

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**AUDIT AND GOVERNANCE COMMITTEE – WEDNESDAY  
22 JULY 2020**



<b>Title of Report</b>	<b>REVIEW OF MODEL MEMBER CODE OF CONDUCT</b>	
<b>Presented by</b>	Elizabeth Warhurst Head of Legal & Commercial Services and Monitoring Officer	
<b>Background Papers</b>	<p><a href="#"><u>Report to Council – 26 June 2012 - Localism Act 2011 Standards Regime</u></a></p> <p><a href="#"><u>Report to Council – 11 November 2014</u></a></p> <p>Localism Act 2011:  <a href="http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted">http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted</a></p> <p>Current NWLDC Code of Conduct – Available on the Council's website and in the Constitution <a href="http://www.nwleics.gov.uk">www.nwleics.gov.uk</a></p> <p>Consultation Draft LGA Model Member Code of Conduct:  <a href="#"><u>2020320-lga-consultation-draft-model-member-code-of-conduct-update-27-march-2020 - Shortcut.lnk</u></a></p> <p> 2020.3.20 LGA Consultation Draft I</p> <p> 2020.3.20 Appendices A-B LGA</p> <p> pdf version code of conduct consultatio</p> <p>Standards in Public Life report published on 30<sup>th</sup> January 2019:  <a href="https://www.gov.uk/government/publications/local-government-ethical-standards-report"><u>https://www.gov.uk/government/publications/local-government-ethical-standards-report</u></a></p>	
<b>Purpose of Report</b>	To seek feedback on the Consultation Draft LGA Model Member Code of Conduct	
<b>Recommendation</b>	<b>THAT THE CONSULTATION DRAFT LGA MEMBER MODEL CODE OF CONDUCT 2020 AND QUESTIONNAIRE BE CONSIDERED AND FEEDBACK PROVIDED TO THE LGA</b>	

## **1. INTRODUCTION**

- 1.1 On the 17 June 2020, Members were asked to submit feedback on the draft LGA Member Code of Conduct 2020 and questionnaire by the 8 July 2020. As at the date of writing this report no substantive feedback has been received. However, any feedback provided by members will be circulated to the Committee prior to the meeting.

## **2. BACKGROUND**

- 2.1 The Localism Act 2011 ("the Act") made fundamental changes to the system of regulating standards of conduct for elected and co-opted Members making each Authority responsible for its own Members. The duty now lies with the individual Authorities (and their Monitoring Officer) to investigate and hold to account Members accused of breaches. These changes were enacted on 1 July 2012.
- 2.2 Section 27 (1) of the Act requires a local authority to promote and maintain high standards of conduct by its members and co-opted members. In discharging its duty, pursuant to Section 27 (2) of the Act an authority must adopt its own local Member Code of Conduct setting out the behaviours and responsibilities expected of members and co-opted members in their roles.
- 2.3 At its meeting on the 26<sup>th</sup> June 2012, the Council resolved to formally adopt its own local member model code of conduct suitably drafted to reflect the changes brought about by the Act. The code was further updated in November 2014 and since then no further changes have been made. The current version of the code contained within the NWLDC Constitution is attached to this report.

## **3. DRAFT MEMBER CODE OF CONDUCT CONSULTATION**

- 3.1 A CoPSL report was published on 30 January 2019 which recommended 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 in consultation with representatives following the recommendations of the Committee of Standards in Public Life report published on 30 January 2019*".
- 3.2 The Board of the LGA at its meeting on 11 September 2019 considered and agreed to commence reviewing of the Code ahead of central government's response to the recommendations of the report. This has been done in response to recommendations made by the Committee on standards in Public Life, and also in response to rising local government concern about 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.
- 3.3 If the draft model code is completed before any government response to the CoPSL report, Local Authorities will be able to adopt the Code. Some of the recommendations in the CoPSL report for example the power to suspend councillors (recommendation 16 of the CoPSL report on, page 16), requires legislation which means that provisions cannot be included in the Code.
- 3.4 The LGA aims to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. This includes producing a code that is fit for purpose, useful and held in high regard, articulate what local government believes are good standards for all in public office and to enhance the reputation of local government and local politicians.

- 3.5. The adoption of the draft model code is not mandatory. There is no legislative requirement for this authority to adopt the draft model code and it may continue to rely on the current version. However, the draft model code has been provided by the LGA as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance and as a member authority and stakeholder we have been asked to provide feedback and comments. This draft model code is offered as a template for Council's to adopt in whole and/or with local amendment and should be able to be adapted by individual authorities.
- 3.6 It is considered that a model code would create consistency across England, and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual-hatted or triple-hatted councillors. Areas such as gifts and hospitality, social media use, and bullying and harassment have all increased in salience, and are not regularly reflected in local authority codes of conduct. All local authorities need to take account of these areas, and a model code of conduct would help to ensure that they do so.

## 4 NEXT STEPS

- 4.1 The consultation on the draft member code of conduct will run for 10 weeks from **Monday 8 June until Monday 17 August**. It is hoped that this will provide officers and members with enough time to reflect on the draft model member code of conduct and questionnaire and provide the LGA with feedback. The feedback from the consultation will help them develop a final draft, which will be reviewed by the LGA's Executive Advisory Board before being presented to the next LGA General Assembly, which it is hoped will be held in the Autumn of 2020.
- 4.2 Members are requested to consider the contents of the draft LGA model code of conduct attached with a view to providing a joint response to the questionnaire at this meeting. Once the authority has provided its feedback to the LGA, The LGA will provide formal consultation questions and then take on board the comments and direction and put forward a final code for formal adoption at the LGA General Assembly later this year.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Insert relevant Council Priorities: <ul style="list-style-type: none"><li>- Supporting Coalville to be a more vibrant, family-friendly town</li><li>- Support for businesses and helping people into local jobs</li><li>- Developing a clean and green district</li><li>- Local people live in high quality, affordable homes</li><li>- Our communities are safe, healthy and connected</li></ul>
Policy Considerations:	Code of Conduct and Constitution
Safeguarding:	N/A
Equalities/Diversity:	N/A
Economic and Social Impact:	N/A
Environment and Climate Change:	N/A
Consultation/Community Engagement:	All District Councillors
Risks:	This report is for consideration and feedback to the LGA and by receiving this draft code of conduct members will be able to consider and manage risks of misconduct
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