

REPORT TITLE:	Local Government Association - Model Councillor Code of Conduct
REPORT OF:	Director of Law and Governance

REPORT SUMMARY

On 23rd December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code). The Model Code, attached at Appendix A, is described by the LGA as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government. Guidance is expected to follow in April 2021.

The nine authorities across the City Region have slightly differing codes of Members Code of Conduct. This report notes the ongoing work to align and recommend a shared Code.

RECOMMENDATIONS

The Constitution and Standards Committee is recommended:

1. To note and endorse
 - (a) the publication of the Local Government Association (LGA) Model Councillor Code of Conduct 2020 set out as Annexe 1;
 - (b) the commissioning by the LGA of guidance to better understand and apply the Model Code; and
 - (c) the working together across the City Region to develop a common Member Code of Conduct across the six councils and three combined authorities
2. To establish a Member Working Group to review the Council's current Code of Conduct for Members and make any recommendations for revision to Council.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, 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. This is in response to a recommendation from the Committee for Standards in Public Life (CSPL) to the LGA and Government.
- 1.2 The Model Councillor Code of Conduct is a template for local authorities to adopt in whole and/or with local amendments. It would be advantageous if the six councils across the City Region and the three combined authorities they share held a common Code.
- 1.3 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.
- 1.4 The LGA has stated it will undertake an annual review of this Code, to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation, and has commissioned guidance on the Code to be produced.

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 combined authority.

3.0 BACKGROUND INFORMATION

- 3.1 The Localism Act requires all Councils to have a local Member Code of Conduct. The Council's current Code was adopted on 11 July 2012 is largely based on the Council's Pre-Localism Code (amended appropriately).
- 3.2 In its January 2020 report into Local Government Ethical Standards, the Committee for Standards in Public Life (CPSL) 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 (set out as Appendix C to Annex 1), including some to Government that require primary legislation, that can be found in their report on **Local Government Ethical Standards**. If the Government chooses to implement any of the recommendations, this could require a change to this Code.

- 3.3 When researching the local Codes of Conduct, the CPSL found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government. This is an issue for Wirral councillors who may also sit on one or more of the combined authorities and on joint committees with neighbouring authorities, such as the Police and Crime Panel or the Joint Health Scrutiny Sub-Committee(s). In September 2020, Wirral Council adopted a revised Code to match that of the LCR Combined Authority as a first step.
- 3.4 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.
- 3.5 The final version now published on 23rd December 2020 is based on the CPSL best practice recommendations and the expectation is that all councils should adopt it as a minimum, but with provision for additional local variations. This is attached as **Annexe 1**.
- 3.3 The final Model Code has been compared to the draft Model Code and the following amendments to the final version have been noted:
- 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.
- 3.5 There remains some issues with the LGA model Code, not least is definitions and application. The LGA has now commissioned Guidance to be drafted to assist in this process, which should be published in April 2021. Discussions are ongoing and the Monitoring Officer and colleagues in the City Region have been asked to assist.
- 3.5 Discussions with Monitoring Officers from the City Region authorities indicate 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 may progress at officer level or require some cross-authority discussion at Member level. Some will form working groups and start to progress the Code in March and April to be able to recommend a revised common Code to Council meetings, either at their Annual Meeting or shortly thereafter.
- 3.6 Appendix C of the Model Code lists the CPSL’s 15 Best practice recommendations and notes that the Government is yet to respond to the recommendations made by CPSL, some of which require legislative changes. It should be noted that the Government’s response, when it comes, may require a change to the Council’s adopted Code. The date of the response is unknown.
- 3.7 One of the CPSL’s best practice recommendations is that principal authorities should review their Code of Conduct annually and regularly seek, where possible the views of the public, community organisations and neighbouring authorities. Given the wide-

reaching consultation recently conducted by the LGA, it is not recommended that consultation is currently required should the decision be to recommend to Council adoption of a variation of the Model Code.

- 3.8 The Committee should consider in due course how frequently the Code is to be reviewed. The annual review recommended by CPSL is best practice and there is clearly merit in ensuring that the Code is current and having an opportunity to deal with any obvious points that need amending. On the other hand, concern has been raised about the practicality and feasibility of annual reviews with consultation built in, having regard to the work programme of the Committee, the objective of a common Code and the conflict with the principal recommendation to follow a model generally. If an annual review is not considered feasible, a solution may be an annual light touch health check and a full review as may be considered appropriate, to be conducted at a City Region level.

4.0 ENGAGEMENT / CONSULTATION

- 4.1 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.
- 4.2 The comments of the Governance Review Working Group in response to the consultation were submitted to the LGA in August 2020.

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 FINANCIAL IMPLICATIONS

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

7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 7.1 There are significant implications for the Council in changing its Members Code of Conduct.

8.0 RELEVANT RISKS

- 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 There are no identified equality impact implications directly arising from this report.

10.0 ENVIRONMENTAL & CLIMATE IMPLICATIONS

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

REPORT AUTHOR: Philip McCourt
Director of Law & Governance
Tel: 0151 691 8569

APPENDICES

Annexe 1 – LGA Model Code of Conduct 2020

Appendix A - The Seven Principles of Public Life

Appendix B - Registering Interests

Appendix C - Recommendations of the Committee on Standards in Public Life report on Local Government Ethical Standards.

BACKGROUND PAPERS

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