

Local Members Interest
N/A

Audit and Standards Committee - Thursday 30 July 2020

Local Government Association – Consultation on Draft Model Code of Conduct for Members

Purpose

- a. To seek Members' views on the Local Government Association's Draft Model Code of Conduct for Members currently being consulted on.

Report of the Director for Corporate Services (Monitoring Officer)

Report

Background

1. Members will recall that last Autumn I submitted the Report of the Committee for Standards in Public Life (CSPL) on their Review of Ethical Standards in Local Government. That report contained 26 recommendations some of which could be actioned locally, other potentially requiring national action or statutory provisions to address. There have been delays in Central Government responding to those recommendations which would require legislation. A response will possibly be published in Autumn 2020.
2. Stemming from the 26 recommendations, various changes to this Council's Code of Conduct for members were submitted to this Committee and Full County Council subsequently agreed the changes that you recommended. The changes, which mainly related to the use of Social Media, Interests to be Declared and the Procedure for dealing with allegations of breaches of the Code by Members, were implemented at the beginning of this year.
3. One of the CSPL's recommendations was that the Local Government Association (LGA) should produce a Model Code of Conduct suitable for adoption by all Councils in order to provide consistency.

Draft Code/Questionnaire

4. Shortly before the COVID 'lockdown' the LGA published a Draft Code, shown at Appendix 1 to this report. Progress on developing the Code was then delayed but the LGA has now been able to issue a Consultation questionnaire on its contents (Appendix 2 to this report).
5. Details of the Draft Code, the LGAs thinking behind it, and the Consultation Questionnaire were circulated to Members via the Information Bulletin earlier this month. At the time of writing 2 responses had been received both supporting the Draft Code.

6. This Committee is asked to give detailed comment on the Code for inclusion in the Council's response to the LGA.
7. In considering any response, members might be interested in the main points of discussion during a recent Webinar on the Code, led by Lawyers in Local Government (LLG) the membership of which includes Local Authority Monitoring Officers:
8. Overall participants welcomed the Draft Code as a foundation from which a more meaningful, effective Code could be developed in order to help address the common challenges presented by persistent, low level misconduct by a minority of members. They felt that the sanctions in particular lacked strength and queried the introduction of the concept of 'Civility' as it was less clearly understood than the references to 'Respect' which it is intended to replace.
9. Webinar participants argued the need for clarity of the scope of the Code referring to the line between a member's private life and occasions when he/she could be deemed to be representing the views of the Council. They also felt that there was inadequate reference to Social Media (to what extent does the Draft Code assist Members in their use of Social Media, serve to identify acceptable boundaries for that use, or provide clear guidance for dealing with alleged breaches?) and queried the proposed changes to the Declarations of Interests provisions (including Declarations of Pecuniary Interest).
10. Finally, referring to the Gifts and Hospitality element of the Code, there were varying views on the £25 threshold (with calls for that to be determined locally, and discussion on the point at which a Gift or Hospitality should be declared. When offered (regardless of whether accepted), when accepted or when received?
11. Members' comments are invited, for inclusion in the formal response to the Consultation exercise.

Legal Implications

12. This report has no direct legal implications for the County Council save that any final version of a Model Code might provide a template for future use by the Council in fulfilment of the requirement to have a formal Code of Conduct for Members.

Risk Implications

13. There are no risk implications arising as a result of this report.

Resource and Value for Money Implications

14. The proposals in the report do not generate any additional resource implications for the Authority

Climate Change Implications

15. There are no climate change implications arising as a result of this report.

List of Background Documents/Appendices:

Appendix 1 – LGA Model Code of Conduct for Members

Appendix 2 – LGA Consultation Questionnaire on the Model Code of Conduct

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