

Committee(s) Member Development and Standards Sub-Committee	Date: 15 December 2023
Subject: Introduction of Members' Mandatory Code of Conduct Training	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	6
Does this proposal require extra revenue and/or capital spending?	No
Report of: Town Clerk and Chief Executive	For Decision
Report author: Gemma Stokley, Principal Governance and Member Services Manager	

Summary

In relation to Code of Conduct training, the Civic Affairs Sub-Committee (who previously had oversight of this area of work and all Standards related matters) concluded that the Corporation should adopt the wording from the LGA Model Code of Conduct which states that, "I undertake Code of Conduct training provided by the Corporation". In practice, this would mean that any Member failing to undertake Code of Conduct training would be in breach of the Code.

Members will recall that the Member Development and Standards Sub-Committee, who have now assumed responsibility for this area of work, considered this issue as a preliminary matter at their July meeting and were also of the view that Code of Conduct training should be mandatory for all. This report therefore considers what the new training arrangements might look like in more detail, together with any additional potential measures that Members may wish to see introduced to supplement the relevant provision in the draft Code.

Recommendation(s)

Members are asked to consider various options in terms of mandatory Code of Conduct training implementation and delivery as well as any optional additional measures they may wish to see introduced.

Main Report

Background

1. Although the Corporation has previously resisted the introduction of mandatory Code of Conduct training, the Civic Affairs Sub-Committee (who previously had oversight of this area of work) noted that all Members of the Planning and Transportation Committee were required to complete mandatory training on planning issues before being able to consider applications and that there was therefore some sort of precedent around this type of requirement. Given this, coupled with the increasing spotlight on Member Behaviour and an increase in Member-on-Member complaints under the Code of Conduct, they were unanimously of the view that 'C8.1' from the LGA's new draft Code, which states that, "I undertake Code of Conduct training provided by the Corporation" should be adopted.
2. In practice, this would mean that any Member failing to undertake Code of Conduct training would be in breach of the Code. Members will recall that your Sub-Committee, having now taken over responsibility for this area of work, also considered this issue as a preliminary matter at your July meeting and were unanimously agreed that Code of Conduct training should be mandatory.
3. This report therefore asks Members to now consider the new training arrangements in more detail, together with additional potential measures to supplement the relevant provision in the draft Code.

Additional Measures

4. Given that your Sub-Committee is firmly in agreement with the introduction of mandatory training you may wish to also supplement or pre-empt any change to the Code of Conduct through other additional measures. This could simply involve publishing data on those Members either attending or failing to attend Code of Conduct training. At the other end of the spectrum, this could involve seeking the introduction of a dedicated Standing Order requiring Members to have undertaken Code of Conduct training before they can be appointed to any Committee.

Implementation

5. The Sub-Committee are asked to consider when might be an opportune moment to implement the introduction of mandatory Code of Conduct training. The draft Code of Conduct detailing the need for all to undertake the training will be the subject of wider consultation once approved by this Sub-Committee before onward referral to both the Policy and Resources Committee and the Court of Common Council for adoption. It is expected that this process will conclude to coincide with the new Civic Year in April 2024. Even if this process is delayed, Members may consider this the most appropriate point at which to introduce the requirement for mandatory training for all.

