

HARBOROUGH DISTRICT COUNCIL

**REPORT TO THE MEETING OF THE AUDIT AND STANDARDS COMMITTEE OF
20 OCTOBER 2021**

PUBLIC REPORT: Y

EXEMPT REPORT: N

Report Title	Local Government Association Model Code of Conduct
KEY DECISION	Not applicable
Report Author	Verina Wenham Director, Law and Governance and Monitoring Officer
Purpose of Report	<p>To provide members with the opportunity to consider the Local Government Association (LGA) Model Code of Conduct for Members attached as Appendix A and the LGA model Code of Conduct with local amendments attached as Appendix B. Members are asked to consider both versions and decide whether to recommend either Code to Council for adoption.</p> <p>The purpose of having a Code of Conduct for Members is to: promote high standards of conduct and trust and set out what the public can expect from their representatives.</p>
Reason for Decision	<p>Following consultation during 2020, the LGA published the final version of the model Code in January 2021. The model Code, attached at Appendix A, is described by the LGA as ‘designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government’. The expectation is that all Councils should adopt it as a minimum but provision for additional local variations is permitted, which are considered in the body of this report.</p>
Portfolio (holder)	Councillor Dann
Corporate Priorities	Your Council: creative, proactive, and efficient
Financial Implications	None as far as this report is concerned as any additional training requirements would be met from existing budgets.
Risk Management Implications	None as far as this report is concerned
Environmental Implications	None as far as this report is concerned
Legal Implications	<p>Under the Localism Act 2011, each local authority has a duty to adopt a Code of Conduct dealing with the conduct that is expected of members and co-opted members, when they are acting in that capacity. The code must be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty</p>

	<p>and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.</p> <p>There is no national prescribed version of a code in England and no obligation to adopt a particular model. The LGA Model Code is suggested national good practice, and Councils can adopt this revised code, or adopt their own local code. As set out in the body of this report, the Monitoring Officers across Leicestershire have worked together to review the LGA Model Code and have suggested some changes to the format and style, with the aim of producing a Code that could be adopted on a county wide basis.</p> <p>The Committee is responsible for standards functions as set out in the constitution and for advising the Council on the adoption or revision of the Members' Code of Conduct. Any amendments would need to be referred to Council for consideration and adoption. Any subsequent amendments to the Constitution would need to be considered by the Constitutional Review Committee and approve by Council.</p>
Equality Implications	None as far as this report is concerned
Data Protection Implications	None a far as this report is concerned
Consultation	The Leader of the Council and the Leader of the Opposition have been consulted on both the LGA Model Code and the amended local version.
Options	As set out in the report there is no obligation on the Council to adopt the LGA model code, it is recommended as best practice guide. It is a matter for individual authorities to adopt its own code of conduct. The Council last updated its Code of Conduct in 2020.
Appendices	Appendix A – Local Government Association Model Code of Conduct Appendix B – Local Government Association Model Code of Conduct with local amendments
Background Papers	Standards Committee Report – 19 October 2020 CSPL Review of Ethical Standards in Local Government Report, January 2019: https://www.gov.uk/government/publications/local-government-ethical-standards-report
Recommendation	That members consider the Model Codes of Conduct attached as appendices to this report and decide whether to recommend either of them to Council for adoption.

Background

1. The Local Government Association (LGA) Review

- 1.1 The LGA undertook a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life (CSPL), but also in response to rising local government concern about the increasing incidence of public, member to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.
- 1.2 The CSPL found there was considerable variation in the length, quality, and clarity of codes of conduct across local authorities.
- 1.3 The LGA aimed to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It aimed to set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.
- 1.4 The LGA's objectives in reviewing the model code of conduct were 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 representatives to deliver their best on behalf of local communities
 - build on the good practice that already exists within member councils.

- 1.5 The LGA has developed a model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.
- 1.6 In introducing the new model code, the LGA issued the following statement: “The role of councillors across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillors to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.”

2. The Model Code

- 2.1 The LGA Model Code of Conduct is attached as Appendix A. The Model Code of Conduct with local amendments is attached as Appendix B.
- 2.2 The Codes both apply to members when acting in their official capacity, and applies to all forms of communication and interaction, including: face to face meetings, online or telephone meetings, written communication, verbal communication and non-verbal communication, electronic and social media communications, posts statements and comments. The Codes keep the obligation to treat others with respect. All reference to “civility” have been replaced with “respect”. This was already included in the Council’s current Code, when Council approved a strengthened version in 2020 implementing a number of the best practice recommendations from the CSPL report.
- 2.3 Both Codes introduce an obligation to undertake code of conduct training, which the Council has already recognised as being mandatory, although this obligation is not contained within the current Code.

- 2.4 As set out above the Code attached as Appendix B is the product of a review by the Monitoring Officers on Leicestershire, of the LGA Model Code of Conduct. A small working group was established to look at the Model Code with the aim of producing a Code which could be adopted on a county wide basis. That review has suggested some formatting changes and some amendments to the wording, which are referred to in paragraph 2.5 below.
- 2.5 The LGA Model Code has a joint statement at the beginning of the document, which has been deleted from the Local Model Code. References to “councillor” have been replaced with “member”. The section “General Principles of member conduct” of the Local Model Code, has been expanded to include the obligation to uphold high standards of public conduct, and further clarification of when the code applies are given on page 2.
- 2.6 The definitions of interests have been amended and are contained in Appendix B of both Model Codes. The position regarding Disclosable Pecuniary Interests remains as this is contained within the Localism Act 2011 and must be registered. The other interests are Other Registrable Interest and Non-Registrable Interests. The Model Codes set out the definitions of these and how a member establishes when they may have one of these interests and what that member should do if they have.

3. Conclusion

- 3.1 In accordance with the Council’s statutory duty to promote and maintain standards of conduct, the Committee is asked to consider the two Model Codes attached as appendices to this report and whether a new Code should be recommended to Council for adoption. It is the suggestion of the Monitoring Officer that consideration be given to the adoption of Appendix B.
- 3.2 If a revised Code of Conduct is adopted by Council, code of conduct training sessions would be arranged for all members in early 2022. Guidance is to be issued by the LGA for members and officers, which will be used as part of the training sessions.