

## **New Model Code of Conduct Update**

Report of the County Solicitor

**Recommendation:** that the update and response to the Consultation on the Model Code of Conduct, attached to the Report, be noted.

### 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. Whilst that 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.

### Background

3. The Board of the LGA on the 11<sup>th</sup> September 2019 agreed to commence reviewing the Code ahead of central Government's response to all the recommendations of the report and the work was part of a wider programme on civility in public life.
4. As part of the process, 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. There were mutual concerns expressed by both Members and Officers about the current codes, inconsistencies in application, lack of guidance and sanctions.
5. The aim of the LGA was to develop a code that benchmarks a standard for all in public office and for those engaged in public discourse and debate. It would 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.

### Purpose and Contents

6. The purpose of the new Code of Conduct is to assist councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The overarching aim is to create and maintain public confidence in the role of member and local government.

## Consultation and Timeline

7. The originally proposed timeline was delayed due to the COVID-19 pandemic, with the original launch planned to coincide with the first day of the LGA conference. The consultation ran between the 8<sup>th</sup> June until the 17 August.
8. Four webinars were conducted with over 1000 participants and over 1600 written responses to the consultation received. Whilst there was support for the Code, a number of issues were raised nationally such as first person or third person, respect or civility, social media issues including confidentiality, threshold for declaration of gifts, the need for accompanying guidance with examples, the Equality Act, an obligation to cooperate with investigations, compulsory training for members and sanctions.
9. The feedback from the consultation was intended to help the LGA develop a final draft, which was subsequently considered at an LGA Councillors Forum on the 22<sup>nd</sup> October 2020.
10. The Code will now be reviewed in light of the discussion on the 22/10/20 and a final Code will be prepared for submission to the LGA board for approval on 3<sup>rd</sup> December 2020. The approved Code will then be published and guidance issued.
11. A copy of the Council's consultation response is attached, which supports some of the aims of the Code, but raises concerns over the lack of sanctions in the new proposals.

## Summary and Conclusion

12. This is a really significant issue and could be the first major rewrite of a model code of conduct for a number of years and the final version is awaited.
13. 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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<b><u>Background Paper</u></b>	<b><u>Date</u></b>	<b><u>File Reference</u></b>
Nil		