

# ADOPTION OF THE LOCAL GOVERNMENT ASSOCIATION MODEL COUNCILLOR CODE OF CONDUCT



Lichfield  
District Council

Date: 10 December 2024  
Agenda item:  
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Key decision? **NO**  
Local ward members All Members

**FULL COUNCIL**

## 1. Executive summary

- 1.1 The Member Standards Committee has recommended the Local Government Association Model Councillor Code of Conduct for adoption by Full Council. This report provides an overview of the Code which is provided in full at Appendix B.

## 2. Recommendations

- 2.1 That Council accepts the recommendation of the Standards Committee and adopts the Local Government Association Model Councillor Code of Conduct as set out at Appendix B.

## 3. Background

### Legal Context

- 3.1 The Council has as a statutory duty under The Localism Act 2011 to:
- promote and maintain high standards of conduct by members and co-opted members
  - adopt a code dealing with the conduct that is expected of members.

### Role of the Member Standards Committee and Full Council

- 3.2 The Member Standards Committee has an important role in considering, and making recommendations on, the adoption, revision or replacement of the Code of Conduct which applies to members and co-opted members of the authority. Recommendations of the Committee are then submitted to Full Council.

### Background to the Local Government Association (LGA) Model Code

- 3.3 In January 2019 the Committee on Standards in Public Life (CSPL) published a report following a review of local authority standards. The report contained a series of recommendations to the Government and local government.
- 3.4 A key recommendation of the CSPL was directed to the Local Government Association:

“The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government”.

- 3.5 The CSPL review concluded that a model code of conduct would create consistency across England and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among councillors serving on more than one council (i.e. double-hatted and triple-hatted councillors).
- 3.6 The CSPL also noted that matters such as gifts and hospitality, social media use, bullying and harassment had increased in prominence and were often not reflected in local authority codes of conduct and could be addressed in a model code.
- 3.7 Following extensive consultation the LGA in association with key partners published a [Model Councillor Code of Conduct](#) (‘the model code’ also set out at Appendix B) in December 2020.
- 3.8 The Model Code provides a template that councils can adopt in whole or with local amendments.
- 3.9 In July 2021 [Guidance on the LGA Model Councillor Code of Conduct](#) was published (the LGA guidance). The purpose of this guidance was to help the understanding of, and consistency of approach towards, the model code.

#### Structure of the Model Code

- 3.10 The Model Code is structured as follows:
- General Principles – these build on the Nolan Principles and are developed specifically for Councillors
  - Application of the Code – i.e. when it applies
  - Standards of conduct – sets out minimum standards of conduct under 10 headings. Failure to comply with these obligations may result in a complaint and subsequent action.
  - Appendix A – The Seven Principles of Public Life (Nolan Principles)
  - Appendix B – Registering Interests. Detailed provisions on registering and disclosing interests.

#### Model Code Compared to the Existing Code

- 3.11 The Council’s existing Code of Conduct is attached at **Appendix A** and the LGA Model Code is attached at **Appendix B**.
- 3.12 The Model Code significantly expands upon the existing code and, together with the accompanying guidance, seeks to provide the clarification necessary to facilitate consistency in its application.
- 3.13 A brief overview of some of the key differences between the current code and Model Codes is set out in the table below.

## 1. General Principles

The Council's existing code refers to standards of conduct based on the Nolan Principles.

**The Model Code** builds on the Nolan principles, setting out general principles developed specifically for the role of councillor:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community.
- I do not improperly seek to confer an advantage or disadvantage on any person.
- I avoid conflicts of interest.
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## 2. Application of the Code of Conduct

Both Codes apply while a person is acting in the capacity of a councillor. However the Model Code gives more clarity about when this applies:

*'Your actions would give the impression to a reasonable member of the public with knowledge of the facts that you are acting as a councillor'*

The Code also provides clear guidance on the forms and types of communication that are within scope, including social media communication, posts, statements and comments.

## 3. Standards of Conduct

The Model Code sets out **ten** obligations with an explanation of what each means in practice including:

- **(1) Respect** - the Model Code specifically refers to respect and explains that it means politeness and courtesy in behaviour, speech and the written word. It also states that councillors have a right to expect respectful behaviour from the public.
- **(2) Bullying, harassment and discrimination** – There is no direct reference/definition in the existing Code. The Model Code gives a clear definition to all three.
- **(3) Impartiality of officers of the Council** – There is similar reference in both codes.
- **(4) Confidentiality and Access to Information** – The Model Code provides clarity and includes a requirement to consult with the Monitoring Officer prior to disclosure in certain circumstances and not to improperly use knowledge gained as a councillor for personal advantage.

