

STANDARDS COMMITTEE REPORT

REPORT TO:	Standards Committee		
DATE:	18 October 2022		
TITLE:	The Local Government Association's Model Code of Conduct and connected guidance		
REPORT AUTHOR:	Monitoring Officer		
OPEN/EXEMPT		WILL BE SUBJECT TO A FUTURE CABINET REPORT:	Yes

REPORT SUMMARY

<p>PURPOSE OF REPORT/SUMMARY:</p> <p>To place before Members the Local Government Association's ("LGA") Model Code of Conduct, plus supporting guidance, for the Committee to consider adoption of the Code in whole or in part along with the connected guidance.</p>
<p>KEY ISSUES:</p> <p>The Standards Committee is required to provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.</p> <p>This includes advising on the Members' Code of Conduct and associated guidance. Changes to the Code of Conduct and the Constitution are, however, reserved to Full Council via Cabinet and therefore any recommendation for changes to the Code of Conduct, which forms part of the Constitution, would need to be made by the Standards Committee via Cabinet to Full Council.</p>
<p>OPTIONS CONSIDERED:</p> <p>The options available for the Committee's consideration are to make no changes to the Council's current Codes and procedures, adopt some or all of the LGA's Model Code and/or guidance or to introduce other changes to the Code of Conduct not covered by the LGA's Model Code.</p>
<p>RECOMMENDATIONS:</p> <p>The Standards Committee is recommended to:</p> <ol style="list-style-type: none"> 1. consider and comment on the Local Government Association Model Code of Conduct and associated guidance; 2. consider whether to recommend to Full Council (via Cabinet) that the Model Code of Conduct be adopted in full or in part; 3. consider whether the associated guidance on the Model Code of Conduct should be adopted in full or in part; 4. consider whether the associated guidance on complaint handling should be adopted in full or in part.
<p>REASONS FOR RECOMMENDATIONS:</p> <p>For the Committee to consider advice, codes and procedures as are required to keep the ethical health of the Authority under review.</p>

REPORT DETAIL

1. Introduction

On 30 January 2019, the Committee on Standards in Public Life (CSPL) produced a report on Local Government Ethical Standards. The report found that there is considerable variation in the length, quality and clarity of local authority Codes of Conduct. CSPL made various formal and best practice recommendations intended to improve local government ethical standards and improve public confidence in the arrangements. The Government responded to these recommendations in March 2022 (links below under Background Papers).

The first recommendation 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 Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a Code of Conduct for their Councillors. It is for individual Councils to set their own local code.

It is open for Parish and Town Councils to adopt the Code of the Principal Council, i.e. the Borough Council's Code.

Sitting behind the Model Code, the LGA has produced Guidance on the interpretation of the Code and on the handling of complaints.

2. Proposal

A suite of documents is attached to this report for Members' consideration, as follows:

The Council's current Standards documents:

Appendix 1: The Council's current Members' Code of Conduct: <https://democracy.west-norfolk.gov.uk/documents/s17326/Part%205%20-%20Code%20of%20Conduct.pdf>

Appendix 2: The Council's 'Guidance' on making a complaint:

https://www.west-norfolk.gov.uk/downloads/download/37/complaints_against_councillors_documents

Appendix 3: The Council's Member/Officer Protocol:

<https://democracy.west-norfolk.gov.uk/documents/s48818/Protocol%20for%20Member%20Officer%20relations%20Sept%202021.pdf>

Appendix 4: Hearing Procedure

The LGA's Model Code and Supporting Guidance:

Appendix 5: The LGA's Model Code of Conduct:

<https://www.local.gov.uk/sites/default/files/documents/Local%20Government%20Association%20Model%20Councillor%20Code%20of%20Conduct%202020%20WEB.pdf>

Appendix 6: The LGA's Guidance on the Model Code of Conduct:

<https://www.local.gov.uk/publications/guidance-local-government-association-model->

[councillor-code-conduct#:~:text=As%20an%20elected%20or%20appointed,and%20in%20the%20written%20word.](#)

Appendix 7: The LGA's guidance on Complaint Handling

<https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

Members are invited to consider to what extent they wish to adopt the Model Code of Conduct and supporting guidance.

3. Issues for the Panel to Consider

Committee on Standards in Public Life

The Model Code of Conduct is the first recommendation in the Ethical Standards report and the Government has noted the production of the Model Code in its response to the report, whilst highlighting that it remains a local decision on whether to adopt it or not.

The intention is that the updated Model Code of Conduct establishes a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities.

If this Council does make changes to its Code of Conduct, it would be necessary to notify all those parishes who adopt the Borough Council's Code as their own so that they may consider whether to adopt the same Code or not.

Local Benchmarking

From a brief review of other Norfolk authorities' Member Codes of Conduct:

Authority	Adopted in 1. Full 2. Part 3. Not adopted
Norfolk County Council	Adopted in part (excluding Table 2)
Breckland	Not adopted
Broadland	Not adopted
Great Yarmouth	Not adopted
South Norfolk	Not adopted
North Norfolk	Adopted in full
Norwich City	Not adopted

5. Financial Implications

There are no specific financial implications arising out of this report.

6. Any other Implications/Risks

Considering best practice and implementing improvements will help maintain sound corporate governance and the integrity of local authority decision making.

Under the Localism Act 2011 all Councils must adopt a code of conduct dealing with the conduct that is expected of Members and co-opted Members when that are acting in that capacity. There is no national prescribed version of a code in England and no obligation to adopt a particular model.

The Code must be consistent with the 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.

The Standards Committee is required to provide advice, codes, procedures, consultative processes or legal requirements as are required to keep the ethical health of the Authority under review.

This includes advising on the Members' Code of Conduct and associated guidance. Changes to the Code of Conduct and the Constitution are, however, reserved to Full Council via the Cabinet and any recommendation for changes to the Code of Conduct, which forms part of the Constitution, would need to be made to Full Council via Cabinet.

The Council must publicise its adoption, revision or replacement of a Code of Conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area. This can be on the Council's website, social media accounts or in the press, or any other such means that is considered to satisfy this requirement.

7. Equal Opportunity Considerations

It is not considered that any changes to the Code of Conduct or guidance would affect any Member with a protected characteristic more than another that does not have a protected characteristic.

8. Environmental Considerations

None

9. Consultation

Extensive consultation was undertaken with all relevant stakeholders by the LGA for 10 weeks from Monday 8 June 2020 until Monday 17 August 2020 prior to publication of the new model Code of Conduct.

10. Conclusion

Following the introduction of the LGA's Model Code of Conduct and associated guidance, Members are invited to consider the extent to which they wish to adopt the content into the Council's own Constitution and procedures.

11. Background Papers

Local Government Ethical Standards A Review by the Committee on Standards in Public Life ("the Ethical Standards report") January 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

Government's response to the Ethical Standards report

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061773/Government_response_to_CSPL_review_of_local_government_ethical_standards.pdf