



## **CONSTITUTION AND STANDARDS COMMITTEE**

**Thursday, 17 February 2022**

<b>REPORT TITLE:</b>	<b>REVISED MEMBERS' CODE OF CONDUCT</b>
<b>REPORT OF:</b>	<b>DIRECTOR OF LAW AND GOVERNANCE</b>

### **REPORT SUMMARY**

The Local Government Association (LGA) published a model Councillor Code of Conduct (Model Code), with corrections 19<sup>th</sup> January 2021. The nine authorities across the City Region have previously had differently worded codes of conduct, creating the potential for confusion and differing interpretation when acting in a shared capacity. The Model Code, adapted to suit Wirral Council's Committee System was adopted by Council in September 2021.

The LGA have made some minor changes to their model code and therefore a revised version of the Code to incorporate the changes is presented for adoption.

### **RECOMMENDATIONS**

That the Constitution & Standards Committee recommends to Council the adoption of the Members' Code of Conduct as attached at Appendix A.

## **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 All local authorities are required to have a local Code of Conduct that is consistent with the principles as published by the CSPL in January 2013.
- 1.3 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.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 Not updating the Code would result in Wirral Council's Code not remaining up to date with best practice.
- 2.2 Not updating the Code in association with City Region authorities may result in difficulties in shared interpretation and for councillors who were also a member of one or more of the combined authorities or joint committees.

### **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 24<sup>th</sup> 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 the 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 Constitution and Standards Committee considered the Model Code at its meeting in June 2021 and recommended its adoption to Council, with Council adopting it in September 2021.

- 3.4 The LGA has since published a revised version of the code to correct typographical errors. However, a significant change has been made to the prejudicial interest test, which in the Merseyside Model Code and original LGA Model Code is applied to “your interests”. The revised drafting properly expands the scope of the test to include other interests and those of family and associates in accordance with the Principles and as has been interpreted.
- 3.5 The Merseyside Model Code was based on the December 2020 version of the LGA Model Code. The 17 May 2021 version has only recently been made available to Liverpool City Region Monitoring Officers and the 19 January 2021 version was not provided. As such, additional amendments may be required to incorporate into the Merseyside Code of Conduct any relevant changes made to the 19 January 2021 LGA Model Code and/or to provide for other local arrangements.
- 3.6 Monitoring Officers across the Liverpool City Region will continue to work together in an attempt to align amendments to the Merseyside Model Code across their respective authorities.

#### **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.

## **11.0 COMMUNITY WEALTH IMPLICATIONS**

11.1 There are no community wealth implications arising directly out of this report.

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## **APPENDICES**

Appendix A – Revised 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)**

<b>Council Meeting</b>	<b>Date</b>
Constitution and Standards Committee	24 February 2021 23 June 2021