

CONSTITUTION AND ETHICS COMMITTEE	AGENDA ITEM No. 11
12 OCTOBER 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	
Contact Officer(s):	Fiona McMillan, Director of Law and Governance and Monitoring Officer	Tel. 452409

UPDATE ON NATIONAL ISSUES

RECOMMENDATIONS	
FROM: Director of Law and Governance and Monitoring Officer	Deadline date: N/A
It is recommended that the Constitution and Ethics Committee note the update on the National Code of Conduct	

1. ORIGIN OF REPORT

1.1 This report is submitted to the Constitution and Ethics Committee following a referral from the Monitoring Officer.

2. PURPOSE AND REASON FOR REPORT

2.1 The purpose of this report is to provide the Committee with an update on the model code of conduct and consultation from the Local Government Association (LGA).

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	
---	----	----------------------------------	--

4. BACKGROUND AND KEY ISSUES

- 4.1 The LGA wrote to all Councils on 18th February 2020 to provide an update on progress with revising the Model Code of Conduct. The background to this review was the report by the Committee on Standards in Public Life on Local Government Ethical Standards which was published on 30 January 2019 <https://www.gov.uk/government/publications/local-government-ethical-standards-report>. One of the recommendations of this report was 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". The proposed update to the Model Code of Conduct is the first major review since the new standards regime was introduced in the Localism Act 2011.
- 4.2 It was reported that the Board of the LGA, at its meeting on 11 September 2019, had considered and agreed to commence a review of the Code ahead of Central Government's response to the recommendations of the CSPL report. This work was part of a wider programme of work on Civility in Public Life, 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. If the code was completed before any government response Local Authorities would be able to adopt the Code. Some of the recommendations in the report, for example the power to suspend councillors (recommendation 16), required legislation which meant that such provisions could not be included in the Code.
- 4.3 The first stage of the LGA review was the gathering of views and good practice examples. A series of workshops with national representative bodies (Monitoring Officers, Democratic Services officers and elected members from the main parties), to review what worked and develop some broad principles. At the workshops there were mutual concerns expressed by members and officers about the current codes, inconsistencies in application and lack of guidance and effective sanctions. The LGA set out the next stages of the review process, and confirmed that the draft consultation code would be sent to local authorities following the LGA board meeting for comment.
- 4.4 The LGA then wrote to Councils again on 20th March 2020 to confirm that the LGA Board had considered the draft consultation Model Code on 12th March 2020 and had authorised officers to commence a nine-week consultation process commencing 19th March 2020. Consultation questions prepared with the assistance of its consultants Hoey Ainscough were published on its website. It had planned to have regional workshops as part of the consultation exercise but due to government Covid-19 advice on gatherings it had asked its consultants to help it develop discussion of the Code via webinars. The original consultation timetable was postponed due to Covid-19. On 9th June 2020, the LGA wrote to the Council to confirm that it had launched the consultation on the Code on 8th June via its website <https://local.gov.uk/code-conduct-consultation-2020>.
- 4.5 The consultation on the draft member code of conduct ran for 10 weeks from Monday 8th June until Monday 17th August. It is hoped this provided officers and members with enough time to reflect on the draft model member code of conduct and provide the LGA with feedback whilst also continuing to respond to the COVID-19 crisis. To facilitate the consultation an online consultation questionnaire was produced for both members and officers.
- 4.6 The LGA is now considering all consultation responses and aims to bring a revised model code to the LGA Annual conference which was due to take place in the autumn. No further updates have been received to date.

4.7 Committee of Standards in Public Life

On 20th July 2020 a letter was sent to all Local Authorities Chief Executives (**attached as Appendix 1**) as a follow up the 15 best practice recommendations made in 2019 Local Government report, representing a benchmark for ethical practice and which they expect any local authority should implement. The Committee intends to review the implementation of best practice in 2020 and will be writing to authorities later this year to seek their implementation progress.

5. CONSULTATION

- 5.1 At PCC all members and parish councils were circulated the details of the consultation with an invitation for them to individually take part in the consultation exercise and details were also included in the weekly briefing to all staff inviting them to do the same.

6. ANTICIPATED OUTCOMES OR IMPACT

- 6.1 Awaiting final consultation response from the LGA.

7. REASON FOR THE RECOMMENDATION

- 7.1 The report is for members to note.

8. ALTERNATIVE OPTIONS CONSIDERED

- 8.1 None at this stage.

9. IMPLICATIONS

Financial Implications

- 9.1 There are none.

Legal Implications

- 9.2 There are none at the current stage.

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 LGA Model Code of Conduct

11. APPENDICES

- 11.1 Appendix 1 – email to Chief Executives

This page is intentionally left blank