

LGA Consultation on a Model Code of Conduct

Report No:	STC/WS/20/001	
Report to and date/s:	West Suffolk Standards Committee	3 August 2020
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Recommendation: **It is recommended that the West Suffolk Standards Committee:**

- (1) Agree the Council's response to the LGA draft Model Code of Conduct Questionnaire, as attached at Appendix C; and**
- (2) Agrees to delegate the final wording and submission of the accompanying written statement to the Monitoring Officer, in consultation with the Chair of the Standards Committee and Portfolio Holder for Governance**



1. Context


- 1.1 Each local authority, whether a Parish or Town Council, a District Council or the County Council is required to adopt a Code of Conduct that is based upon the Nolan Principles. Across Suffolk, authorities at all levels have worked together to agree a single Code for Councillors (see Appendix A), meaning that the public can expect the same levels of behaviour from their elected representatives, and for Councillors there are the same standards regardless of which organisation you are part of.
- 1.2 If it is believed that a Parish, Town or District Councillor has breached the Code of Conduct then we are obligated to review the complaint and determine whether or not a breach has occurred, making any recommendations on further action that should be taken.
- 1.3 In January 2019, the Committee for Standards in Public Life (CSPL) concluded a review into ethical standards in Local Government. The Committee concluded that whilst the majority of Councillors maintained the high standards of conduct that the public would expect, this was not universal and there was clear evidence of misconduct by some Councillors, which required greater and more robust safeguards to strengthen the local system to manage conduct.
- 1.4 As part of its review, the Committee made a wide-ranging set of recommendations. This included a number of proposals in respect of the existing legislative framework, as well as a recommendation that the Local Government Association (LGA) should seek to recommend a model Code of Conduct across authorities, which, if adopted, would help ensure consistency for both Councillors and the public in terms of what was expected from elected representatives.
- 1.5 At present, it is not clear when the Government will respond to the CSPL's report. One of the key issues with the current standards regime is the lack of sanctions, meaning that where there are serious examples of misconduct, the Council has very limited ability to address these; for example, we do not have the legal ability to suspend or remove Councillors.
- 1.6 In the meantime, the Local Government Association (LGA) have considered it necessary to push forward with proposals for a model Code, to apply across all sectors of local government. This is in part due to the concerns raised by the CSPL, but also because of growing concerns in relation to levels of civility in public life, and the increasing levels of harassment and abuse directed towards Councillors. It is important to emphasise that whilst a code can set out model behaviours and expectations that are placed on Councillors, it has to operate within the established legal framework.
- 1.7 It should be noted that once the LGA issues a final Code of Conduct, it will then be for the Council to determine whether it wishes to adopt the Code proposed by the LGA, or an alternative version. It is anticipated that there would be a strong desire, as before, to work on a collective basis across Suffolk.



2. The Proposed Model Code of Conduct

- 2.1 In June, the LGA commenced consultation on a draft Code of Conduct. Prior to doing so, the LGA had undertaken research and held a series of consultation events, to which the Monitoring Officer was invited to contribute. In addition, the Monitoring Officer has attended a webinar with representatives from Lawyers in Local Government, the Association of Democratic Services Officers, and the Society of Local Council Clerks. The Monitoring Officer, Portfolio Holder for Governance and Chair of the Standards Committee have also been invited to a webinar hosted by the LGA on 29 July and will verbally update the Standards Committee with any additional feedback.
- 2.2 The Consultation invites interested parties a series of questions to answer in respect of the draft model Code (a copy has been provided at Appendix B). Discussion between Monitoring Officers within Suffolk has indicated concern that the questions do not adequately address some of the concerns with the Model Code, and it is expected that authorities will accompany the questions with a written submission.
- 2.3 In order to support the Council's response, the Monitoring Officer held a briefing event for members in July. This was recorded and has been made available for members to view if they wish. Key feedback from the event was that:
- The model Code includes a set of guiding, non-binding principles, and a separate set of requirements that are obligatory. Some members felt this section was confusing; for example, the principles start by requiring Councillors to behave with honesty and integrity but there is no clear link between that and the requirements of the Code.
 - There was a lot of discussion about the proposals on declaration of interests within Appendix B of the model Code. The model Code only appears to relate to declarations in meetings, not when making individual decisions or acting as a ward member. It was noted the Code did not particularly cover predetermination and bias, and the definitions used in Appendix B are unclear. Various scenarios were discussed in this regard by members such as whether, based on this guidance, a Councillor should take part in a planning decision in relation to a village pub if friends of theirs are known to be customers.
- 2.4 All members were provided the opportunity to provide any additional feedback. If any feedback is received following publication of this agenda this will be verbally reported to the Committee

3. Requests of the Committee

- 3.1 At Appendix C, members have been provided with a PDF copy of the LGA's questionnaire. Within the meeting, members are requested to agree a response on behalf of the Council to each question posed. Based on these responses, the Monitoring Officer will complete the electronic questionnaire and submit on behalf of the Council.
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- 3.2 At Appendix D, the Monitoring Officer has drafted a written statement to also be submitted on behalf of the Council alongside the questionnaire. It should be noted that this is based on the Monitoring Officer's judgements and also reflects some of their views in terms of the ability to advise members on the proposals, and to hold members to account should concerns be raised. Members are requested to provide any comments / thoughts on the proposed statement, including any areas they would like added or omitted. Based on the Committee's discussion, it is proposed that the Monitoring Officer agrees the final wording of the statement with the Chair of the Standards Committee and the Portfolio Holder for Governance.

4. Alternative Options

- 4.1 The Council could elect not to submit a response to the model Code, however may miss the opportunity to provide important feedback.

4. Consultation and engagement

- 4.1 This is set out in section 2 above. It should be noted that at this stage, the Council has not undertaken formal discussion with the Parish and Town Councils in the District on our response. However, the Monitoring Officer's proposed statement at Appendix E takes into account discussion between Monitoring Officers within Suffolk, which has included a representative from the Suffolk Association of Local Councils (SALC). Parish and Town Councils are also entitled to submit their own response to the consultation.

5. Risks

- 5.1 There are no specific risks arising from this report

6. Implications arising from the proposal

- 6.1 There are no specific implications arising from this report

7. Appendices

- 7.1 Appendix A: The Suffolk Local Code of Conduct, as currently operates
Appendix B: The draft Model Code of Conduct, as proposed by the LGA
Appendix C: The LGA questions on the draft Model Code of Conduct
Appendix D: Draft written statement to accompany the Council's response

8. Background documents

- 8.1 None

