



**ST HELENS**  
BOROUGH COUNCIL

## Standards Committee

**2 June 2021**

<b>Report Title:</b>	<b>LGA Model Code of Conduct for Elected Members</b>
<b>Cabinet Portfolio</b>	Finance & Governance
<b>Cabinet Member</b>	Councillor Martin Bond
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	All
<b>Report of</b>	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk 01744 673209
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	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

## 1. Summary

- 1.1 To present the Local Government Association (“LGA”) Model Code of Conduct for Members (“the model Code”) for consideration and the option for the Council to adopt the model Code.

## 2. Recommendations for Decision

The Committee **is recommended to:**

- i) **Consider the LGA Model Code of Conduct for Members and recommend its adoption to Council.**

## 3. Purpose of this Report

- 3.1 To provide the Committee with an opportunity to consider the LGA model Code of Conduct for Members and decide whether to recommend the Code to Council for adoption, with or without amendments.

- 3.2 The purpose of having a code of conduct for members is to:

- promote high standards of conduct and trust
- provide clarity about where boundaries are crossed for members
- set out what the public can expect from their representatives.

## 4. Background /Reasons for the recommendations

- 4.1 The Committee considered a report at its meeting on 19 October 2020, which provided an update on the LGA model Code. Members were advised a further report would be brought back to the Committee for consideration once the model code was published by the LGA.
- 4.2 Following consultation during 2020, the LGA published the model Code in January 2021. The model Code, attached at Appendix A, is described by the LGA as ‘designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government’. The expectation is that all Councils should adopt it as a minimum but provision for additional local variations is permitted.

4.3 At its meeting on 19 October 2020, the Committee authorised the Monitoring Officer to continue with in principle discussions with the Liverpool City Region local authorities and joint authorities to create a model code of conduct for consideration for the Liverpool City Region. Currently, each of the local authorities and joint authorities across the Liverpool City Region have different local code of conducts which can cause inconsistency when members are appointed to those bodies.

## **5. The Local Government Association (LGA) Review**

5.1 The LGA undertook a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life (CSPL), but also 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.

5.2 The CSPL found there was considerable variation in the length, quality and clarity of codes of conduct across local authorities.

5.3 The LGA aimed to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It aimed to set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.

5.4 The LGA's objectives in reviewing the model code of conduct were to:

- articulate what local government believes are good standards for all in public office
- show leadership in good standards of conduct for those in public office, both elected and as employees
- achieve consensus between the stakeholders affected by local government conduct
- support its member councils and partners in achieving good standards of conduct
- produce a code that is fit for purpose, useful and held in high regard
- enhance the reputation of local government and local politicians
- support the good running of councils
- support all democratically elected local representatives to deliver their best on behalf of their local communities
- build on the good practice that already exists within member councils

5.5 The LGA has developed a 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 a template for councils to adopt in whole and/or with local amendments.

5.6 In introducing the new model code, the LGA issued the following statement:

*“The role of councillors across all tiers of local government is a vital part of our country’s system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillors to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.*”

*As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.*

*Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.*

*This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government."*

## **6. The Model Code**

- 6.1 The model Code is attached at Appendix A. It applies to you when you are acting in your capacity as a councillor, which may include when:
- you misuse your position as a councillor
  - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
- 6.2 The model Code applies to all forms of communication and interaction, including:
- at face-to-face meetings
  - at online or telephone meetings
  - in written communication
  - in verbal communication
  - in non-verbal communication
  - in electronic and social media communication, posts, statements and comments.
- 6.3 The model Code keeps the obligation to treat others with respect and not to bully any person but it provides helpful definitions of these terms. All references to "civility" have been replaced with "respect". Discrimination has been added to the bullying and harassment section of the model Code. This was included in the Council's current Code, when Council approved a strengthened version in July 2020, following a review in light of the CSPL recommendations.
- 6.4 The model Code introduces an obligation to undertake code of conduct training provided by the Council and to co-operate with a code of conduct investigation and / or determination. An obligation to co-operate is already included in the Council's current Code.
- 6.5 The main difference with the Council's current Code is in relation to gifts and hospitality. The model Code increases the amount of gift or hospitality that needs to be registered with the Monitoring Officer from £25 to £50.
- 6.6 Supplementary guidance on the model Code is expected to be published by the LGA in the near future, to assist with definitions and application. The guidance will inform future training for all members, if the model Code is adopted.
- 6.7 The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

## **7. Community Impact Assessment**

The Community Impact Assessment identified the following key implications.

a. N/A

## **8. Consideration of Alternatives**

It is open to the Council to choose not to adopt the model Code and retain its current Code of Conduct for Elected & Co-Opted Members. This would risk the Council's current Code not keeping up to date with best practice. Also, it would not achieve the desired aim of a consistent approach across the Liverpool City Region.

## **9. Conclusions**

In accordance with the Council's statutory duty to promote and maintain standards of conduct members are asked to consider whether the new code should be recommended for adoption by the Council in its entirety or in part or to keep the current code.

If adopted by Council, code of conduct training sessions on the new model code would be arranged for all members and co-opted members in due course.

## **10. Implications**

### 10.1 Legal Implications

10.1.1 Under the Localism Act 2011, each local authority has a duty to adopt a code of conduct dealing with the conduct that is expected of members and co-opted members, when they are acting in that capacity. The code must be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.

10.1.2 There is no national prescribed version of a code in England and no obligation to adopt a particular model. The member model code of conduct is suggested national good practice, and councils can adopt this revised code, or adopt their own local code.

10.1.3 The Committee is responsible for standards functions as set out in the constitution and for advising the Council on the adoption or revision of the Members' Code of Conduct. Changes to the Code of Conduct and the Constitution are, however, decisions reserved to full Council. If adopted by Council, the model Code would replace the Council's current Code, and would be published on the Council's website.

### 10.2 Community Impact Assessment (CIA) Implications

N/A

#### 10.2.1 Social Value

None.

#### 10.2.2 Sustainability and Environment

None.

10.2.3 Health and Wellbeing

None.

10.2.4 Equality and Human Rights

None.

10.3 Customers and Resident

None.

10.4 Asset and Property

None.

10.5 Staffing and Human Resource

None.

10.6 Risks

None.

10.7 Finance

None.

10.8 Policy Framework Implications

None.

**11 Background papers**

Standards Committee Report – 19 October 2020

CSPL Review of Ethical Standards in Local Government Report, January 2019:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

**12 Appendices**

Appendix 1: LGA Model Code of Conduct for Elected Members

Appendix 2: LGA Model Code of Conduct for Elected Members – with proposed local amendments