

<b>Meeting or Decision Maker:</b>	Standards Committee
<b>Date:</b>	19 October 2020
<b>Classification:</b>	General Release
<b>Title:</b>	Update on the review of the model code of conduct by the Local Government Association (LGA)
<b>Report of:</b>	Tasnim Shawkat, Monitoring Officer

### **1. Executive Summary**

- 1.1. On 10 March the Committee considered a report on the Local Government Association's (LGA) consultation on a model code of conduct for members.
- 1.2. This followed the recommendation by The Committee on Standards in Public Life (CSPL) for the LGA to create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.3. The Monitoring Officer sent a response to the consultation. (appendix one)
- 1.4. The purpose of this report is to update the committee on the timescales of the LGA review of the model code of conduct.

### **2. Recommendations**

- 2.1. For the Committee to note the response of the Monitoring Officer to the Consultation.

### **3. Background information**

- 3.1. In accordance with the provisions of the Localism Act 2011, the Council has adopted a Code of Conduct for Members and Arrangements for dealing with complaints that members have breached the Members' Code of Conduct. The code was adopted from the illustrative text for local codes of conduct published by the Department for Communities and Local Government in April 2012.
- 3.2. The LGA's objectives in reviewing the model code of conduct are to:

- Articulate what local government believes are good standards for all in public office
- Show leadership in good standards of conduct for those in public office, both elected and as employees
- Achieve consensus between the stakeholders affected by local government conduct
- Support its member councils and partners in achieving good standards of conduct
- Produce a code that is fit for purpose, useful and held in high regard
- Enhance the reputation of local government and local politicians
- Support the good running of councils
- Support all democratically elected local representatives to deliver their best on behalf of their local communities
- Build on the good practice that already exists within member councils

3.3 Members are referred to the information published on the LGA website about the consultation [LGA Code of conduct consultation 2020](#) The consultation questionnaire stated that the “Member Code of Conduct aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse”.

3.4 Part of the Committee’s recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA sought to reflect some of the possible changes and stated where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee’s recommendations.

3.5 The consultation questions were:

- To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?
- Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?
- Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

- iv) To what extent do you support the 12 specific obligations?
- v) If you would like to propose additional or alternative obligations or would like to provide more comment on a specific obligation, please do so here.
- vi) Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?
- vii) To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?
- viii) To what extent do you think the concept of 'acting with civility' is sufficiently clear?
- ix) To what extent do you support the definition of bullying and harassment used in the code in a local government context?
- x) Is there sufficient reference to the use of social media?
- xi) To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?
- xii) Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model currently references it?
- xiii) To what extent do you support the inclusion of these additional categories for registration? If you would like to propose additional or alternative categories for registration, please provide them here
- xiv) To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?
- xv) The draft code proposes £25.00 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

3.3. The LGA's original timetable was delayed following the Coronavirus pandemic. The consultation ended in August. The response sent by the Monitoring Officer is appended to this report. (Appendix One)

3.4. A further report will be prepared for the Committee once the LGA has considered the feedback from the consultation and developed a final draft of the proposed model code of conduct. There is a statement on the LGA website to say that the final draft will be reviewed by the LGA's Executive Advisory Board before being presented to the next LGA Assembly, which they hope will be held in the Autumn.

#### **4. Financial Implications**

4.1. There are no financial implications for this report.

## **5. Legal Implications**

- 5.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 5.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.
- 5.3 There is no obligation by the Council to adopt a particular model of the Code of Conduct. The statutory duty is to adopt a code of conduct which complies with the statutory requirements referred to in paragraph 5.2

## **Appendix One**

Response by the Monitoring Officer to the LGA draft Model Code of Conduct

### **Background Papers**

[Report to Standards Committee 10 March 2020 on the review of the model code of conduct by the LGA](#)

<p><b>If you have any queries about this report please contact: Hazel Best, Principal Lawyer, Bi-Borough Legal Services, Email: hbest@westminster.gov.uk</b></p>
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