

## Revised Members' Code of Conduct

<b>Corporate Priority:</b>	Ensuring the right conditions to support service delivery
<b>Relevant Ward Member(s):</b>	Not applicable
<b>Date of consultation with Ward Member(s):</b>	Not applicable
<b>Exempt Information:</b>	No

### 1 Summary

- 1.1 The purpose of this report is to present Members with a revised Members' Code of Conduct for consideration prior to it being submitted to full Council on 16 December 2021 for approval.
- 1.2 The revised Code is based on the new model code recently produced by the Local Government Association (LGA) following the recommendations made by the Committee on Standards in Public Life.
- 1.3 The purpose of having a Code of Conduct for Members is to promote high standards of conduct and trust and set out what the public can expect from their representatives.
- 1.4 The revised code has been locally amended to suit the needs of the Leicestershire authorities.

### 2 RECOMMENDATION

**That Committee:**

- 2.1 **Endorse the locally amended Code of Conduct as set out in Appendix B; and**
- 2.2 **Recommend to Council that the locally amended Code of Conduct as set out in Appendix B of the report be approved and implemented from 01 April 2022.**

### **3 Reason for Recommendations**

- 3.1 Following consultation during 2020, the LGA published the final version of the model Code in January 2021. The model Code is described by the LGA as ‘designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government’. The expectation is that all Councils should adopt it as a minimum but provision for additional local variations is permitted, which are considered in the body of this report.

### **4 Background**

- 4.1 The Localism Act 2011 (‘the Act’) places the Authority under a duty to promote and maintain high standards of conduct. In discharging this duty, the Authority is required to adopt a Code dealing with the conduct that is expected of its members and co-opted members.
- 4.2 The Act abolished the previous national model Code and instead imposed a simple requirement that each authority put in place a Code which, when viewed as a whole, is consistent with the 7 principles of public life (selflessness, integrity, objectivity, accountability, openness, honesty and leadership), and which includes provisions in respect of the registration and disclosure of pecuniary interests and interests other than pecuniary interests.
- 4.3 The Council's current Members' Code of Conduct was adopted on 18 July 2012 and last reviewed by the Council on 23 February 2017.
- 4.4 On 30 January 2019, the Committee on Standards in Public Life (CSPL), which is responsible for ensuring high standards of conduct, published its national report on local government ethical standards:  
<https://www.gov.uk/government/publications/local-government-ethical-standardsreport>
- 4.5 One of the main recommendations of the Committee was that the Local Government Association (LGA) should create an updated, non-mandatory, model code of conduct, which local authorities could then consider either adopting in full or adapting according to their local circumstances.
- 4.6 The LGA undertook a review of the member model code of conduct in response to the recommendations made by the CSPL, but also in response to 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.

- 4.7 The CSPL found there was considerable variation in the length, quality, and clarity of codes of conduct across local authorities.
- 4.8 The LGA aimed to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It aimed to set 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.
- 4.9 The LGA's objectives in reviewing the model code of conduct were to:
- 4.9.1 articulate what local government believes are good standards for all in public office.
  - 4.9.2 Show leadership in good standards of conduct for those in public office, both elected and as employees
  - 4.9.3 achieve consensus between the stakeholders affected by local government conduct
  - 4.9.4 support its member councils and partners in achieving good standards of conduct
  - 4.9.5 produce a code that is fit for purpose, useful and held in high regard
  - 4.9.6 enhance the reputation of local government and local politicians
  - 4.9.7 support the good running of councils
  - 4.9.8 support all democratically elected representatives to deliver their best on behalf of local communities
  - 4.9.9 build on the good practice that already exists within member councils

### The Model Code

- 4.10 The LGA developed a 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.
- 4.11 In January 2021, the LGA issued a new model Code of Conduct which was updated in May 2021. The Code can be found at the following link:  
<https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020>

4.12 In introducing the new model code, the LGA issued the following statement:

*“The role of councillors 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 councillors 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.”*

#### Local Amendments to the Model Code

- 4.13 The Monitoring Officer was part of a small working group of Leicestershire Monitoring Officers who reviewed and made some revisions to the LGA Model Code to reflect local issues and create a common local Model Code for adoption across Leicestershire.
- 4.14 As Leicestershire is a two-tier authority area, it was recognised that some Members of the District Councils serve on two or more local authorities (i.e. are dual-hatted county and district councillors). With this in mind discussions identified areas of commonality to achieve, as far as possible, a common code between the County and district councils. It is believed that this will assist those members who are ‘dual-hatted’ and avoid the need to apply two different codes. A local addition has been made to the LGA Model Code at paragraph 3.2.2 to provide further clarity for dual hatted members.
- 4.15 At the same time, it was recognised that district councils also have responsibility for conduct related issues in respect of parish councils. The Monitoring Officer has also been in discussions with the Chief Executive for the Leicestershire & Rutland Association for Local Councils (LRALC) and they will continue to work together to encourage the adoption of this common code throughout its parish councils.
- 4.16 The locally amended Model Code was considered on 26 October 2021 by the Constitutional Review Working Group and members were fully supportive of presenting the locally amended Code to this Committee.

