


ETHICAL STANDARDS AND MEMBER DEVELOPMENT COMMITTEE

13 August 2020

Subject:	LGA Model Code of Conduct and Best Practice Recommendations from the Committee on Standards in Public Life
Director:	Director of Law and Governance & Monitoring Officer - Surjit Tour
Contribution towards Vision 2030:	
Contact Officer(s):	Elaine Newsome – Service Manager Democracy

DECISION RECOMMENDATIONS

That :

1. The Committee reviews the Best Practice recommendations made by the Committee on Standards in Public Life.
2. The Committee reviews the Council’s draft response to the LGA Model Code of Conduct, prior to submission.
3. The Director of Law and Governance and Monitoring Officer, be authorised to submit the final response to the LGA concerning the Model Code of Conduct.

1 PURPOSE OF THE REPORT

- 1.1 Further to Minute No. 22/20 (29 June 2020), to seek the Committee’s views on the Council’s draft submission on the LGA Model Code of Conduct prior to the response deadline of 17 August.

2 IMPLICATIONS FOR VISION 2030

- 2.1 This matter falls within the Council's Governance agenda which sits at the heart of delivering Vision 2030.

3 **BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 In 2018 the Committee on Standards in Public Life announced a review of ethical standards in local government. The report into Local Government Ethical Standards was published on 19 January 2019, which included a number of recommendations. The report was submitted to Government and a formal response is awaited in relation to how those recommendations will be addressed.

The first recommendation of the report into Local Government Ethical Standards was that the Local Government Association should draft a model code of conduct. In response to this recommendation, the LGA in late 2019 held an event on 'Civility in Public Life' with a range of stakeholders and, at the start of 2020, held three consultation workshops. This led to the draft Model Code of Conduct that is currently out for consultation.

All stakeholders, which includes Elected Members, Independent Persons, Councils, Monitoring Officers, etc. have been invited to respond to the consultation draft.

The main changes are summarised below:-

- a. the application of the draft Code applies a presumption that Elected Members are acting in their capacity as a councillor and are expected to uphold and show leadership at all times;
- b. the application of the draft Code is explicitly extended to cover all forms of Elected Member communication and interaction, including social media;
- c. the term 'civility' replaces 'respect' in obligations 1 and 2;
- d. the definition of 'bullying and harassment' is set out in the accompanying guidance to obligation 3;
- e. the requirement to disclose interests as set out at obligation 10 and in the appendices is extended to include the financial interest or well-being of a friend relative or close associate;
- f. the requirement to register other interests is extended as set out in table 2 of appendix B;
- g. sanctions have been extended to include bars on chairing advisory committees and special committees or attending committees for up to two months.

The deadline for consultation responses is 17 August 2020.

4 THE CURRENT POSITION

- 4.1 At its meeting on 29th June 2020, the Committee received the draft LGA Code of Conduct (as set out at Appendix 3) and recommended that the matter be considered by the Standards Working Group in order to make recommendations to this Committee in relation to the Council's response.
- 4.2 In addition, the draft Code of Conduct has been circulated to all Members of the Council asking for feedback, along with details of how they can make individual submissions and also advising of the webinars available to elected members in relation to the Code. The Director of Law and Governance and Monitoring Officer has not received any direct feedback from members, however, provisions are in place for Members to respond directly to the LGA with their input.
- 4.3 The Committee on Standards in Public Life has also provided some best practice recommendations to be taken into consideration (as attached at Appendix 1).
- 4.4 Following a meeting of the Standards Working Group meeting, held on 27 July 2020, the draft submission has been prepared, as attached at Appendix 2. Where it was considered there was an overlap between the best practice recommendations and the draft Code, this has been incorporated into the draft submission.
- 4.5 The Committee is now requested to consider the submission, making any suggested amendments in order that the Director of Law and Governance and Monitoring Officer can submit the response on behalf of the Council.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Local authorities and stakeholders are invited to contribute to the consultation process. The outcome of the consultation and any associated revisions to the draft code are anticipated to be considered by the LGA general assembly in the autumn.

6 ALTERNATIVE OPTIONS

- 6.1 The Council could opt not to be involved in the LGA consultation. This would be a missed opportunity to affect a key national initiative.

7 STRATEGIC RESOURCE IMPLICATIONS

7.1 None directly associated with this report.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by its elected members. The Code of Conduct sets out the expectations placed on members.

9 EQUALITY IMPACT ASSESSMENT

9.1 None associated with this report.

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 None associated with this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

11.1 The proposed revised code of conduct forms part of a wider piece of work by the LGA to explore civility in public life.

12 SUSTAINABILITY OF PROPOSALS

12.1 The Council has a responsibility to ensure that the Monitoring Officer is appropriately resourced in order to that they are able to carry out their statutory functions.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

13.1 None associated with this report.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

14.1 None associated with this report.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

15.1 The LGA review of the model code will influence the direction of the Council's review of its governance arrangements. It is appropriate and timely for the Committee and the Council's Director of Law and Governance & Monitoring Officer to contribute to the development of the revised model.

16 BACKGROUND PAPERS

16.1 None associated with this report.

17 APPENDICES:

Appendix 1 – Committee on Standards in Public Life – Best Practice recommendations

Appendix 2 – Draft Feedback on the LGA Consultation Questions

Appendix 3 – LGA Draft Model Code of Conduct and Appendices

Surjit Tour

Director of Law and Governance and Monitoring Officer