

REPORT TO STANDARDS COMMITTEE

**TO BE HELD ON
25 MARCH 2021**

Corporate Priority: ALL	Key Decision	NO
	Forward Plan Ref No	N/A
	Cabinet Portfolio Holder	Cllr J Jefferson

REPORT OF THE DIRECTOR (LD) – 21/54

WARDS AFFECTED: ALL

SUBJECT: MODEL CODE OF CONDUCT

RECOMMENDATION(S):

It is recommended that Standards Committee:

- (a) note the publication by the Local Government Association (LGA) of a new Model Code of Conduct for Members;
- (b) note that further guidance on the operation of the code is awaited; and
- (c) approve the establishment of a working group of Members' to review the Council's Code of Conduct and seek the views of Town and Parish Councils in the Borough as to the adoption of a common Code of Conduct.

REASON FOR RECOMMENDATION(S):

To inform the Standards Committee of a new Model Code of Conduct which has been approved by the Local Government Association.

To ensure that the Council's Code of Conduct for Members supports and promotes high standards of behaviour.

HIGHLIGHTED RISKS

None

1. INTRODUCTION:

- 1.1 In response to the growing concerns of those in public office in relation to the increasing incidents of public intimidation and abuse, the Local Government Association (LGA) is currently undertaking a programme of work relating to Civility in Public Life.
- 1.2 Further information on the programme of work being undertaken can be found at:
<https://www.local.gov.uk/sites/default/files/documents/191003%20public%20document%20on%20civility%20in%20public%20life%20%28Autosaved%29.pdf>
- 1.3 As part of this programme of work, the LGA has undertaken a review of the Member Model Code of Conduct, taking into account recommendations made by the Committee on Standards in Public Life in their report on Ethical Standards, which is attached as appendix A.
- 1.4 A final Model Code of Conduct was approved by the LGA in December 2020. The aim was to develop a code that benchmarked a standard for all public office and for those engaged in public discourse and debate. It sets out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.
- 1.5 A copy of the final Model Code can be found at Appendix B. Whilst the Model Code of Conduct is suggested national good practice, councils can adopt this code, or adopt their own local code. A copy of the Council's current Member Code of Conduct is attached at Appendix C.

2. CORPORATE AIMS/PRIORITIES

- 2.1 This report supports all of the Council's corporate aims.

3. BACKGROUND AND ISSUES

- 3.1 Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.
- 3.2 The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

3.3 The LGA Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation.

3.4 The Council's current Code of Conduct for Members is contained within the Constitution.

4. CONSULTATION

4.1 This report proposes that consultation is undertaken with Members to review the Council's code of conduct, taking into account the model code of conduct developed by the LGA.

5. ASSESSMENT

5.1 The Model Code developed by the LGA aims to respond to the rising local government concern about the 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.

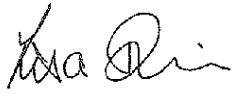
5.2 One of the overriding reasons for a new Code was for all Local Authorities to adopt it, ensuring consistency across many tiers of Local Government, especially for those who represent at both County and Districts levels and even Parish, where different Codes could apply. This can be a cause of confusion for those Members and also the public.

5.3 However, as stated previously in this report, whilst the member model code of conduct is suggested national good practice, councils are not obliged to adopt it. Across the Borough, a number of Parish and Town Councils operate their own member codes of conduct, whilst others have adopted the model code.

5.4 The LGA have confirmed that they are in the process of preparing guidance based upon key areas suggested during the consultation process. Once this guidance is available, it is proposed that a working group of Members of this Committee be established to consider the Council's current Code of Conduct and make recommendations thereon, taking into account the new LGA Model Code of Conduct and recommendations from the review of Local Government Ethical Standards by the Committee on Standards in Public Life. It is also proposed that discussions take place with Parish and Town Councils across the Borough as to the benefits of taking a consistent approach and operating to a common code of conduct.

6. IMPLICATIONS

6.1 All relevant implications have been considered in the body of this report.



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Background Papers:

N/A

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT PETRA JACKSON ON 01723 232323 or e-mail petra.jackson@scarborough.gov.uk