## 5 Main Considerations

- 5.1 The locally amended Model Code is attached as Appendix A to this report. This Code has been updated to create a draft Members Code of Conduct for this Council and this is attached at Appendix B.
- 5.2 The Code applies to Members when acting in their official capacity and all forms of communication and interaction, including:
- 5.2.1 face to face meetings
  - 5.2.2 online or telephone meetings
  - 5.2.3 written communication
  - 5.2.4 verbal communication and non-verbal communication
  - 5.2.5 electronic and social media communications
  - 5.2.6 posts statements and comments
- 5.3 The Code retains the obligation to treat others with respect. All references to civility in the model code have been replaced with the word respect.
- 5.4 The Code contains an obligation to undertake code of conduct training.
- 5.5 The main changes to the Code were formatting changes with some amendments to the wording. The main points to highlight are:

### General

- 5.5.1 The LGA model Code contains a joint statement at the beginning of the document, which has been deleted from the locally amended model code.
- 5.5.2 References to “councillor” have been replaced with “Member”.
- 5.5.3 The application of the code (page 2) which is expressed to apply ‘when you are acting or are claiming to act in your capacity as a councillor’. This section has been expanded to include the obligation to uphold high standards of public conduct and provides further clarification of when the code applies.
- 5.5.4 The section on behaviours is largely as per the Council’s current code except that it has been redrafted by the LGA to be expressed in the first person rather than the third person, as per the current adopted Code.
- 5.5.5 There is a new section requiring members to cooperate with an investigation and confirming that members will comply with any sanction imposed (see para 9).
- 5.5.6 For the first time there is also guidance which is not part of the Code that deals with social media issues

## Interests

5.5.7 Part 10 and Appendix B i.e. the sections on interests contains the most differences. The LGA Model Code refers to three types of interest as follows:

- a) **Disclosable Pecuniary Interests** - Disclosable Pecuniary Interests (or 'DPIs') were introduced by s30 of the Localism Act 2011. They are a category of interests which relate to the member and/or their partner, such as financial interests of you or your partner, such as your house or other property, or if you have a job or own a business. The categories are set out in regulations made under the Act and knowing non-compliance is a criminal offence.
- b) **Other registrable interests** - These are categories of interest which have been identified by the LGA as requiring registration as an aid to transparency. These relate to:
  - i) Details of any body of which you are a member or in a position of general control or management and to which you are appointed by your local authority.
  - ii) Details of any body of which you are a member or in a position of general control or management and which exercises functions of a public nature, is directed to charitable purposes, or has the principal purpose of influencing public opinion or policy.
  - iii) Details of any gifts or hospitality with an estimated value of more than £50 received in connection with your official duties. These interests are personal to you only and do not apply to your spouse /partner etc.
- c) **Non-registrable interests** - These are your own interests or those of your family/relative/close associate etc. which are not required to be registered but will need to be declared as and when they arise.

## Declarations at meetings

5.5.8 The requirement to declare an interest at a meeting is as follows:

- a) **DPI** - Where you have a Disclosable Pecuniary Interest in any matter to be considered at a meeting you must disclose the interest, not participate in any discussion or vote on the matter and you must not remain in the room unless you have been granted a dispensation.

b) **Other Registrable Interests** - Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registrable Interests, you must disclose that interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting, but otherwise must not take part in any discussion 59 or vote on the matter and must not remain in the room unless you have been granted a dispensation. Where a matter simply affects such an interest, then the test detailed in paragraph (c) below applies.

c) **Non-registrable interests:**

i) Where a matter arises at a meeting which directly relates to your financial interest or well-being or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

ii) Where a matter arises at a meeting which affects your own financial interest or well-being, a financial interest or well-being of a relative or close associate, or a financial interest or wellbeing of a body included under Other Registrable Interests, you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing that interest the following test should be applied.

The test

Where a matter affects a financial interest or well-being:

(i) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and

(ii) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. There are various allowances for sensitive interests etc.

