

Report to: Standards Committee

Date: 9th December 2021

Report Author: Executive Director (Legal & Democratic Services)

Title of Report: Review of Council's member code of conduct

1. Purpose of Report

- 1.1 This report informs Committee about the LGA model code of conduct and seeks members views about adoption of the same, either in whole or in part

2. Recommendations

That Committee:

- 2.1 considers the LGA model member code of conduct (attached at Appendix A);
- 2.2 considers the LGA guidance to members on the model code of conduct (attached at Appendix B);
- 2.3 agrees that the Council should consider adoption of the model code and supports all members of the Council being consulted on the matter prior to a final recommendation being made to Council

3. Background and Reasons for Recommendations

- 3.1 The Council is required by law to have a member code of conduct (section 27(2) Localism Act 2011). The terms of that code are largely for each local authority to decide for itself, although the rules relating to disclosable pecuniary interests are statutory and therefore compulsory (sections 28(3) and 30 Localism Act 2011). The Council's code of conduct, and any changes to it, require approval by full council (section 27(8) Localism Act 2011).
- 3.2 The Council's current member code of conduct is attached at Appendix C. It was adopted in 2012 following the Localism Act 2011 and was virtually identical to the code of conduct adopted by Lancashire County Council at the time. The intention was to ensure consistency across both tiers of local government in the Borough and to ensure that the same standards and requirements applied to "dual hatted" councillors. Altham Parish Council then adopted a code of conduct in the same terms as the Council's, again for ease of administration.
- 3.3 The current member code appears to be working satisfactorily. There has only been a low level of complaint about councillors over the last decade. The vast majority of complaints received by the Monitoring Officer have been minor in nature and have been suitable for informal resolution with the councillor concerned. At the time of

writing, no complaints have been referred to the Standards Hearing Sub-Committee for determination in over 5 years.

- 3.4 However, it is sensible to avoid complacency. There is also a renewed interest in standards in public life. For some time, there has been a view amongst local government commentators and practitioners that the current statutory requirements may not provide a sufficiently comprehensive framework for the standards regime and can lead to inconsistency between local authorities as codes of conduct differ considerably in their content.
- 3.5 As a result, the LGA this year produced a model code of conduct for members, which it is urging all local authorities to adopt, and many are currently considering doing so. The LGA also produced very comprehensive guidance for councillors – this is based on the model code and provides detailed guidance on what the code means and what councillors can do to ensure they comply. These documents are attached at Appendix A and B respectively.
- 3.6 What are the main changes if we adopt the model code ? In summary only:
- the model code goes into more detail than the current HBC code. The guidance goes into greater detail still.
 - the rules relating to declaration and registration of interest are different. For example, the interests of members' friends and family are dealt with in the current HBC code as conflicts of interest, which members are required to resolve in the public interest. In the model code these interests become declarable, with members being able to speak and vote in some circumstances but not in others. The rules relating to interests in the model code are considerably more detailed (and complicated) than those in the current HBC code. They bring the benefit of greater certainty and consistency, but at the possible expense of ease of understanding and application.
- 3.7 The Council has not reviewed its code of conduct for some time and it seems sensible and timely to do so now. It is therefore suggested that the model code and guidance are shared with all members as part of a short consultation process. Any comments received will be brought back to this Committee for consideration before a final proposal is put to full Council, hopefully at its March meeting.

4. Alternative Options considered and Reasons for Rejection

- 4.1 Members could decide that they do not wish to consider adoption of the model code, either in whole or in part

5. Implications

Issue	Comments
Financial (including mainstreaming)	No costs identified currently. Training will be required for all councillors if a new code is adopted. This could be provided at no cost in house, but officers will also explore the cost and availability of training by the LGA and other providers. This would carry

	a cost, but training would not be commissioned until a budget had been identified.
Legal	No issues identified. The legal implications of this matter are set out in section 3 above.
Assessment of Risk	No risks identified.
Equality	No equality issues identified.

6. Consultations

- 6.1 None at this stage, though consultation with all councillors is proposed as a next step.

7. Local Government (Access to Information) Act 1985: List of Background Papers

None

8. Freedom of Information

- 8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.