

Local Members Interest
N/A

Audit and Standards Committee – Tuesday 09 February 2021

Local Government Association – Model Code of Conduct for Members – Proposed Adoption by Staffordshire County Council

Purpose

- a. To seek Members' views on the suitability of Local Government Association's Model Councillors Code of Conduct for adoption by Staffordshire County Council;
- b. If the Code is considered suitable, to recommend to full Council on the adoption of the Model with effect from the date of the next County Council elections, and the consequent amendment of the Constitution.

Report of the Director for Corporate Services (Monitoring Officer)

Background

1. In July 2020, I reported to members on a Draft Model Councillors Code of Conduct being consulted on by the Local Government Association (LGA). Members' comments were submitted to the LGA at that time. The LGA has now published its final version of the Code recommending that Councils consider its adoption. A copy is attached to this report as Appendix 1.
2. The development of the new Code has been carried out in compliance with one of the 26 recommendations in the Committee for Standards in Public Life's (CSPL) report on their Review of Ethical Standards in Local Government. Members may recall that this Council acted early to implement a number of those recommendations without waiting for national action or legislation, having recognised the improvements which could be made immediately to the Council's processes particularly around the handling of complaints against members and the declaration of interests.

Model Code of Conduct

3. The copy of the LGA Model Code shown at Appendix 1 includes in italic/shaded text reference to the comments submitted by this Council during the consultation exercise. These are included to provide a reminder of the detailed discussions held at this Committee and the feedback received when the consultation exercise was shared with all elected members. The level of interest by members demonstrated their wish to see improvements to our overall 'Standards Regime' including our Code of Conduct. Many of the comments submitted are reflected in the final version of the LGA Model Code.
4. Overall, the new Model is an improvement on Staffordshire's existing Code as it applies to the behaviours of members beyond when acting in their official capacity, to now include when they are claiming or giving the impression of acting as a

Councillor or publicly referring to their role of Councillor or using information which only a Councillor would be party to. Additionally, the new Code gives clear concise explanations of each undertaking and the expectations on members. A key feature is that it clearly states that the whole Code applies to member's actions and behaviour on Social Media – an issue which this Council has sought to address. The political group leaders have voiced support for the adoption of the new Model in view of the improvements it offers.

5. Whilst the new Model and the emphasis on openness and transparency is welcomed, members' particular attention is drawn to sections 7 and 8 of Appendix B to the Code – relating to the declaration of (general) pecuniary interests. I have concerns about whether it is reasonable to expect members to always know whether an item would relate to the financial interests or wellbeing of individuals whom he/she may not necessarily be in regular, close contact with. Furthermore, the member would also be required to distinguish whether the matter 'directly relates' or 'affects' the individuals' financial interest or wellbeing. The difficulties which members would experience in identifying links between reports and their family/associates was the gist of the argument which the County Council put forward to the LGA when they originally proposed to widen the scope for declarations of the statutory Disclosable Pecuniary Interests to cover the members family and close associates. It is notable that the LGA have not included this proposal in their final Model Code.
6. Our current Code of Conduct was introduced under the Localism Act 2011 and differs from the Model produced at that time by the LGA. Whilst our Code was therefore most suited to this Council's own preferences, it has caused a degree of confusion for those who serve on both the County and a District or Borough Council as those Councils generally adopted the LGA version. Whilst I advocate omission of the section on (general) pecuniary interests, the adoption of the remainder of the Model Code by Staffordshire County Council would contribute to a more consistent approach across the County, and minimise the risk of confusion amongst dual role members which in turn will lessen the risk of members unintentionally breaching the Code of Conduct.

Implementation date for any new Code

7. The LGA's publication of the new Model Code provides for its introduction to coincide with the County Council elections scheduled for 6 May 2021. The initial requirement placed on new members is to sign the Acceptance of Office which incorporates a commitment to abide by the Council's Code of Conduct. The priority training event for all new members is on the Code of Conduct and the standards of behaviour expected of them. If this Committee and full Council decide to adopt a new Code, my Member and Democratic Services Team will work on its development and implementation in time for the forthcoming elections.

Internal Resolution Procedure and Sanctions

8. The LGA's new Model Code does not go on to refer to the Internal Resolution Procedure or the sanctions which accompany it. In December 2019, stemming from consideration of the CSPL report, as part of the review of this Council's Code of

Conduct, both the Standards/Complaints processes and sanctions were updated. Given that recent review it is suggested that both the process and sanctions be applied to any new Code approved by members. Details can be seen at Appendix 2 to this report.

Legal/Risk Implications

9. This report serves to ensure that Staffordshire County Council has a Code of Conduct for members which supports members in fulfilling the expectations of their constituents whilst demonstrating high standards of behaviour and minimising the risk of legal challenge to themselves and/or the Authority.

Resource and Value for Money Implications

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

Climate Change Implications

11. 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 – Staffordshire County Council Standards/Complaints Procedure and Sanctions

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