- **(5) Disrepute** – The obligation exists in both codes. The Model code clarifies that this does not mean that a councillor cannot hold the Council and fellow councillors to account or constructively challenge and express concern about decisions and processes providing they adhere to the other aspects of the code.
- **(6) Use of Position** – the obligation exists in both codes.
- **(7) Use of Local Authority Resources** – There is no direct reference in the current code.
- **(8) Complying with the Code of Conduct** – There is no direct reference in the current code.
- **(9) Reputation of members and the local authority** – the Model Code includes a section on the registration and **declaration of interests** which references a separate Appendix. In some circumstances this could place additional requirements on members. E.g. where a matter arises (which is not a pecuniary interest) at a meeting that directly relates to the financial interest or well being of a relative or close friend the Member would be required to declare the interest and take no part in the discussion or vote and also leave the room (only being permitted to speak if the public also have that right).
- **(10) Gifts and Hospitality** - Both Codes require councillors to register any gift with a value of £50 or more with the Monitoring Officer. The Model Code puts emphasise on councillors not accepting gifts or hospitality irrespective of value which could give rise to a reasonable suspicion that it would lead to securing influence with them.

### 3.14 **Adopting the New Code**

In 2023 a LGA survey found that almost two thirds of Councils (63%) that responded had adopted the Model Code either entirely or partially. The survey was sent to all district, unitary, metropolitan and London Boroughs and the overall response rate was 35% (110 Councils). A light touch review of the constitutions of councils that did not respond indicates that 54% of non-respondent councils had adopted the Model Code in full or in part.

3.15 A benefit of the Model Code is ensuring consistency across all tiers of local government. Staffordshire County Council has adopted the Code and six parishes in the District have confirmed adoption of the model code.

3.16 If Full Council is minded to adopt the Model Code of Conduct, in accordance with the provisions of the Localism Act 2011 it will apply to all Members who have signed their declaration of acceptance of office. There is no legal requirement for Members to sign a new Code. Training would be provided on the provisions of the new code.

Alternative options	<p>The Council could decide to</p> <ul style="list-style-type: none"> <li>• keep the existing code,</li> <li>• amend the existing code</li> <li>• adopt the Model Code</li> <li>• adopt an amended version of the Model Code</li> </ul>
Consultation	<p>Member Standards Committee is responsible for promoting and upholding Standards of Conduct and is the first stage in the process of reviewing the Code of Conduct. It has recommended adoption of the Model to Full Council.</p>

Financial implications	N/A
Approved by Section 151 Officer	Yes
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
Contribution to Lichfield District 2050	A well run council central to the delivery of <a href="#">Lichfield District 2050</a> .
Data assessment	63% of Councils responding to a 2023 LGA survey have adopted the model code either fully or in part.
Equality, diversity and human rights implications	<p>Discrimination is covered by the Model Code of Conduct.</p> <ul style="list-style-type: none"> <li>There is a duty to promote equalities and not to discriminate unlawfully against any person.</li> </ul> <p>The Code of Conduct is applied with due regard to the provisions to the Human Rights Act.</p>
EIA logged by Equalities Officer	Equalities Officer confirmed not required.
Crime & safety Issues	N/A
Environmental impact (including climate change and biodiversity)	N/A
GDPR / privacy impact assessment	N/A

	Risk description & risk owner	Original score (RYG)	How we manage it	New score (RYG)
A	Code of Conduct is not fit for purpose.	Risk: Yellow Likelihood: Yellow Impact: Yellow	Review the Code of Conduct	Risk: Green Likelihood: Green Impact: Green
B	Inconsistent application of the Code of Conduct	Risk: Yellow Likelihood: Yellow Impact: Yellow	Review guidance and consider adoption of Model Code of Conduct provisions.	Risk: Green Likelihood: Green Impact: Green

Background documents	
Relevant web links	Model Code of Conduct: <a href="https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020">https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020</a>  Guidance on the Model Code of Conduct: <a href="https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct">https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct</a>