



Standards Sub-Committee

15 July 2021

Subject: LGA New Model Code of Conduct – to consider recommending its adoption, by West Lindsey District Council

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

To present the LGA's New Model Code of Conduct following its National Launch in January 2021 and to consider recommending its adoption by West Lindsey District Council and subsequently the Parishes of the District.

RECOMMENDATION(S):

- 1) That the Standards Sub-Committee recommend to the Governance and Audit the LGA Model Code of Conduct be the standard by which WLDC Councillors should be expected to adhere to and as such request that they subsequently recommend it to Full Council for formal adoption.**
- 2) That Standards Sub-Committee support the programme and time-line of associated work to be undertaken to seek adoption of the Code of Conduct by Parishes across the District by May 2022**

IMPLICATIONS

Legal:

The Council is required to have a Code of Conduct which meets the Nolan principles.

Financial :

None directly arising from the report

Staffing :

There will be additional work short term ensuring both district and parish councillors are engaged with this process through a series of workshops and training events. This work will be met from within existing resources.

Equality and Diversity including Human Rights :

The LGA Model Code strengthens the requirement for Members to abide by the Equality Act.

Data Protection Implications :

None directly arising from the report

Climate Related Risks and Opportunities:

None directly arising from the report – However associated work in promoting the Codes uptake and training of Members will be held virtually wherever possible. Reducing travel across the District.

Section 17 Crime and Disorder Considerations:

None directly arising from the report

Health Implications:

None directly arising from the report

Title and Location of any Background Papers used in the preparation of this report :

Risk Assessment :

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Background

- 1.1 Members will recall that in 2018 the Committee for Standards in Public Life (CSPL) undertook a review of local government ethical standards and in 2019 published its report and findings.
- 1.2 The CSPL made a series of recommendations to the government for legislative changes to be made and series of best practice recommendations for local authorities to be considered as a benchmark of good ethical practice.
- 1.3 The Sub-Committee considered this matter at its meeting on 6 November 2019. The relating report and minute can be viewed at <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=237&MId=2653&Ver=4>
- 1.4 The Government was expected to respond to the report in September 2019 setting out whether or not it accepted some or all of the recommendations. A full response is still awaited ,
- 1.5 However, one recommendation which has seen progress, is the recommendation that the Local Government Association should create an updated model code in consultation with representative bodies of Councillors and Officers across all tiers of local government.

2. Development of the Model Code, Consultation Undertaken and Outcomes

- 2.1 Hoey Ainscough associates were appointed by the LGA in the Spring of 2020 and produced a first draft Code in the Summer of 2020. The sub-committee considered this matter at its meeting on 12 August 2020, the report can be viewed at <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=237&MId=2851&Ver=4>
An appropriate consultation response, in line with the Committee's informal discussions, was submitted and shared with Members. Members were also encouraged to respond separately and information was circulated to parish councils.
- 2.2 Over 1600 written responses to the consultation were received and there were over 1000 participants across the 4 webinars held, and at which the Authority had representation.
- 2.3 High Level Consultation responses are summarised as follows: -
 - Overwhelming support for the Code. But a number of issues raised.
 - First person or third person
 - Respect or Civility?
 - More on social media including confidentiality.
 - Declaration of gifts £25 too low £50 too high?
 - Need for accompanying guidance with examples
 - Equality Act - obligation to comply
 - Obligation to cooperate with investigation
 - Compulsory training for members
 - Sanctions

2.4 Through the Autumn of 2020 the draft Code and the consultation responses received were given further consideration with the final draft Code approved by the LGA Board in December 2020 and launched at a series of events in January 2021.

3. Resulting Code of Conduct and Reasons for recommending adoption.

3.1 The new model code of conduct is attached at Appendix A.

3.2 The New Code Covers

- Respect
- Bullying, harassment and discrimination
- Respect for the impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the Code of Conduct
- Protecting councillors' reputation and the reputation of the local authority
- Gifts and hospitality
- Declaration of interests wider than the DPI Regulations
- Strengthens emphasis on intimidation, abuse and bullying
- Reiterates that all forms of councillor communications are included, including social media
- Improves guidance re gifts, hospitality and conflict of interests
- Has a wider scope

3.3 Members will be aware that West Lindsey over recent years has extensively revised its Code of Conduct having recognised that a Nolan Principle only Code did not suffice, re-introducing much of its previous Code, as far as legislation permitted.

