

Report of	Meeting	Date
Monitoring Officer	Governance Committee	Wednesday, 29 November 2023

Constitution Update

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

- To present to members proposed changes to the Constitution to be recommended to full Council for adoption.

Recommendations

- That the Committee propose to Full Council for adoption changes to the Code of Conduct for Members;

Reasons for recommendations

- The council are responsible for ensuring that the Constitution is fit for purpose and up to date based on the current structures of the council. The proposed changes reflect consideration of the Centre for Governance and Public Scrutiny Review and Redrafting of Constitutions: a Local Authority Guide and a new model code of conduct for councillors.

Other options considered and rejected

- To not undertake the review would not ensure the Constitution properly reflects how the Council undertakes its business.

Corporate priorities

- The report relates to the following corporate priorities:

Housing where residents can live well	A green and sustainable borough
An enterprising economy with vibrant local centres in urban and rural areas	Healthy, safe and engaged communities

Background to the report

6. In December 2020 the Local Government Association issued a new model code for members. This adopted recommendations proposed by the Office for Standards in Public Life. On reviewing the new model code it was established that Chorley Council while different in form contained substantially the same content and given one of the recommended benefits of adopting the new model code was consistency in approach by local authorities it was felt prudent to await the outcome of other regional councils approaches.

Code of Conduct for Members

7. The Council's Code of Conduct for members was substantially reviewed in 2018 following the issue of the Office for Standards in Public Life review. Recommendations from that report were adopted when not already in place.
8. In December 2020, the Local Government Association issued a new model code. This code was drafted taking into account the recommendations already implemented by Chorley. One of the recommendations was to seek consistency in the content and form of codes of conduct across different councils who share or abut geographical areas. This was to assist dual hatted members with consistency in responsibilities but also the public who would not have to reference significantly different codes to see which one applies to which councillor.
9. As the Chorley code of conduct was compliant it was felt prudent to wait for a period to see what other local authorities would do, whether they would adopt the new model. The absence of significant take up by other authorities would be a relevant consideration as the full consistency benefit would be lost.
10. Not all local authorities have adopted the new code, but a number of Parish Councils have as have Lancashire CC.
11. Adoption of the new model code is an opportunity to reset the format of the code, in a way that is compliant with the requirements of the legislation and removes any local conventions that have arisen as a result of historic amendments. Consistency in approach is a clear benefit for dual (or triple) hatted members with a number of councillors across the chamber only having to familiarize themselves with the format text and requirements of one code. This will reduce confusion as to which code applies.
12. This will also benefit residents particularly where it is unclear whether the behaviours complained of were committed as a county, district or parish councillor. If all adopt the same code, the same expectations will apply (although it must be acknowledged that there will still be local variations on interpretation and application of the requirements of the code).

Climate change and air quality

13. No implications

Equality and diversity

14. No implications

Risk

15. The changes proposed suitably manage any risks to the council. The scheme of delegation will provide greater flexibility in its operation, whilst the use of the delegations will continue to be managed within the council's governance framework.

Comments of the Statutory Finance Officer

16. There are no financial implications.

Comments of the Monitoring Officer

17. There are no legal implications in adopting the recommendations.

Appendices

Appendix 1 – Local Government Association Model Code of Conduct

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