

STANDARDS COMMITTEE



Report subject	Local Government Association - Model Councillor Code of Conduct
Meeting date	12 January 2021
Status	Public Report
Executive summary	<p>The Local Government Association has produced a New Model Member Code of Conduct which is appended to this report at Appendix 1.</p> <p>The Standards Committee is responsible for monitoring the Code of Conduct and for making recommendations to Full Council on any changes to the Code.</p> <p>The Committee is asked to note the new Code at this stage but to invite interested parties and other stakeholders to provide comment on the Council's existing Code and the LGA Model Code, in accordance with the best practice recommendations of the Committee for Standards in Public Life.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ul style="list-style-type: none"> (a) the Local Government Association Model Councillor Code of Conduct be welcomed and the committee await the outcome of the Government consideration of the Committee for Standards in Public Life recommendations; (b) the comments of parish and town councils, community organisations, neighbouring authorities and other interested parties, individuals and stakeholders be invited on both the Council's existing Code of Conduct and the LGA's Model Councillor Code of Conduct; (c) a further report be presented to the next meeting of the Committee in April 2021 with the outcome of (a) and (b) above and an update on the associated work of the Constitution Review Working Group.
Reason for recommendations	To ensure that the final adopted Code of Conduct for Councillors is fit for purpose, provides clarity on expected behaviours and manages and reflects public expectations.

Portfolio Holder(s):	Not applicable
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones (Head of Democratic Services) Susan Zeiss (Service Director for Law and Governance and Monitoring Officer)
Wards	Not applicable
Classification	For Decision

Background

1. All Councils are required to have a local Member Code of Conduct and the existing Code was adopted by the Shadow Authority on 21 February 2019. The Code was to be reviewed in 2020/21 but the Covid Pandemic prevented this review taking place.
2. The Committee on Standards in Public Life undertook a comprehensive review of local government ethical standards and published a report in January 2019. The Committee made 26 formal recommendations to the Prime Minister and 15 Best Practice recommendations. A number of the recommendations required legislative changes to be implemented but this has been delayed.
3. In the meantime, the Local Government Association has published a Model Councillor Code of Conduct following consultation with stakeholders and examining good practice in local government and other professions. However, if the Government chooses to implement some of the recommendations arising from the Committee on Standards in Public Life, the LGA has expressed caution that the Model Code could require amendment.
4. The LGA has sought to address issues arising through more communication taking place remotely and online between councillors and residents, particularly through social media which is welcomed. It has acknowledged there may be more overt expression of emotions associated with the additional pressures brought about by the current pandemic environment. However, abuse, threatening and intimidatory communications continue to be unacceptable, and the Model Code seeks to address this.
5. The Model Code applies when a Councillor acts or gives the impression that they are acting, as a Councillor. This applies to all forms of communication and interaction, including social media.
6. The Model Code continues to be in-line with the seven principles of public life, namely, selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.

Committee for Standards in Public Life - Best Practice Recommendations

7. In addition to the recommendations to Government requiring potential legislative changes, the Committee for Standards in Public Life have made 15 Best Practice recommendations to local authorities. These recommendations are set out in full in Appendix C to the LGA report, however, there are a number that are relevant to the

consideration and adoption of revisions to the Council's Code of Conduct. These are as follows:-

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

8. Although all are equally weighted, recommendations (3), (11) and (12) promote or imply engagement with stakeholder interest groups, parish and town councils, community organisations and neighbouring authorities.

Review of the Constitution

9. The Committee will be aware that the Audit and Governance Committee has commissioned the Constitution Review Working Group to commence a comprehensive review of the Constitution. Although the Standards Committee is responsible for recommending changes to the Code of Conduct, there will be consequential procedural changes required to the wider Constitution. There would be clear benefit to align and synchronise these two activities.

Options

10. The Committee have a number of options at this stage, including:-
 - (a) Recommend to Full Council the adoption of the Local Government Association Model Councillor Code of Conduct;
 - (b) Recommend to Full Council the adoption of the Local Government Association Model Councillor Code of Conduct with potential amendments;
 - (c) Reject the Local Government Association Model Councillor Code of Conduct and resolve to continue with the existing Code of Conduct; or
 - (d) Resolve to await the outcome of the Government consideration of the Committee for Standards in Public Life recommendations, and in the meantime invite parish and town councils, community organisations, neighbouring authorities and other interested parties, individuals and stakeholders for comments on both the Council's existing Code of Conduct and the LGA's Model

Councillor Code of Conduct, with a further report being presented to the next meeting of the Committee in April 2021.

11. Although the Model Code addresses and provides clarity on a number of issues which is welcomed, there are risks associated with proceeding quickly in adopting the Model Code if the Government do indeed adopt the formal recommendations of the Committee for Standards in Public Life. Furthermore, the Best Practice recommendations 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 it is recommended that the Committee proceed with Option (d) at this stage and receive a report back to their next meeting in April 2021.

Summary of financial implications

12. There are no financial implications arising from the report. Engagement will be conducted primarily electronically and within existing resources.

Summary of legal implications

13. A Councillor Code of Conduct is required by Section 27 of the Localism Act 2011, however, there is no requirement at this stage to adopt the new Model Code.

Summary of human resources implications

14. There are no human resources implications arising from this report.

Summary of sustainability impact

15. There are no sustainability implications arising from this report.

Summary of public health implications

16. There are no public health implications arising from this report, however, the review of the Code of Conduct should consider the impact that a councillors behaviour and actions could impact upon the health and wellbeing of those they engage with.

Summary of equality implications

17. There are no equality implications arising from this report, however, the review of the Code and the engagement with interested parties must have due regard to the needs of all sectors of the community to help inform the final Code of Conduct. The equalities team will be engaged in this exercise.

Summary of risk assessment

18. The adoption of a new Code of Conduct would provide clarity on a number of issues and provide clear expectations of councillors regarding their conduct. However, failing to seek views of interested parties could result in important criteria being omitted from the Code.

Background papers

Published works

Appendices

Appendix 1 – Local Government Association – Model Councillor Code of Conduct