

New Model Code of Conduct Update

Report of the County Solicitor

Recommendation: that the update and timeline outlined below be noted and the Committee agree to establish a special meeting (in April) to consider the Consultation on the Model Code of Conduct from the Local Government Association (LGA).

Introduction

1. Members will be aware that this Committee had previously considered the Report of the Committee on Standards in Public Life 'Local Government Ethical Standards - A Review by the Committee in Public Life'. This final report was published on 30 January 2019.
2. Members will also further recall that this Committee submitted a response to the original Consultation.

Background

3. Whilst the Report covered a number of issues surrounding behaviours and governance in public life, there was a recommendation that the LGA should create an updated model code of conduct. This should be in consultation with representative bodies of Councillors and officers of all tiers of Local Government and representatives thereof.

Update

4. The Board of the LGA on the 11th September 2019 agreed to commence reviewing the Code ahead of central Government's response to all the recommendations of the report.
5. The work being undertaken by the LGA is part of a wider programme on civility in public life and 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.
6. The LGA appointed Hoey Ainscough through a competitive exercise to work with them to review the Code.
7. If the code is completed before any Government response, Local Authorities will be able to adopt the Code. However, some of the recommendations in the report, for example, the power to suspend Councillors (recommendation 16), requires legislation which means that such provisions cannot be included in the Code.
8. The first stage of the review has been completed. This was the gathering of views and good practice examples, and a series of workshops were held with national representative bodies (Monitoring and Democratic Services officers and elected members from the main parties), to review what worked and develop some broad principles.
9. Three workshops took place in January 2020 and there were mutual concerns expressed by both Members and Officers about the current codes, inconsistencies in application, lack of guidance and sanctions.

10. The aim of the LGA is to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It will 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.
11. In terms of the Government response to the recommendations of the original report, the Ministry of Housing, Communities and Local Government (MHCLG) have scheduled a network meeting with Monitoring officers for 13 March 2020, where it was hoped that an update would be received.

Timeline

12. The next stages of the review process are set out below.
 - 3 February – 2 March preparation of draft code and report for LGA Board;
 - 11 March – Draft Code to Board for consideration and approval for consultation;
 - W/C 16 March – launch of consultation period (6 weeks up to Friday 24 April);
 - W/C 16 March – Round table discussion with key stakeholders (including LGO);
 - RISK – 26 March start of pre-election period for local government elections;
 - 24 April – close of consultation;
 - 27 April – 15 April (3 weeks) review of consultation findings and final drafting;
 - 15 May – deadline for final draft from Hoey Ainscough;
 - w/c 18 May – Drafting of report for Board /final edits to code;
 - 25 May – LGA deadline for submission of report for Board;
 - 3 June – Final copy to Board for approval;
 - 8 June – LGA design and print and final editing for launch; and
 - 30 June – Launch at the first day of LGA conference.

Summary and Conclusion

13. This is a really significant issue and could be the first major rewrite of a model code of conduct for a number of years. It is therefore important that this Committee has the opportunity to comment on the proposals.
14. Given the consultation is due to launch the week commencing the 16th March and this Committee meets on the 17th March, it is suggested that a special meeting is arranged in mid April to consider the revised Code and submit a response to the Consultation before the deadline of 24th April 2020.
15. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements relating to the conduct of meetings, to safeguard the Council's position.

JAN SHADBOLT
[Electoral Divisions: All]

Local Government Act 1972: List of Background Papers

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<u>Background Paper</u>	<u>Date</u>	<u>File Reference</u>
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Nil