

POLICY AND RESOURCES COMMITTEE – 8 MARCH 2021

COUNCIL – 18 MAY 2021

NOT DELEGATED

PART 1

5. ADOPTION OF LOCAL GOVERNMENT ASSOCIATION MODEL COUNCILLOR CODE OF CONDUCT 2020 (CED)

1 Summary

- 1.1 The Local Government Association (LGA) has developed a Model Councillor Code of Conduct 2020, in association with key partners and after extensive consultation with the sector. This is 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. All Councils are required to have a local Councillor Code of Conduct. It is not mandatory for all Councils to have the same code.

2 Details

- 2.1 The current Councillor Code of Conduct was adopted by the Council in 2011 and was based on the then LGA recommended code for Members. The current code is principles rather than a rules based code.
- 2.2 Following extensive consultation the LGA has now produced an updated Model Code attached at Appendix 1. A copy of the consultation is at Appendix 2 and is worth reading. The LGA states that the purpose of the Code of Conduct is to assist Councillors, in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against them. It is also to protect Councillors, the public, fellow Councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and their specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government
- 2.3 There are certain new obligations such as an obligation to attend training, more text on the use of confidential information and on equalities issues. Reference to social media is now included in the Model Code.
- 2.4 Members are asked to consider whether the current limit of £25 for registering gifts and hospitality is maintained or whether it should be increased to £50 as is recommended in the revised LGA model code. The Committee for Standards in Public Life has recommended that Councils publish on the website details of the Register of Gifts and Hospitality. This Register was always open to the public. Officers have arranged for the website to be updated to include this.
- 2.5 It is recommended that the Council adopts this new code as drafted to replace the existing code attached at Appendix 3 subject to setting a limit on the value of gifts and hospitality

- 2.6 Training on the new Model code for all Members, Parish (Community) Councillors and Officers has been arranged over 3 dates in March 2021. Training in March will mean that Members will have a knowledge and understanding of the code before adoption. The training is being provided by the firm who were appointed by the LGA to draft the code Paul Hoey Associates. The training will be paid for out of the member training budget with some contributions from the various Parish Councils
- 2.7 The LGA will review the code annually to ensure it is up to date and will offer support training and mediation
- 2.8 Guidance on the code will be produced The LGA are currently procuring the following written guidance on the application of the code to assist members

(1) To support councillors in understanding and meeting the LGA's Model Councillor Code of Conduct 2020.

And to assist Monitoring Officers

*(2) To develop guidance to support Monitoring Officers in managing and undertaking investigations into potential breach of the Council's Member Code of Conduct. This is to help Monitoring Officers apply a consistent best practice approach which is proportional, fair, impartial, timely, transparent and confidential in investigating complaints resulting in findings of fact to determine whether a **breach** of the Code has occurred*

The code aims to be relatively short and simple and have accompanying guidance rather than a very detailed code running to many pages and covering all possible scenarios. It has been accepted that some provisions need some interpretation around them.

3 Options and Reasons for Recommendations

- 3.1 The Council can choose to adopt the new LGA Model Councillor Code of Conduct 2020 or retain its existing code.
- 3.2 If the Council adopts the LGA Model councillor Code it can choose to set the limit for registration of gifts and hospitality at £50 as recommended in the LGA model Code or retain the current £25 threshold limit for registration.

4 Policy/Budget Reference and Implications

- 4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5 Financial, Equal Opportunities, Staffing, Environmental, Community Safety, Public Health, Customer Services Centre, Risk Management and Health & Safety Implications

- 5.1 None specific.

6 Legal Implications

- 6.1. Under the Localism Act 2011 the Council is under a duty to promote and maintain high standards of conduct and to adopt a Code of Conduct for its elected Councillors based on the principles of standards in public life.
- 6.2 It is not mandatory for all Councils to have the same code.

7 Communications and Website Implications

- 7.1 If adopted the revised code will be published on the website with the updated Register of member's interests. The Register of Gifts and hospitality is now published on the website

8 Parish Council implications

- 8.1 All Parish and Community Councils in the District are aware of the new Model LGA Code. All have indicated an intention to adopt the same. All Clerks have received an invitation for their members to attend the training being run by this Council. The Hertfordshire Association of Local Councils (HALC) is also advising and assisting Clerks and Parish Councillors in this respect.

9 Recommendation

- 9.1 That Policy and Resources Committee recommends to Council that the Council adopts the Local Government Association Model Councillor Code of Conduct 2020 with effect from the Annual meeting in May 2021.
- 9.2 That Policy and Resources Committee recommends to Council to agree that the limit for registering gifts and hospitality be increased from the current £25 to £50 as set out in the Local Government Association Model Councillor Code of Conduct.
- 9.3 That all Members attend one of the 3 training sessions on the model LGA Councillor Code which Officers are proposing is essential training for all Members prior to adoption of the code.
- 9.4 That additional training be arranged after the 2021 elections on the model Councillor Code for any new Councillors and that they be required to attend.

Report prepared by: Anne Morgan Solicitor to the Council and Monitoring Officer

Data Quality

Data sources: LGA

Data checked by: Sarah Haythorpe

Data rating:

1	Poor	
2	Sufficient	
3	High	x

Background Papers

Localism Act 2011

APPENDICES / ATTACHMENTS

Appendix 1 LGA Model Councillor Code of Conduct 2020

Appendix 2 LGA consultation exercise on the Model Councillor Code of Conduct 2020

Appendix 3 Current Code of Conduct for Three Rivers District Councillors