

## Standards Committee – 22<sup>nd</sup> February 2021

### The LGA Model Code of Conduct

#### Summary of report:

This report considers the new LGA Code of Conduct.

#### Background papers:

#### Recommendation:

That a small working party of elected members be invited to work with the Monitoring Officer to consider whether or not the council should adopt the LGA model code of conduct in whole or in part.

### 1.0 Background

- 1.1 The local authority must adopt a Code of Conduct governing elected and co-opted members' conduct when acting in that capacity. (s28, Localism Act 2011). The Code of Conduct must when viewed as a whole be consistent with the Nolan Committee's seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty, leadership. The authority has a discretion as to what it includes within its Code of Conduct, provided that it is consistent with these seven principles. The authority's Code of Conduct must also contain appropriate requirements for the registration (and disclosure) of pecuniary interests and non-pecuniary interests (see below). There is no longer a centrally-determined Model Code. Instead, councils have to determine whether they want to amend or replace the existing Code of Conduct and how they fulfil the duty in [LA 2011](#) of promoting and maintaining high standards of conduct.
- 1.2 All local authorities (other than parish councils) must put in place 'arrangements' that set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a member or co-opted member who is found to have failed to comply with the relevant Code of Conduct.
- 1.3 In publishing their Model Code the LGA issued the following statement setting out the purpose behind the proposed LGA code:

“The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want

individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government."

- 1.4 The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments
- 1.5 The LGA will 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. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.
- 1.6 The Monitoring Officer has already circulated the LGA Code to all elected members for their consideration. The finalised published version of the Code is attached herewith.
- 1.7 It is suggested that a small cross working group of 3 Elected Members be established with the consent of the group leaders to work with the monitoring officer to consider the LGA Code and make recommendations to annual council in relation to adopting the Code partially or in its entirety.
- 1.8 If the Code is adopted by Council, training in relation to the Code would be offered to all Elected Members and the Council's Independent Persons.

## **2. Resource and legal considerations:**

There are no resource or legal considerations to this report.

**3.0 Performance and Risk Management issues:**

3.1 Performance and risk management are a feature of all council functions.

3.2 In terms of performance it is important that both Elected Members have a clear framework of standards to follow in delivering services to the community, and their role. These frameworks provide accountability and transparency in respect of the way in which the council delivers services. Having a Code of Conduct for Elected Member behaviour will promote good standards of behaviour and accountability.

**4.0 Reducing Inequalities:**

4.1 In maintaining up to date policies and procedures the council will ensure that services are delivered fairly in an open and transparent manner. There are specific requirements in both codes that elected members and officers observe equalities. It is important that complaints are dealt with in a fair and transparent manner.

4.2 Paragraph 2 of the LGA Code refers to equalities and discrimination.

**5.0 Consultation:**

5.1 Consultation in relation to the LGA Code has already been circulated to all elected members for information and comment. Consultation in relation to the LGA Code of Conduct will continue prior to any consideration to adopt the Code.

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**APPENDIX 1 – LGA CODE OF CONDUCT**