3.4 Of the 14 best practice recommendations arising from the CSPL report, West Lindsey had already introduced 10 of its own volition, and through experience of dealing with Code of Conduct matters.

3.5 West Lindsey's current Code already includes many of the provisions including respect, bullying, compromising officers, bringing the authority in disrepute, confidentiality, reference to social media and local provision requiring the declaration of wider interests in respect of planning decisions. It also has a clear scope on when the Code can be applied.

3.6 Members will note that the word civility, which was not supported by this Sub-Committee has been replaced by the more commonly understood phrase, "treating others with respect."

3.7 Members will also note that whilst sanctions cannot be addressed through the Code, due to legislation changes being required, (an area the committee has previously expressed concern with) the model code does now place a

requirement for Councillors to comply with any sanction if they are found to have breached the Code of Conduct.

- 3.8 West Lindsey's approach to wider declarations of interest is also supported within the LGA's Model Code, albeit the requirements are slightly different and there will need to be a process of re-educating and re-training members appropriately.
- 3.9 Whilst moving to the new Model Code of Conduct is not a mandatory requirement, and arguably it places very few additional requirements on our Members due to the significant revisions agreed in 2018, a national single code for all elected members, with clear wording and additional guidance, working examples and explanatory text is something Officers believe should be welcomed. A reasonable, clear, national standard for all can only be seen as an improvement.
- 3.10 The LGA have commissioned Hoey Ainscough associates to commission the additional guidance referred to above. This was anticipated to be launched in March 2021 but is now expected to be launched on Thursday 8 July at the LGA's virtual conference.
- 3.11 This guidance, it is anticipated, will provide both those subject to the Code and those charged with assessing complaints made under Code, clear expectations and a commonly understood interpretation; something which has not been provided since the introduction of the Localism Act.
- 3.12 Guidance notes are something the Sub-Committee have previously commented are required and Officers had begun to develop West Lindsey specific ones but halted work, pending the development of new model code. The LGA Guidance notes will be shared with the Sub-Committee as soon as they become available after 8 July.
- 3.13 Additional Benefits of adopting the Code are
- Greater consistency of approach to standards cases
 - Potential for higher standards of conduct
 - Addresses specific areas of concern raised through the consultation
 - Reduces levels of complexity around particular issues
 - Introduces more robust safeguards needed to strengthen a locally determined system
 - Importantly recognises that Councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone including the general public.
- 3.14 It is therefore recommended, that the Standards Sub-Committee recommend to the Governance and Audit Committee (and subsequently Full Council) that West Lindsey District Council adopt the LGA Model Code in its entirety including the guidance and supporting notes.

4. Parish Council Adoption

- 4.1 The Sub-Committee will be aware that Parish Councils are also required to have and adopt a Code of Conduct , which must as a minimum address the Nolan Principles.
- 4.2 Currently across the District 49 Parishes have adopted WLDC's current Code, 19 have adopted the NALC Code and 5 have codes of their own.
- 4.3 Should the Sub-Committee be supportive of the District Council adopting the LGA Model Code of Conduct, work will need to be undertaken with the Parishes with a view to encouraging them to also adopt the Model Code.
- 4.4 It should be noted that NALC have indicated their intention to withdraw their current model Code, instead promoting the LGA Model Code as the standard to work to.
- 4.5 Officers have recently attend a LALC event, attended by Parish Clerks and outlined the work the authority is currently doing in respect of this matter.
- 4.6 Set out below is a timetable of associated work to be undertaken in adopting and implementing the new Code of Conduct both within the District Council and subsequently across its Parishes.

Action	Date
Recommendation from this Committee Submitted to the Governance and Audit	September 2021
Full Member Workshop / Training for District Councillors - to present the Code in advance of formal adoption – VIRTUAL	October 2021
Recommendation from the Governance and Audit Committee submitted to Full Council with the Code adopted by the District	November 2021
Communications to Parish and Town Councils	November 2021
Series of Workshops / Training to be held with Parish Councils to raise awareness and encourage adoption. These may be cluster events or attendance at individual Parishes Virtual arrangements will be used wherever possible	Jan – March 2022
All Parishes to have adopted the Code by their AGM in May 2022 and advised the DC accordingly	May 2022
Position Review	June 2022
Follow up work	June 2022 onwards

- 4.7 The Sub-Committee are asked to support the programme and time-line of associated work to be undertaken.