

6 January 2021

Agenda Item: 9

**REPORT OF THE SERVICE DIRECTOR CUSTOMERS GOVERNANCE AND
EMPLOYEES AND MONITORING OFFICER**

**LOCAL GOVERNMENT ASSOCIATION FINAL MODEL CODE OF CONDUCT
FOR COUNCILLORS**

Purpose of the Report

1. To update members on progress by the Local Government association (LGA) with their Model Code of Conduct for Councillors. Approval is also sought to establish a member working group to consider the new code in more detail, how the Council wishes to approach incorporating any additional best practice recommendations from the Committee on Standards in Public Life (CoSPL) and whether any other element from the Council's current code of conduct should be retained as local variations.

Information

2. Members will recall that at the meeting of this Committee in July 2020 a response to the LGA's consultation on the draft Model Code was agreed and thereafter submitted for consideration along with others from around the local government sector.
3. At that time members were disappointed that the Code did not provide significant improvements on the range of sanctions available for a breach of the Code. In addition, members felt that there were some omissions from the Code which if present would strengthen the Code overall and provide a clearer and more robust arrangement for managing expectations and outcomes in respect of member behaviour.
4. At the meeting in November the Committee considered the Council's update to the CoSPL, regarding progress with implementing their best practice recommendations. At that time, it was agreed that the Council should adopt a "wait and see" approach in the hope that some of those issues would be included within the LGA model code. If they were not, then Committee would further consider what action would be appropriate for the Council by way of local additions to the Model Code.
5. The LGA has now published the final Model Code (see **Appendix 1**) and it is therefore appropriate to examine its content in more detail to assess the following issues:
 - a. The extent to which the Model Code should be adopted in whole or in part;

- b. Whether any local additions are required to reflect the CoSPL best practise recommendations;
 - c. Whether any elements of the existing County Council Code of Conduct should be retained as local additions to the Local Code
6. In light of debate at the November Committee, where it was suggested that a member working group be established to consider the issues highlighted above, members are asked to approve that course of action. It would be beneficial for there to be cross party membership of such a working group to ensure buy-in from all groups and from non-aligned members to any proposed course of action. Given the importance of the Code, it is proposed to use the same working group membership from the Constitution Review activities last year, including each of the Group business managers and the non-aligned members. The Chairman has also previously indicated a desire to ensure greater involvement of the Council's 3 Independent Persons in this work and therefore it is proposed that they be invited to meetings of the working group to offer their views for consideration.
7. Members should note that a response from Government to the recommendations of the CoSPL is still awaited and it is only with legislative change that amendments can be made to the range and severity of sanctions available to Councils. Once the Government has issued a response, further reports will be brought to the Committee to examine the implications and the LGA has indicated that at that point, revisions to the Model Code may be required.

Other Options Considered

8. It is a matter for the Council to determine the appropriate content of their Code of Conduct for Councillors and co-opted members. However, the CoSPL and the LGA have designed the Model Code with the expectation that it should act as a foundation for all Codes, although it may be adopted in whole or in part with local additions as the Council determines.

Reason/s for Recommendation/s

9. To ensure that the contents of the revised Model Code are reviewed in detail and further consideration is given to local additions, as appropriate.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

11. There are no direct financial implications arising from this report.

RECOMMENDATION/S

That Committee:

- 1) Acknowledges the publication by the LGA of its final Model Code of Conduct for Councillors.
- 2) Approves the establishment of a cross party working group as referenced in paragraph 6, to consider the new Code in detail and whether any local additions are required to reflect best practice recommendations of the CoSPL or elements to be retained from the Council's current Code of Conduct.
- 3) Receives a report on the issues set out in the report at a future meeting, in light of the work undertaken by the working group.

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Constitutional Comments (SSR – 18/12/2020)

12. The recommendations in the report fall within the delegation to Governance and Ethics Committee. Committee is responsible for the implementation of and revision to all codes of conduct and practice of the County Council.

Financial Comments (CSB 18/12/2020)

13. There are no direct financial implications arising from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Committee on Standards in Public Life – Call for Evidence: Report to Governance and Ethics Committee 2 May 2018
- Committee on Standards in Public Life – Local Government Ethical Standards Report: Report to Governance and Ethics Committee 1 May 2019
- Local Government association – Consultation on Draft Model Member Code of Conduct: Report to Governance and Ethics Committee 21 July 2020
- Committee on Standards in Public Life – Progress with implementation of Best Practise Recommendations: 25 November 2020

Electoral Division(s) and Member(s) Affected

- All