

Meeting or Decision Maker:	Standards Committee
Date:	8 April 2021
Classification:	General Release
Title:	Local Government Association model code of conduct
Report of:	Tasnim Shawkat, Monitoring Officer

1. Executive Summary

- 1.1. The Government's Advisory Committee, the Committee on Standards in Public Life (CSPL) published a report in January 2019 entitled "Local Government Ethical Standards". The report contained a number of recommendations and identified a number of best practice recommendations. The Standards Committee have already considered and noted the recommendations.
- 1.2. The majority of the proposed changes required primary legislation which would be subject to parliamentary timetabling, secondary legislation and revisions to the Local Government Transparency Code. The primary legislation has not been forthcoming to date.
- 1.3. One key recommendation of the CSPL report was that the Local Government Association (LGA) should create an updated model code of conduct in consultation with representative bodies of councillors and officer of all tiers of local government.
- 1.4. The Committee considered the consultation response by the Council's Monitoring Officer at its meeting on 19 October 2020. On 3 December 2020 the LGA published the Model Code of Councillor conduct with a recommendation for adoption for all local authorities

2. Recommendations

- 2.1. The Committee considers the LGA model code of conduct and consider if any changes should be made to the Council's existing Code of Conduct for members.

3. Background information

- 3.1. This is a voluntary code and there is no legal requirement to adopt it. It is a template for councils to adopt in whole and / or with local amendments. A link to the LGA model code of conduct is provided, at Appendix one.
- 3.2 The LGA states the code has been designed to protect the democratic role, encourage good conduct and safeguard the public's trust in local government.
- 3.3 Attached at Appendix two is a table comparing the LGA model code of conduct with the Council's existing code of conduct for members. Much of the substance contained in the Model Code is also covered in the Council's current Code of Conduct. A main difference between the Codes is the language used. The Model Code is written in the first person and encouraged much more ownership by individual councillor. Section 8 of the Model Code expressly refers to Councillors refers to Councillors undertaking code of conduct training, cooperating with investigations and agreeing to any sanctions. There is some debate amongst Monitoring Officers on whether the Model code correctly mirrors the law with respect to councillors acting in a private capacity.
- 3.4 Some of the CSPL also made recommendations which will require a change in legislation. These are highlighted in yellow in the table at appendix two of the report.

4. Financial Implications

- 4.1. There are no financial implications for this report.

5. Legal Implications

- 5.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 5.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.
- 5.3 There is no obligation by the Council to adopt a particular model of the Code of Conduct. The statutory duty is to adopt a code of

conduct which complies with the statutory requirements referred to in paragraph 5.2.

- 5.4 The Council must publicise its adoption, revision or replacement of a code of conduct in such manner as it considers likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area,

Appendix One

[Model Councillor Code of Conduct 2020 \(local.gov.uk\)](http://local.gov.uk)

Appendix Two

Table comparing the WCC code of conduct with the LGA model code of conduct.

**If you have any queries about this report please contact: Hazel Best,
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