

# Model Code of Conduct

Report of Angela Lax, Cabinet Member for Legal & Regulatory Services

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Agenda Item:

Contact Officer: Christie Tims

Tel Number: 308002

Email: Christie.tims@lichfielddc.gov.uk

Key Decision? NO

Local Ward Members Full Council



## AUDIT & MEMBER STANDARDS COMMITTEE

### 1. Executive Summary

- 1.1 This report asks the Committee to consider whether the LGA's Model Code of Conduct should be adopted by the Council for incorporation into the Constitution as it stands or with suitable amendments following consideration of the Standards in public life recommendations.

### 2. Recommendations

- 2.1 That the committee resolves to await the outcome of the Government consideration of the Committee on Standards in Public Life recommendations and in the interim undertake consultation on the Model Code of Conduct (as set out in Appendix 1) before recommending a final version for adoption by Full Council.

### 3. Background

- 3.1 As part of their campaign on Civility in Public Life the LGA engaged with stakeholders at the end of 2019 and consultation workshops at the beginning of 2020 to develop a revised code to improve standards in local government. A draft model Member Code of Conduct which was published for consultation in early 2020 and a final version circulated to Members in December 2020.
- 3.2 The draft model Code of Conduct, sets out the importance of the role of the Councillor and holding Councillors to account, as taken from the LGA website is set out below:

#### *Local Government Association Model Member Code of Conduct*

*The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance. The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all 3 councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities. All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit for purpose, particularly with respect to*

*advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.*

- 3.3 The LGA in the new Model Code has sought to address some issues that have arisen as a result of the changing way that Members interact with residents, including remote communication and the use of social media. The Code seeks to address abusive, threatening or intimidatory communications.
- 3.4 The Model Code, if adopted, would apply when a Councillor acts or gives the impression that they are acting as a Councillor. This is a change from the current position. This would apply to all forms of communications and interaction including social media.
- 3.5 The Committee for Standards in Public Life also made some recommendations to Government for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies:
- The introduction of sanctions
  - An appeals process through the Local Government Ombudsman
  - Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
  - Updates to the Local Government Transparency Code
  - Changes to the role and responsibilities of the Independent Person
  - That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished
- 3.6 Alongside the Model Code the Committee made a number of Best Practice Recommendations to local authorities. These can be seen at Pages 13 to 17 of Appendix 2.
- 3.7 Some of these recommendations impact directly on the adoption of a Code of Conduct. In particular the recommendations on defining bullying and including examples (Recommendation 1); a requirement to comply with investigations (Recommendation 2) and suggestions to seek views on the Code (Recommendation 3).
- 3.8 If the Government decides to implement some of the recommendations arising from the Committee on Standards in Public Life report, the Model Code of Conduct may require amendment.
- 3.9 It is therefore proposed at this stage that the new Model Code of Conduct is not adopted but that the Committee agree to undertake consultation on the Code and work on proposals that take into account the Best Practice Recommendations. Also that Members agree to receive a further report once the Government has formally considered the proposals from the Committee on Standards in Public Life.
- 4.0 It is noted that a number of parish Councils in the District have already opted to adopt the revised code. At the moment there is no requirement for Parish Councils to maintain a code in alignment with the primary authority, though it is noted that this makes assessment of complaints easier and faster for the Monitoring Officer.

Alternative Options	Members can decide not to wait for further Government action and to adopt the Model Code as it stands with the inclusion of the previously agreed bullying definition.
Consultation	All District and parish members have been advised of progress on this matter via email and briefings/training carried out in late 2019 and 2020.
Financial	There are no additional financial implications from the adoption of the code or decision to consult – this would impact on resources available to the Monitoring

Implications	Officer to pursue other governance issues which must be provided statutorily by Full Council. The changes to the code should not materially affect the time and resources required unduly.
Approved by Section 151 Officer	Yes/no*

Legal Implications	It is a requirement that the Council has a Code of Conduct for Members under Section 27 Localism Act 2011 and that this is agreed by full Council.
Approved by Monitoring Officer	Yes/no*

Contribution to the Delivery of the Strategic Plan	The code of conduct ensures that councillors behave appropriately, transparently and make sound decisions based on evidence and free from bias. This contributes to us being a good council.
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Equality, Diversity and Human Rights Implications	An EIA on the new code confirms a proportionate impact from the new code as currently drafted.
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Crime & Safety Issues	None specifically unless amendments are made to criminal offences under the Localism Act
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Environmental Impact	None specifically noted from adopting the new code
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GDPR / Privacy Impact Assessment	Not required for the code, but may impact on individual members through the changes to the code and how complaints are reported and the sanctions which are made if primary legislation changes recommended are adopted.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	That the code is out of touch with the challenges currently faced by members	The current code has been developed over successive years based on learning from application. A new code will need a similar bedding in period.	State if risk is Red (severe), Yellow (material) or Green (tolerable) as determined by the Likelihood and Impact Assessment.
B	That the code creates an additional burden on the primary authority	A cautious approach to adoption will give the monitoring officer and independent persons the time to assess scope and impact.	
C	That the sanctions available to do not provide a deterrent.	Await the outcome of government review to provide clearer sanctions in line with issues.	
D	That the scheme becomes unworkable and does not improve standards of behaviour	A cautious approach to adoption will give the monitoring officer and independent persons the time to assess scope and impact.	
E			

<b>Background documents</b> <a href="#">Part 5 Final Clean v2.pdf (lichfielddc.gov.uk)</a> – Current Code of Conduct for members
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## Relevant web links

[Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#) – Appendix 1

[Local Government Ethical Standards January 2019 \(publishing.service.gov.uk\)](#) – Appendix 2