

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 11
16 MARCH 2020	PUBLIC REPORT

Report of:	Fiona McMillan, Director of Law and Governance and Monitoring Officer	
Cabinet Member(s) responsible:	Councillor Farooq, Cabinet Member for Digital Services and Transformation	
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UPDATE ON NATIONAL ISSUES (LGA MODEL CODE OF CONDUCT)

R E C O M M E N D A T I O N S	
FROM: <i>Fiona McMillan, Director of Law and Governance and Monitoring Officer</i>	Deadline date: <i>N/A</i>
It is recommended that the Constitution and Ethics Committee notes, comments and makes any representations on the draft Local Government Association (LGA) model code of conduct.	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a request from the Monitoring Officer that the Committee are made aware of the next stages in the process of the LGA model code of conduct.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is for members to comment and respond to the consultation, which opens in the 16 March, on the draft code which will be published on 11 March **and will therefore follow the publication of this report.**

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2

Authority to oversee and approve the operation of the Council's functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:

- *Promoting and maintaining high standards of conduct by Members and coopted members;*
- *Assisting the Members and co-opted members to observe the Code of Conduct;*
- *Advising the Council on the adoption or revision of the Members Code of Conduct and Officer Code of Conduct;*
- *Monitoring the operation of the both Codes of Conduct;*
- *Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.*

3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
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4. BACKGROUND AND KEY ISSUES

4.1 Members will be aware that the Committee of Standards in Public Life report published on 30 January 2019 recommended that “*The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government in consultation with representatives of following the recommendations of the Committee of Standards in Public Life report publishes on 30 January 2019*”.

4.2 The Board of the LGA at its meeting on 11 September 2019 (Appendix A) considered and agreed to commence reviewing of the Code ahead of central government’s response to the recommendations of the report.

This work is part of a wider programme of work on civility in public life and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.

4.3 If the code is completed before any government response Local Authorities will be able to adopt the Code.

Members need to be aware that some of the recommendations in the report, for example the power to suspend councillors, requires legislation which means that provisions cannot be included in the Code until this has been done.

4.4 The first stage of the review was the gathering of views and good practice examples, and a series of workshops with national representative bodies (Monitoring and Democratic Services officers and elected members from the main parties), to review what worked and develop some broad principles. Three workshops were held on 17;20 and 21 January 2020.

The LGA have reported that the workshops discussions went very well and there were mutual concerns expressed by members and officers about the current codes, inconsistencies in application, lack of guidance and sanctions.

4.5 Below is a summary of the timetable for the publication of the model code of conduct. A draft code will circulated to members of the Committee once it has been published on 11 March 2020.

Summary of code drafting timetable/milestones

- 3 February –2 March preparation of draft code and report for LGA Board
- Wednesday 11 March – Draft Code to Board for consideration and approval for consultation
- W/C 16 March – launch of consultation period (6 weeks takes us up to Friday 24 April)
- W/C 16 March – Round table discussion with key stakeholders (including LGO)
- *RISK – Thursday 26 March start of pre-election period for local government elections*
- Friday 24 April – close of consultation
- Monday 27 April – Friday 15 April (3 weeks) review of consultation findings and final drafting
- *Note – Thursday 7 May local government elections*
- Friday 15 May – deadline for final draft from Hoey Ainscough
- w/c 18 May – Drafting of report for Board /final edits to code
- Monday 25 May – LGA deadline for submission of report for Board
- Wednesday 3 June – Final copy to Board for approval
- W/C 8 June – LGA design and print and final editing for launch

- Tuesday 30 June – Launch at first day of LGA conference, Harrogate

4.6 At the current time there has been no formal response from Central Government to the recommendations contained in the Committee in Standards in Public Life report on local government standards. It is hoped that further information and update will be received in due course.

5. CONSULTATION

5.1 Members of the Committee will have the opportunity to comment on the consultation once it opens on 16 March 2020.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 Responses from the committee will be fed into the consultation and the launch of the model code of conduct will take place at the LGA conference on 30 June 2020.

7. REASON FOR THE RECOMMENDATION

7.1 The recommendation will give the committee the opportunity to comment on the draft code.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 N/A

9. IMPLICATIONS

Financial Implications

9.1 There are none.

Legal Implications

9.2 There are none at this stage as the consultation only opens on 16 March.

Equalities Implications

9.3 There are none.

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Committee of Standards in Public Life report 30 January 2019

11. APPENDICES

11.1 Appendix A – LGA Leadership Board report – Civility in Public Life

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