

ARUN DISTRICT COUNCIL

REPORT TO THE STANDARDS COMMITTEE ON 3 DECEMBER 2020

SUBJECT: Local Government Association Model Member Code of Conduct

REPORT AUTHOR: Nicholas Bennett – Acting Monitoring Officer

DATE: November 2020

EXTN: via 01903 737601

EXECUTIVE SUMMARY:

This report updates the Committee on progress with the Local Government Association (LGA) Draft Model Code of Conduct.

RECOMMENDATIONS:

The Committee is asked to:

- 1) Note progress with the Draft Model Code; and
- 2) Instruct the Monitoring Officer to bring a further report to the Standards Committee once the final version of the Model Code is published.

1. BACKGROUND:

- 1.1 All Councils are required to have a local Member Code of Conduct.
- 1.2 The Local Government Association (LGA) produced a new Model Member Code of Conduct (New Code) which was put out for consultation between 8 June 2020 – 17 August 2020.
- 1.3 The LGA have considered consultation responses and a revised draft was considered at an LGA Councillors Forum on 22 October 2020.
- 1.4 The consultation responses included comments on:-
 - Overwhelming support for the Code. But a number of issues raised.
 - First person or third person
 - Respect or Civility?
 - More on social media including confidentiality.
 - Declaration of gifts £25 to low £50 too high?

- Need for accompanying guidance with examples
- Equality Act- obligation to comply
- Obligation to cooperate with investigation
- Compulsory training for members
- Sanctions

1.5 A stakeholder roundtable to discuss the responses and 'next steps' took place on 30 September 2020, following which a final Code will be prepared for submission to the LGA Board for approval on 3 December 2020. The LGA will then publish the new Code and prepare relevant guidance.

1.6 Once the final Code has been published, Standards Committee will receive a report so that they can consider the adoption of the Code, including consultation with stakeholders (including Town & Parish councils). If the new Code is adopted, consequential changes to the Constitution may be required.

2. PROPOSALS

The Standards Committee are asked to:-

- 1) Note progress with the Draft Model Code; and
- 2) Instruct the Monitoring Officer to bring a further report to Standards Committee once the final version of the Model Code is published

3. OPTIONS:

- 1) None

4. CONSULTATION:

Legal

Section 27(1) of the Localism Act 2011 (the Act) provides the authority must promote and maintain high standards of conduct by Members of the authority.

Section 27(2) of the Act provides the authority must adopt a code of conduct that is expected of Members when acting that capacity.

Section 28 of the Act provides the authority must adopt a Code of Conduct consistent with the seven principles of public life.

Section 28(5) of the Act provides that an authority may revise its existing code of conduct or adopt a code of conduct to replace its existing code.

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify)		

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓
6. IMPLICATIONS: Adopting the New Code will provide clear expectations on Members as to their conduct and will manage public expectations.		

7. REASON FOR THE DECISION:

A Member Code of Conduct is required by Section 27 of the Localism Act 2011.

The Code of Conduct requires updating to reflect increased means of communication between Members and the public, including through social media.

8. BACKGROUND PAPERS:

Local Government Association Model Member Code of Conduct 8 June 2020 (consultation version) <https://www.local.gov.uk/local-government-association-model-member-code-conduct-consultation>

Committee on Standards in Public Life publication: Local Government Ethical Standards (January 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF