

## **Report to Standards Committee**

**Subject:** Update on the Local Government Association Model Code of Conduct for Councillors

**Date:** 11 March 2021

**Author:** Monitoring Officer

### **Purpose**

To update Members on the Local Government Association Model Code of Conduct for Councillors published in December 2020.

### **Recommendation(s)**

#### **THAT:**

- 1) Members note the content of the report.**
- 2) Members agree that the LGA Model Code of Conduct be considered by the Monitoring Officer and Working Group with a view to recommendations being brought back before the Committee as detailed in the report.**

## **1 Background**

- 1.1 Members will recall that the Committee on Standards in Public Life (“CSPL”) Report – Review of Local Government Ethical Standards report recommended that the Local Government Association (LGA) should create an updated model Code of Conduct for Members in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.2 A model Code of Conduct was subsequently drafted and a period of consultation on the draft ran from 8 June to 17 August 2020. A response to the consultation was submitted by the Council in particular highlighting the need for more detailed guidance to accompany the Code given its potential for wide interpretation, and given its brevity in particular

compared to this Council's current Code of Conduct.

- 1.3 In December 2020, the LGA publicised its final version of the LGA Model Code of Conduct for Councillors ("the Model Code"), a copy of which is shown at Appendix 1. The LGA state that the Model Code is offered as a template for councils to adopt in whole and/or with local amendments. The LGA have indicated they will review the Model Code annually to ensure it continues to remain fit for purpose. The LGA have also indicated that whilst the Model Code does include guidance, further guidance will be published to accompany the Code following some of the questions raised through the consultation process.
- 1.4 There is currently no statutory requirement to adopt the model Code. Whilst the CSPL report indicated there "*would*" be a model Code, it is unclear whether the intention was that this would be a statutory code which would require adoption through amendment to the Localism Act 2011 ("the Act"). The Act provides that each "relevant authority" must adopt a Code dealing with conduct that is expected of members & co-opted members when they act in that capacity (s27(2) Localism Act 2011). Each Code must contain "appropriate provisions" for the registration and disclosure of disclosable pecuniary interests and 'other' interests. A Code must, when viewed as a whole, be consistent with the 7 Principles of Public Life. Whilst the Model Code does satisfy those statutory requirements, it is always going to be a challenge to find a model that suits all, arguably only through mandatory adoption is there likely to be unity by authorities in relation to a Code of Conduct.
- 1.4 The Model Code, has changed slightly from the version that was consulted upon in the summer of 2020. Most significantly the requirement of "civility" which was in the original draft has now been replaced with "respect" and guidance is included within the Model Code although further guidance is expected.
- 1.5 Lawyers in Local Government recently undertook a survey of Monitoring Officers to gauge how many had chosen to adopt the Model Code following its publication in December. A total of 82 responses were received from Monitoring Officers or Deputy Monitoring Officers. Of those who responded:
  - 20% indicated they would be adopting the model Code in full.
  - 20% indicated they would be adopting part of the Code.
  - 55% indicated they would not be adopting the Code.

➤ 25% will not be adopting the model Code or changing their

own Code.

- 30% not adopting the model Code in whole or part but looking to make changes to their own Code.

- 5% indicated they were undecided at this time.

## **2 Proposal**

- 2.1 It is proposed that Members note the content of the Code at Appendix 1 and the content of this report.
- 2.2 It is also proposed that further consideration is given to the Model Code by the working group, established originally to consider the Draft Model Code, and comprising Cllrs Boyle, Hope, Murray and Towsey-Hinton, Rosalie Hawkes and John Baggaley. This group, in consultation with the Monitoring Officer, will consider the Model Code and compare it to the Council's existing Code with a view to bringing forward recommendations as to whether the Model Code should be adopted by the Council in full, or in part, or whether the current Code of Conduct for the Council should be amended. Best Practice recommendations from CSPL propose that Council's should regularly seek, where possible, the views of the public, community organisations and neighbouring authorities, when reviewing their Code. As a consequence, prior to any proposals being put to Council in respect of adopting a new or amended Code, wider consultation will be required. Best Practice recommendations also provide that councils should review their Code of Conduct for Members annually. This Council's Code of Conduct was reviewed and amended in July 2019, Covid-19 and the anticipation of the Model Code has meant that the review for 2020 has been delayed.

## **3 Alternative Options**

- 3.1 That members do not note the content of the report.
- 3.2 That Members do not proceed with reviewing the Model Code and the Council's Code of Conduct for Members through the working group, however, it is recommended that further consideration of the Model Code is undertaken, in addition, the requirement to annually review the Council's own Code of Conduct was agreed by Committee following the recommendation from the CSPL report.

## **4 Financial Implications**

- 4.1 There are no financial implications arising out of this report.

## **5 Legal Implications**

- 5.1 The Localism Act 2011 requires authority's to have a Code of Conduct for Members, however, the authorities are not required to adopt the LGA Model code.

## **6 Equalities Implications**

- 6.1 There are no equality implications arising from this report.

## **7 Carbon Reduction/Environmental Sustainability Implications**

- 7.1 There are no carbon reduction/sustainability implications arising from this report.

## **8 Appendices**

- 8.1 LGA Model Code of Conduct for Councillors

## **9 Background Papers**

- 9.1 None