



Report of:	Meeting	Date
Councillor David Henderson, Leader of the Council and Garry Payne, Chief Executive	Council	27 January 2022

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

1. Purpose of report

- 1.1** To consider the recommendation of the Standards Committee to adopt the LGA Model Code of Conduct (“the model code”) as amended.

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. Recommendation

- 3.1** That the model code as amended (Appendix 2) be formally adopted by the Council.

4. Background

- 4.1** 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 that there was considerable variation in the length, quality and clarity of codes of conduct across local authorities. The Committee recommended “that the Local Government Association (LGA) 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 draft 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 indicated that 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 Although the Council's current code of conduct has been updated since its introduction in 2011 to make it more robust, it is now considered that the new model code is more comprehensive, yet still relatively short and easy to read and therefore should be considered for adoption by this council.

5.2 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 including posts, statements and comments.
- 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.
- Introduces an obligation to undertake code of conduct training provided by the council and to co-operate with a code of conduct investigation.

5.3 The model code also makes it a requirement to comply with any sanction imposed following a finding that the code has been breached. At present, 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.

5.4 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. However the terminology used in the model code differs slightly, for example a non-pecuniary disclosable interest and a significant non-pecuniary interest in the Council's code are referred to as registerable and non-registerable interests in the model code. Otherwise the requirements to declare relevant interests remain the same.

- 5.5** 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. It is recommended that these are incorporated into the model code as local amendments are permitted. These amendments can be seen in a tracked changes version at Appendix 1.

Financial and legal implications	
Finance	There are no financial implications 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 Standards 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	x

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 third 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.

report author	telephone no.	email	date
Mary Grimshaw	01253 887214	Mary.grimshaw@wyre.gov.uk	07/12/2021

List of background papers:		
name of document	date	where available for inspection
Local Government Association Model Councillor Code of Conduct 2020.	17 May 2021	https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020

List of appendices

Appendix 1 – Wyre Council Councillor Code of Conduct 2021 (showing track changes).
Appendix 2 – Wyre Council Councillor Code of Conduct 2021