

Report of:	Meeting	Date
Mary Grimshaw, Legal Services Manager	Standards Committee	11 November 2021

Local Government Association (LGA) Model Code of Conduct for Members

1. Purpose of report

- 1.1 To present the Local Government Association (“LGA”) Model Code of Conduct for Members (“the model code”) as amended, for consideration and adoption by the Council.

2. Outcomes

- 2.1 The adoption of the model code as amended, will ensure that high standards of conduct in local government are maintained.

3. Recommendations

- 3.1 Members are requested to consider the model code with amendments set out in Appendix 1 and if approved to recommend its adoption to Council.

4. Background

- 4.1 Members will recall that, as reported to this Committee on 14 March 2019, the Committee on Standards in Public Life (“the CSPL”) published a report on its review of local government ethical standards on 30 January 2019. The CSPL found there was considerable variation in the length, quality and clarity of codes of conduct across local authorities. This report focuses on recommendation 1 – “that the Local Government Association should create an updated code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government”.
- 4.2 Following extensive consultation with the sector during 2020, the LGA published the model code in January 2021 with a final version being published in May 2021. Supporting guidance as set out in Appendix D was published in July 2021. The LGA said the code, together with the guidance, had been “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 local variations is permitted.

5. Key Issues and proposals

5.1 Key points to note from the model code include that it:

- Applies when a member is acting in their capacity as a councillor, which may include when a councillor misuses his/her position or gives the impression to a reasonable member of the public with knowledge of all the facts that the member is acting as a councillor.
- Applies to all forms of communication and interaction, including face to face meetings, online or telephone meetings, written and verbal communication, electronic and social media communication, posts, statements and comments.

5.2 The model code keeps the obligation to treat others with respect and not to bully any person but it provides helpful definitions of these terms. Discrimination has also been added to the bullying and harassment section of the model code.

5.3 The model code introduces an obligation to undertake code of conduct training provided by the council and to co-operate with a code of conduct investigation.

5.4 The code also makes it a requirement to comply with any sanction imposed following a finding that the code has been breached. At present as members will be aware sanctions for breach of the Members' Code of Conduct are very limited. The CSPL recommended that the government change the law to allow local authorities the power to suspend councillors, without allowances, for up to six months (exercisable only where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction). The government has yet to respond to this proposal.

5.5 Appendix B of the model code sets out the requirements in relation to registration and declaration of interests, which is included in the Council's current code.

5.6 There are a number of requirements included in the council's current code that are missing from the model code for example the requirement to uphold and have respect for the law. These requirements have been inserted into the model code and are shown as track changes. It is recommended that these are incorporated into the model code as local amendments are permitted. The council's current code is at Appendix 2.

Financial and legal implications	
Finance	None arising directly from this report.
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 Committee is responsible for standards functions and for advising the Council on the adoption or revision of the Members' Code of Conduct. However, changes to the Code of Conduct and the Constitution are decisions reserved to full Council.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report for those issues marked with an X.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	✓

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a 3rd party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

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List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

Appendix 1- Wyre Council – Councillor Code of Conduct (LGA Model Code as amended).

Appendix 2- Wyre Council's current Councillor Code of Conduct