

REPORT ON THE REVISED CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS

REPORT OF: CITY SOLICITOR
DATE: 9TH APRIL 2021
SUBJECT: AMENDMENT TO THE CODE OF CONDUCT FOR MEMBERS

1. PURPOSE OF REPORT

This report aims to consider amendments to the Code of Conduct based entirely or in part on the the Local Government Association's Model Councillor Code of Conduct.

2. BACKGROUND TO THE LGA MODEL CODE OF CONDUCT

In January 2019, the Committee on Standards in Public Life (CoSPL) published a report which recommended creating an updated model code of conduct, by the Local Government Association (LGA) in consultation with representative bodies of councillors and officers of all tiers of local government.

In June 2020 the Local Government Association (LGA) conducted a consultation to gather views on its draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information team via an online questionnaire and by email. Over 1600 written responses to the consultation were received by the LGA. In addition, workshops of members and Monitoring Officers took place to discuss the approach and content of the revised Code.

The final Model Code of Conduct for Councillors was approved by the LGA on 3 December 2020 and made available to all Local Authorities shortly thereafter. This Model Code is not mandatory and is able to be adapted by Local Authorities.

3. SUMMARY OF MODEL CODE OF CONDUCT

The purpose of the Model Code of Conduct is to assist Councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against them.

It also aims to protect the public, Councillors, Local Authority officers and the reputation of Local Government. It sets out general principles of conduct expected of all Councillors and the specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and Local Government.

The Model Code of Conduct covers the following areas:

- Respect
- Bullying, harassment and discrimination
- Impartiality of officers of the Council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of Local Authority resources and facilities
- Complying with the Code of Conduct
- Protecting your reputation and the reputation of the Local Authority

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- Interests
- Gifts and hospitality

The consultation exercise also highlighted several areas that participants wanted included within the Model Code of Conduct and accordingly, the following were encompassed:

- The Code has been written in the first person, to make it more personal to individual Councillors.
- There are provisions within the Code on the use of social media, including confidentiality.
- The declaration of gifts has risen from gifts of a value of £25.00 to £50.00.
- Accompanying guidance with examples has been produced.
- There are references within the Code to the Equality Act and the obligation on Local Authorities and Councillors to comply with that Act.
- There are more details on conduct investigations and Councillor's obligations to cooperate with those investigations.

The LGA plan to undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

4. ADOPTING THE MODEL CODE OF CONDUCT

The City Council is due to review its current Code of Conduct for Members (currently contained within Part C of the Constitution) as part of the Annual General Meeting to be held on 25th May 2021.

As part of this review, it is proposed that the City Council look to adopt the Model Code of Conduct in one of the following ways:

Option 1: Adopt the Model Code of Conduct in full

The first option is for the City Council to adopt the Model Code of Conduct in full (but subject to any recommendations by the Committee), replacing the existing Code within the Constitution. This option has been exercised by many local authorities across the country include neighbouring authorities.

Whilst the principle of localism facilitates greater local determination on practices best suited to each authority, this can result in inconsistencies of rigour in application of cases from one authority to another. Adopting the Model Code of Conduct creates nationwide consistency to reflect the common expectations of the public, regardless of geography or tier. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment.

Adopting the Model Code of Conduct would:

- Assist public awareness and access to one set of expectations for all Councillors.
- Articulate what are nationally believed to be good standards for all in public office.
- Encompass a wide range of views, knowledge and resources as part of a robust Code of Conduct.
- Reduce the potential for confusion between differing authorities' Codes of Conduct.
- Ensure a consistent approach, especially in relation to areas such as gifts and hospitality, social media use, and bullying and harassment.

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- Provide greater levels of support from the LGA to its member councils and partners in achieving good standards of conduct.
- Allow for more specific guidance from the LGA.
- Build on the good practice that already exists within member councils.
- Seek to enhance the reputation of Local Government and local politicians.
- Ensure the Code continues to be fit- for-purpose by regular reviews from the LGA.

Option 2: Adapt the existing Code of Conduct

Alternatively, the City Council could amend and adapt the existing Code of Conduct in line with the LGA's Model Code.

Please see attached for a marked – up version of the current code of conduct.

Option 3 : Do nothing and consider at a later date

5. RECOMMENDED OPTION

The Committee is requested to consider the new Model Code of Conduct (option 1) and to consider any further recommendations it may wish to make.