

## REPORT TO AUDIT AND GOVERNANCE COMMITTEE

Date of Meeting: 8 March 2023

Report of: Director Corporate Services

Title: Amendments to the Constitution – Officers' Code of Conduct

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

Council

#### **1. What is the report about?**

The purpose of this report is to identify and deal with issues raised by the Council's external auditors and as set out below concerning the Officers' Code of Conduct. In addition, the Monitoring Officer recommends a few minor amendments to provide greater clarity to the Code of Conduct.

#### **2. Recommendations:**

That Audit and Governance recommend that:

- a. Council approve the changes to the Officers' Code of Conduct with immediate effect;
- b. The Monitoring Officer communicates these amendments to staff so that they are aware of the obligations placed upon them.

#### **3. Reasons for the recommendation:**

To provide greater clarity to the Officers' Code of Conduct, particularly relating to the reporting of interests and declarations concerning gifts and hospitality in accordance with the recommendations of the Council's external auditors.

#### **4. What are the resource implications including non financial resources?**

There are no resource implications involved in considering this matter.

#### **5. Section 151 Officer comments:**

There are no financial implications contained within this report.

#### **6. What are the legal aspects?**

The purpose of this report is to amend the provisions of the Officers' Code of Conduct to provide greater clarity on:

- the registering of interests; and
- the declaration of gifts and hospitality by Council officers.

Specifically, new forms have been provided for use by staff so that Officer declarations are completed in a standard format

In addition, (although not an issue raised by the external auditor), the Monitoring Officer is of the view that employees' attention should be bought to the consequences of failing to declare any interests which fall within the provisions of section 117 of the Local Government Act 1972 in relation to contracts and the provisions of the Bribery Act 2010 in relation to bribery and corruption.

## **7. Monitoring Officer's comments:**

The Monitoring officer is supportive of the recommendations to give effect to the External auditor's recommendations.

## **8. Report details:**

The Council's external auditors report dated November 2022 noted that although the Officers' Code of Conduct contains guidance on declaring interests, the guidance did not explicitly state that these should be recorded on the Register held by the Monitoring Officer.

The external auditors made an 'improvement recommendation' that the Officers' Code of Conduct should include the requirement for interests to be recorded on the Council's official register and that nil returns are required from Senior Officers. To help with this, standard forms for reporting interests and declaring gifts and hospitality have been created to addresses this issue and greater clarity is provided in the revised Officers' Code of Conduct.

Although not an issue identified by the Council's external Auditors, the proposed amendments to the Code provide more detailed guidance on registering and reporting interests to the Monitoring Officer and also includes reference to legal obligations in relation to contractors and suppliers (the provisions of section 117 Local Government Act 1972) and on the issue of bribery and corruption under the Bribery Act 2010.

## **9. How does the decision contribute to the Council's Corporate Plan?**

The decision contributes to the Corporate Plan by addressing the aim of Leading a Well Run Council.

## **10. What risks are there and how can they be reduced?**

The proposals set out in this report do not raise any risks. By providing greater clarification of the obligations imposed upon Officers, and by making reference to specific statutory provisions which apply to Officers, risks to the Council are reduced.

## **11. Equality Act 2010 (The Act)**

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;

- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the report applies to all Council Officers and the recommendations do not have any additional impact on individuals or groups with protected characteristics.

## **12. Carbon Footprint (Environmental) Implications:**

There are no direct carbon/environmental impacts arising from the recommendations contained in this report.

## **13. Are there any other options?**

The alternative is to reject the recommendations of the external auditor.

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## **Local Government (Access to Information) Act 1972 (as amended)**

Background papers used in compiling this report:-

Auditor's Annual Report on Exeter City Council 2020-2021 (November 2022)

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