

CONSTITUTION AND STANDARDS COMMITTEE

Thursday, 30 September 2021

REPORT TITLE:	NEW MODEL CODE GUIDANCE
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The Local Government Association (LGA) published a model Councillor Code of Conduct (Model Code), with corrections on 19th January 2021. A local version of the LGA model code Model Councillor Code of Conduct has been developed for the authorities within the Liverpool City Region so as to ensure Members and officers working alongside one another or within the joint committees of the councils or one of the combined authorities all operate according to the same understanding and Code.

The Constitution and Standards Committee received the new code at its meeting on 23 June 2021 and recommended to Council that the code be adopted, and Council adopted the new code on 6 September 2021.

The Local Government Association has since published supporting guidance for the New Model Code, which is aimed to help understanding and consistency of approach towards the code.

RECOMMENDATIONS

The Constitution & Standards Committee is recommended to approve the distribution of the guidance to all Councillors.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The Local Government Association (LGA) has developed the Model Councillor Code of Conduct (Model Code), in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. The Model Code is a template for local authorities to adopt in whole and/or with local amendments developed for English local authorities in response to one of the recommendations of the Committee for Standards in Public Life (CSPL) to the LGA and Government.
- 1.2 The associated guidance is aimed to help understanding and consistency of approach towards the code.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Not distributing the associated guidance could lead to inconsistencies in approach towards the code.

3.0 BACKGROUND INFORMATION

- 3.1 The Localism Act requires all Councils to have a local Member Code of Conduct. The Council's previous Code was adopted on 11 July 2012, which was largely based on the Council's Pre-Localism Code (amended appropriately) and was amended to marry up to the LCR CA code for use across the city-region in September 2020.
- 3.2 As reported to the Committee's meeting of 24th February 2021, the Committee for Standards in Public Life (CPSL) in its January 2020 report into Local Government Ethical Standards included a best practice recommendation for local authorities to adopt a Code of Conduct and recommended that it be based on a model to be produced by the Local Government Association (LGA). This sat alongside other recommendations, including some to Government that require primary legislation.
- 3.3 The LGA produced a draft model code of conduct, which was subject to a 10 week consultation in the summer of 2020 and to which Members and officers made comment. Considering the comments then made it is worth noting that this led to changes being made, including:
 - All references to "civility" have been replaced with "respect"
 - Discrimination has been added to the bullying and harassment section
 - More wording has been added relating to access to information
 - Gifts and hospitality threshold of £50 confirmed
 - More detail has been added to Appendix B relating to Declaring Interests.
- 3.4 Discussions with Monitoring Officers from the City Region authorities indicated a collective leaning towards adoption of the Model Code albeit with local variations. All intend to take the issue to the upcoming meetings of their standards committees. This has led to the production of a revised common Code.

- 3.5 The revised Model Code was presented to the Constitution and Standards Committee at its meeting on 23 June 2021 where it recommended to Council that the Code be adopted. Council adopted the Code on 6 September 2021.
- 3.6 It was considered that there remained some issues with the LGA model Code, not least is definitions and application, therefore the LGA commissioned Guidance to be drafted to assist in this process. The Monitoring Officer was one of those supporting Hoey Ainscough in their drafting of the Guidance to the Model Code, which is now presented to the Committee.
- 3.7 The purpose of the guidance was to help understanding and consistency of approach towards the code, with it embedding the provisions of the code and being structured to enable each chapter to be directly accessed.
- 3.8 The LGA will undertake an annual review of this guidance and the code to ensure it continues to be fit for purpose, incorporating advances in technology, social media, case law and changes in legislation.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no specific financial implications arising out of this report.

5.0 LEGAL IMPLICATIONS

- 5.1 Under the Localism Act 2011 all councils must adopt a code of conduct dealing with the conduct that is expected of members and co-opted members when that are acting in that capacity. There is no national prescribed version of a code in England and no obligation to adopt a particular model. The code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.
- 5.2 The Committee is responsible for Standards functions as set out in the Constitution. This includes advising the Council on codes of conduct and making arrangements under which allegations may be investigated. Changes to the Code of Conduct and the Constitution are, however, decisions reserved to full Council.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 6.1 There are no significant implications for the Council in changing its Members Code of Conduct.

7.0 RELEVANT RISKS

- 7.1 Considering best practice and implementing improvements will help maintain sound corporate governance and the integrity of local authority decision making, minimising risk of challenge, corruption, improper conduct and standards complaints.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 Considering best practice and implementing improvements will help maintain sound corporate governance and the integrity of local authority decision making, minimising risk of challenge, corruption, improper conduct and standards complaints.

9.0 EQUALITY IMPLICATIONS

- 9.1 Extensive consultation was undertaken with all relevant stakeholders by the LGA for 10 weeks from Monday 8 June until Monday 17 August prior to publication of the new model Code of Conduct.
- 9.2 The comments of the Governance Review Working Group in response to the consultation were submitted to the LGA in August 2020.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no environmental and climate implications arising directly out of this report.

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APPENDICES

Appendix A – Guidance on LGA Model Councillor Code of Conduct

BACKGROUND PAPERS

- 1) Notes arising from meetings of the Governance Review Working Group
- 2) Report of CSPL on “Local Government Ethical Standards”
- 3) LGA Model Code of Conduct,
- 4) LGA draft and consultation questionnaire
- 5) Wirral Council response to LGA consultation

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Constitution and Standards Committee	24 February 2021
Constitution and Standards Committee	23 June 2021
Council	6 September 2021