Scheduling/Delivery

6. Once Members have decided upon a timeframe for the implementation of mandatory Code of Conduct training there will also need to be a clear communications plan in place around this as well as an appropriate and agreed schedule of training to share with all in good time.
7. Your Sub-Committee may have a view on the mandatory elements of the training, or you may wish to delegate this aspect to the Monitoring Officer. The slides used and topics covered within the most recent session are attached at Appendix 1 for your information.
8. Further thought would also need to be given to the frequency of the training – whether it would have to be completed annually or only at the beginning of a Member’s term of office for example. At your July meeting, refresher training every two years was mooted as a possible minimum requirement, following the initial Member induction. Depending on the additional measures adopted, Members might need to be given a window in which they must complete any mandatory training. Sufficient sessions would also need to be provided to ensure that every Member had the opportunity to attend.
9. At present, the Comptroller and City Solicitor, as Monitoring Officer, offers such training in-house to all newly elected Members and also as a refresher open to all at various points throughout the Civic Year. The most recent session was held as part of Q1 of the wider Member Development Programme overseen by this Sub-Committee and took place on 2nd October 2023. This particular session was offered as a hybrid session to both elected and Co-opted Members and was attended by 4 Common Councillors and 2 Co-opted Members. The session was also recorded to enable others to view at their convenience. The Governance and Member Services Team were also asked to provide some data on the percentage of Members who had previously undertaken voluntary Code of Conduct training. The information gathered highlighted that the round of training offered to both new and returning Members from April – June 2022 had been attended by a total of just 17 Members across the three sessions.
10. Members would need to consider whether viewing a recording of such sessions could be counted as having undertaken the necessary training or would be appropriate for refresher purposes only. There would also need to be a mechanism by which viewing of the recording could be verified.
11. Members will also need to consider whether they feel that these sessions, traditionally delivered in-house and in a hybrid fashion are sufficient or whether they might want to introduce different methods of delivery. Some have mentioned, for example, that online based training with a self-assessment/test element to conclude would be preferable or something that could be used to supplement the in-house sessions. It should, however, be noted that this would require additional finances/resourcing and the engagement of a external facilitator as it would be highly unlikely that this type of training could be designed in-house.

Co-opted Members/External Committee Members and Independent Persons

12. Recently, our in-house training sessions on the Code of Conduct have also been offered to our Co-opted/External Committee Members as well as to our Independent Persons, who must apply the Code of Conduct and have all voluntarily agreed to follow its provisions.
13. The statutory provisions in the Localism Act 2011 only apply to elected members and co-opted members with voting rights. However, the Corporation's Code of Conduct is applied to any member of the Corporation and any member of a committee or sub-committee of the Corporation, so the proposed mandatory training element will apply to all. However this doesn't extend to external representatives on consultative groups. At present, our Boards, Committees and Sub-Committees have 140 spots for external representatives.
14. We will clearly be seeking to include this group within any training plans. Members will need to consider whether it is appropriate to train them alongside Common Councillors or whether to arrange separate sessions targeted at them specifically. If separate sessions are arranged, frequency of training would need to mirror that offered to elected Members. Again, there will need to be a clear communications plan in place around this ahead of implementation.
15. Members may also wish to consider what additional measures could be employed to ensure that external representatives also complete the training upon appointment to Committees/Sub-Committees.

Record Keeping/Transparency

16. Ahead of training being introduced as mandatory, Members will need to take a view as to whether they intend to make public records on attendance, or indeed non-attendance, at Code of Conduct training.
17. The Governance and Member Services Team would be responsible for holding records of attendance centrally and for the publication of this information if deemed necessary.

Conclusion

18. The Civic Affairs Sub-Committee previously expressed a preference to introduce mandatory Code of Conduct training by adopting C8.1' from the LGA's new draft Code, which states that, "I undertake Code of Conduct training provided by the Corporation". Having now assumed responsibility for all Standards-related matters, this Sub-Committee fully endorsed this view.

Having established that Members are keen to introduce mandatory Code of Conduct training, this report asks that Members now consider the implementation and delivery of such training in more detail as well as to give

thought to any supplementary measures they may wish to introduce to reinforce the obligation to be set out within the City Corporation's own Code of Conduct.

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Appendices

Appendix 1 – Slides from Member Development Session on the Member/Officer Charter and Members' Code of Conduct (2nd October 2023)

Background papers

Report to the Civic Affairs Sub-Committee dated 11 October 2022

Report to the Civic Affairs Sub-Committee dated 6 December 2022

Report to the Civic Affairs Sub-Committee dated 31 March 2023

Report to the Member Development and Standards Sub-Committee dated July 2023