.
- 3.7 In 2019 the Committee on Standards in Public Life published a Report which reviewed ethical standards in Local Government and set out several statements of best practice which it recommended should be implemented. The best practice recommendations are set out in Appendix A.
- 3.8 The first recommendation was that the Local Government Association ("LGA") should create an updated Model Code of Conduct. The LGA Model Code was subsequently published in December 2020. The Council's existing Code of Conduct was adopted in 2012 and is broadly similar across all of the Councils in Cumbria. The Cumbrian Monitoring Officers have worked together on the Model Code to make appropriate local amendments.
- 3.9 The Model Code of Conduct with suggested amendments is shown as Appendix B of the Report. The amendments are shown via tracked changes to make it easier for Members to see where the suggestions have been made. A copy of the current Code can be found at Appendix C for comparison. The Standards Committee have considered the amendments and make the recommendation to Council for approval.

Scheme of Delegation

- 3.10 With LGR fast approaching and to allow focus where it is needed the Interim Head of Paid Service has introduced some changes to some of the senior management reporting lines. The changes are detailed below and will be in place from December 31st when Andrew Seekings and Catherine Nicholson officially move across to take up their new roles at the new Cumberland Authority.
- 3.11 The changes are shown in the below structure chart;



4.0 Delivery arrangements

- 4.1 The nominations for Chair of Audit Committee must be from the current membership of the committee. The current members are Councillors H Briggs, M Campbell-Savours, P Gorrill, A Hedworth, E Lynch and P Scott.
- 4.2 For the Code of Conduct, Paragraph 7.2 of Appendix 2 deals with the use of Council resources for political purposes. At the moment the position is clear, Members may not use Council resources to promote any particular political party. The Cumbrian Monitoring Officers are of the opinion that the suggested wording in the LGA Model Code would introduce ambiguity where none currently exists, hence the suggested amendment.
- 4.3 Paragraph 10.2 covers the value of gifts/hospitality to be recorded.
- 4.4 In relation to matters where Members disclose a disclosable pecuniary interest, the amendment to the proposed code continues the current arrangement whereby if the public has the right to speak then so does the Member. The Member, having spoken, then must leave the room/meeting. This ensures that Members do not have fewer rights than they would do as ordinary members of the public.
- 4.5 In relation to other declarations of interest (non-pecuniary) the LGA Code requires the Member to leave the room/meeting. However, this goes further than the law requires and is unnecessary; not participating when it would be inappropriate to do so is the more important point.
- 4.6 In paragraph 9 on page 13 of the Code, the LGA attempts to revert to the pre 2012 Statutory Code of Conduct. The test as to whether a Member's financial position is affected "to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision" is too imprecise a test to apply.

The suggested local amendment of whether an ordinary member of the public would believe the Member's judgement be affected is a far clearer, objective judgement and should be easier to apply and use.

4.7 A summary of the changes to the Chief Officer responsibilities;

- Catherine Nicholson remains the Allerdale Section 151 Officer until 31st December.
Barry Lennox will continue as Deputy 151 Officer and the day to day running of Finance until 31st December and then from 1st January until 31st March he will step up to take on the role of Section 151 Officer
- Sharon Sewell retains all of her current services and remains as Monitoring Officer as well as taking on the Deputy Chief Executive role
- Brendan Carlin retains his current services and will lead on the Maryport Delivery Plan
- Graeme Wilson moves away from the Maryport Regeneration programme to take on ICT, Health Safety & Resilience, Parks and Open Spaces, grounds maintenance Waste Management and Recycling. He will also retain the Public Health lead role which he fulfilled so well during the pandemic
- Kevin Kerrigan takes on the AONB, asset and estate managements in addition to his existing responsibilities of Markets, Destination and the Workington Towns Fund programme
- A CO for Customer Operations post will be appointed to take on Customer Services, Revs and Bens, Performance, Communications and Marketing and HR.

4.8 These changes will take effect as of 1st January 2023 until 31st March 2023.

4.9 The Councils Officer Scheme of Delegation has been updated to reflect those changes, set out in Appendix D, and Council are now asked for approval.

5.1 Contribution to Council Strategy Priorities, Outputs and Outcomes

Representation on committees clearly defines roles and responsibilities and enhances accountability.

High performing services that meet community needs and deliver value for money.

5.2 Finance/Resource implications

Any costs relating to Councillor Allowances can be met from existing resources.

5.3 Legal and governance implications

Section 89(3) of the Local Government Act 1972 if a casual vacancy occurs in the six months before the date on which that elected member would have retired, an election is not to be held

Appointments to committees are made in line with the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990.

The Council is required to ensure that it complies with the Localism Act 2011.

5.4 Increasing satisfaction and service

Not applicable to this report.

5.5 Equality impacts

Equality impacts have been considered.

5.6 Health and Safety impacts

There are no health and safety implications directly associated with this report.

5.7 Health, wellbeing and community safety impacts

There are no health, wellbeing and community safety implications directly associated with this report.

5.8 Environmental/sustainability impacts

There are no environmental/sustainability implications directly associated with this report.

5.9 Other significant implications

None

Appendices attached to this report

Appendix number	Title of appendix
A	CSPL Best Practice Report
B	New Model code of conduct as amended
C	Existing Allerdale Borough Council Code of Conduct
D	Officer Scheme of Delegation

Background documents available

Name of background document	Where it is available
N/A	

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