

REPORT OF: **The Monitoring Officer**

TO: **Standards Committee**

DATE: **27 January 2021**

Subject: Committee on Standards in Public Life - Local Government Ethical Standards

1. PURPOSE OF THE REPORT

To provide the Committee with a position statement on the recommendations made in the Committee on Standards in Public Life report of January 2019 on local government ethical standards and provide options for updating the *Code of Conduct & Arrangements for dealing with Complaints about the Code of Conduct for Members*.

2. RECOMMENDATIONS

The Committee is asked to consider the report and ask the Full Council to:

- 1) Adopt the 15 best practice recommendations which the Committee on Standards in Public Life consider represent a benchmark for ethical practice and which they expect any local authority should implement.

Then subject to 1) above agree the Full Council either be recommended to:

A) Update the local *Code of Conduct* and update the local *Arrangements for dealing with Complaints about the Code of Conduct for Members* reflecting the Committee on Standards in Public Life best practice recommendations as set out in both documents referenced in Appendix B;

Or

B) Adopt the new *LGA Model Councillor Code of Conduct 2020 (Appendix 3)* in its entirety and only update the *Arrangements for dealing with Complaints about the Code of Conduct for Members* reflecting all of the Committee on Standards in Public Life best practice recommendations as referenced in Appendix B;

Or

C) Adopt the new *LGA Model Councillor Code of Conduct 2020 (Appendix 3)* with some localised amendments and only update the *Arrangements for dealing with Complaints about the Code of Conduct for Members* reflecting all of the Committee on Standards in Public Life best practice recommendations as referenced in Appendix B

3. BACKGROUND

The Committee on Standards in Public Life made a number of recommendations in their January 2019 report on local government ethical standards.

As reported at the July Standards Committee meeting in that report, they identified 15 best practice recommendations which they consider represent a benchmark for ethical practice and which they expect any local authority should implement.

The Monitoring Officer and the Head of Legal & Governance have reviewed the recommendations and compared with the Council's current *Code of Conduct* and the current *Arrangements for dealing with Complaints about the Code of Conduct for Members*. Although, some of these recommendations are already reflected in the existing Code and Arrangements for dealing with Member complaints, the Committee may wish to consider the other recommendations with a view to reflecting all of the 15 best practice statements in these documents.

Since the completion of this work however a new *National Model Code of Member Conduct* has been developed and published by the Local Government Association. This presents a further option for the Committee to consider as an alternative to updating the local *Code of Conduct*, by completely replacing the local *Code of Conduct* section of the Constitution with the LGA new *National Model Code of Member Conduct* – with the *Arrangements for dealing with Complaints about the Code of Conduct for Members*, continuing to be updated as now suggested.

As a further alternative, the new *LGA Model Councillor Code of Conduct 2020* could be adopted with some localised amendments.

4. RATIONALE

As outlined above, the Committee on Standards in Public Life made a number of recommendations in their January 2019 report on local government ethical standards.

They identified 15 best practice recommendations which they consider represent a benchmark for ethical practice and which they expect any local authority should implement.

These 15 recommendations as set out in the Appendix to this report cover direct recommendations for updating Member *Codes of Conduct* and for the supporting *Arrangements for dealing with Complaints about the Code of Conduct for Members*.

More recently the Local Government Association (LGA) has developed its *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. It is promoted as a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA has indicated that it will undertake an annual review of its `model` Code to ensure it continues to be fit- for-purpose, incorporating advances in technology, social media and changes in legislation

The Standards Committee has the role within the Council (as set out in the Constitution), to promote and maintain high standards of conduct by councillors and co-opted members

and to assist councillors and co-opted members to observe the *Members Code of Conduct*.

As part of the Committee's work programme for 2020/21 the Committee is to review the current *Code of Conduct and Arrangements for dealing with Complaints about the Code of Conduct for Members* and at the last meeting considered improvements to the Complaint process administration which is the subject of a separate report on this Agenda.

There are **three** attachments to this report. The first is the 15 recommendations from the Committee on Standards in Public Life alongside commentary by the Monitoring Officer & Deputy Monitoring Officer (Council Solicitor) for consideration/adoption

Appendix A

The second attachment is the current *Code of Conduct and Arrangements for dealing with Complaints about the Code of Conduct for Members*, with the suggested changes highlighted, again for discussion and consideration by the Committee. **Appendix B**

The third attachment is the *LGA Model Councillor Code of Conduct 2020* again for discussion and consideration by the Committee. **Appendix C**

5. LEGAL IMPLICATIONS

The current Council Code of Conduct and complaint processes was adopted in line with the Council's obligations under section 27 (2) of the Localism Act 2011 and complies with the requirements under section 28 of the Act. Any final recommendations for adoption of revisions to the current Code of Conduct or to take on board the wider recommendations as set out would be subject to approval by full council.

6. POLICY IMPLICATIONS

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

7. FINANCIAL IMPLICATIONS

None contained in this report.

8. CONSULTATIONS

The Standards Committee regularly discusses the Council's arrangements for promoting and maintaining high standards of conduct, and the Report produced by the Committee on Standards in Public Life was widely circulated and followed a consultation process in 2018.

Chief Officer/Member

Contact Officer: David Fairclough

Date: 15 January 2021

Background Papers: Report by Committee on Standards in Public Life – Local Government Ethical Standards

LGA New Model Councillor Code of Conduct 23 December 2020