## Guidance on LGA Model Councillor Code of Conduct

- 5.6 The LGA have also published some comprehensive guidance which assists with the understanding and interpretation of the new code. There is some specific guidance on the understanding how various interests will apply in practice. The guidance can be accessed via the following link: [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

## Other Leicestershire Authorities Update

- 5.7 The Locally amended LGA Model Code will be / has been considered by other Councils across Leicestershire through their own governance processes as detailed below:

1	Leicestershire County Council	6 Oct 21 – Sub-Group of Corporate Governance Committee 5 Nov 21 - Corporate Governance Committee 01 Dec 21 – Full Council
2	Blaby District Council	Officers and Audit and Standards Committee recommending change to the model LGA code with the local amendments.
3	Charnwood Borough Council	The Member Conduct Committee have decided to await the approach of the County Council – it felt it important to have a shared code if possible, for the benefit of dual hatted Members
4	Harborough District Council	Considered by the Audit and Standards Committee on 20 October 2021 who will be recommending adoption by Council on 13 December
5	Hinkley & Bosworth Borough Council	Being considered by Committee and Council in February 2022.
6	North West Leicestershire District Council	Audit and Governance Committee 19 January 2022 Council 24 February Proposed implementation date of 1.4.22, if members approve the code and arrangements
7	Oadby & Wigston Borough Council	Constitutional Committee recommending approval by full Council on 21 December 2021.

## **6 Consultation**

- 6.1 The Monitoring Officer along with a sub-group of Leicestershire Monitoring Officers and the Chief Executive of the Leicestershire & Rutland Association of Local Councils (LRALC) regularly met throughout 2021 to agree which local changes (if any) were required to the Code. The amendments were supported by all Monitoring Officers across Leicestershire but subject to member approval.
- 6.2 The Constitutional Review Working Group were presented with the locally amended model code on 26 October 2021 for their views and guidance. The Group was supportive of presenting this to the Audit and Standards Committee and thereafter to Council for approval and adoption.
- 6.3 A comprehensive training programme will be developed to ensure members are aware of the changes and conversant with the terms of any code adopted. Training will be delivered to Members in 2022 prior to implementation on 01 April 2022.
- 6.4 If members agree to the adoption of the proposed code, the Monitoring Officer will consult with all parish councils with a view to providing training in early 2022.

## **7 Next Steps – Implementation and Communication**

- 7.1 If the Committee resolve to endorse the Code, it will be presented to Council in December with a view to the Constitution being amended thereafter.
- 7.2 A comprehensive training programme will be developed to ensure members are aware of the change and conversant with the terms of any code adopted.

## **8 Financial Implications**

- 8.1 There are no financial or other resource implications arising directly from this report. Training requirements will be met from existing budgets.

**Financial Implications reviewed by: Director for Corporate Services**

## **9 Legal and Governance Implications**

- 9.1 Under the Localism Act 2011, each local authority has a duty to adopt a Code of Conduct dealing with the conduct that is expected of members and co-opted members, when they are acting in that capacity. The code must be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 9.2 Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests. There is no national prescribed version of a code in England and no obligation to adopt a particular model.
- 9.3 The LGA Model Code is suggested national good practice, and Councils can adopt this revised code, or adopt their own local code.

9.4 As set out in the body of this report, the Monitoring Officers across Leicestershire have worked together to review the LGA Model Code and have suggested some changes to the format and style, with the aim of producing a Code that could be adopted on a county wide basis.

9.5 The Committee is responsible for standards functions as set out in the constitution and for advising the Council on the adoption or revision of the Members' Code of Conduct. Any amendments would need to be referred to Council for consideration and adoption.

Legal Implications reviewed by: **Monitoring Officer**

## **10 Equality and Safeguarding Implications**

10.1 There are no equalities or safeguarding implications arising directly from this report.

## **11 Community Safety Implications**

11.1 There are no community safety implications arising directly from this report.

## **12 Environmental and Climate Change Implications**

12.1 There are no environmental and climate change implications arising directly from this report.

## **13 Other Implications (where significant)**

13.1 There are no other implications arising directly from this report.

## **14 Risk & Mitigation**

14.1 None

## **15 Background Papers**

15.1 Members Code of Conduct as approved at Council on 18 July 2012:

15.2 Member Code of Conduct review as approved at Council on 23 February 2017

15.3 Implementation of Best Practice Recommendations from the Committee on Standards in Public Life Report – Audit & Standards – 02 December 2019

15.4 LGA Model Code of Conduct Update Report – Audit & Standards – 28 July 2020

15.5 Guidance on Local Government Association Model Councillor Code of Conduct: [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

- 15.6 Local Government Association Model Councillor Code of Conduct: [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

## 16 Appendices

- 16.1 Appendix A – Draft Locally Amended LGA Model Code of Conduct  
16.2 Appendix B - Draft Members' Code of Conduct

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