



<b>Full Council</b>	<b>Tuesday, 21 December 2021</b>	<b>Matter for Decision</b>
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**Report Title:** **Adoption of the LGA Model Code of Conduct with Local Amendments**

**Report Author(s):** **Dave Gill – Monitoring Officer (Head of Law and Democracy)**

<b>Purpose of Report:</b>	<p>To provide members with the opportunity to consider the Local Government Association (LGA) Model Code of Conduct for Members with local amendments as attached at Appendix 1. Members are asked to consider the proposed new code against the currently adopted code (attached at Appendix 2) and decide whether to adopt the updated code.</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>
<b>Report Summary:</b>	<p>Following consultation during 2020, the LGA published the final version of the model Code in January 2021.</p> <p>The model Code is described by the LGA as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government'.</p> <p>The expectation is that all Councils should adopt it as a minimum but provision for additional local variations is permitted. The Leicestershire Monitoring Officers Group extensively reviewed the proposed Model Code and agreed a number of local amendments as set out in the body of this report and reflected in Appendix 1.</p>
<b>Recommendation(s):</b>	<p><b>That the Council:</b></p> <p><b>A) Adopts the Local Government Association (LGA) Model Code of Conduct for Members with local amendments with effect from 1 April 2022; and</b></p> <p><b>B) Authorises the Monitoring Officer to make any consequential amendments to the Council's Constitution.</b></p>
<b>Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):</b>	<p>Anne Court (Chief Executive) (0116) 257 2602 <a href="mailto:anne.court1@oadby-wigston.gov.uk">anne.court1@oadby-wigston.gov.uk</a></p> <p>Dave Gill Monitoring Officer (Head of Law and Democracy) (0116) 257 2626 <a href="mailto:david.gill@oadby-wigston.gov.uk">david.gill@oadby-wigston.gov.uk</a></p>
<b>Corporate Objectives:</b>	Building, Protecting and Empowering Communities (CO1)
<b>Vision and Values:</b>	Accountability (V1) Respect (V2)

	Customer Focus (V5)
<b>Report Implications:-</b>	
Legal:	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 and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests. 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.
Financial:	None as far as this report is concerned as any additional training requirements would be met from existing budgets.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications directly arising from this report. EA not applicable
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications directly arising from this report.
<b>Statutory Officers' Comments:-</b>	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
<b>Consultees:</b>	Constitutional Working Group
<b>Background Papers:</b>	Review of Ethical Standards in Local Government Report, January 2019: <ul style="list-style-type: none"> <li>• <a href="https://www.gov.uk/government/publications/localgovernment-ethical-standards-report">https://www.gov.uk/government/publications/localgovernment-ethical-standards-report</a></li> </ul>
<b>Appendices:</b>	<ol style="list-style-type: none"> <li>1. Local Government Association Model Code of Conduct with Local Amendments</li> <li>2. Currently Adopted Code of Conduct</li> </ol>

## 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;
  - 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 Model Code of Conduct with local amendments is attached at Appendix 1.
- 2.2 The Code applies 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 Code keeps the obligation to treat others with respect. All references to "civility" have been replaced with "respect".
- 2.3 The Code introduces 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 The Code attached 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 suggested some formatting changes and some amendments to the wording, which are referred to in paragraph 2.5 below and have been incorporated into the local code.

- 2.5 The LGA Model Code had 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 clarifications of when the Code applies are given on page 2.
- 2.6 The definitions of interests have been amended and are contained in Appendix 2 of the Model Code. 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 Interests' 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.
- 2.7 In addition the code was amended at Para 3.2.2 to deal with those members who are "twin" or "treble" hatted and sit on all 3 levels of local authorities (Parish, Borough/District and County) and to confirm that participation in discussion and decision making at one local authority will not by itself normally prevent them from taking part in discussion and decision making on the same matter at another local authority.

## **3. Consultation**

- 3.1 On 24 August 2021 the Constitution Working Group met to consider adoption of the proposed locally amended Code and after due consideration recommended that it be submitted to Full Council with a recommendation to adopt the Code with effect from 1 April 2022.

- 3.2 If the revised Code of Conduct is adopted by Council, it is envisaged that training would be procured jointly during 2022 by the Monitoring Officers group to provide consistency to the members of the 8 Principal and 169 Parish Councils in the County.

#### 4. County Wide Adoption of the Model Code

At the time of writing the report the current position in respect of the adoption of the Code by all principal authorities within Leicestershire was as follows:

Charnwood BC	Its Member Conduct Committee decided to wait to see the approach agreed by the County Council – it felt it was important to have a shared Code if possible, for the benefit of dual-hatted Members.
LCC	The revised model code was approved by the Corporate Governance committee on 5 November and will be submitted to Council on 1 December with a recommendation for approval.
Hinckley and Bosworth BC	Members of the Ethical Governance Committee are recommending adoption of the locally amended Code.
Blaby DC	Officers are recommending adoption of the model LGA code with the local amendments.
Harborough DC	Being considered by Full Council on 13 December.
Melton BC	Audit and Standards Committee to consider adoption on 30 November before making a recommendation to Council.
North West Leicestershire DC	A strategy group of members has considered the LGA model code with local amendments and are awaiting information in relation to the approach to be adopted by the County Council.