



**Governance and Audit  
Committee**

**Tuesday 28 September 2021**

**Subject: Recommendation for the Standards Sub-Committee -  
Adoption of a New Code of Conduct for Members**

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

To consider the recommendation from the Standards Sub-Committee

This report presents the LGA's New Model Code of Conduct following its National Launch in January 2021 and supporting guidance (issued July 2021).

The Standards Sub-Committee are recommending that the Governance and Audit Committee support their recommendation and recommend to Full Council in November 2021 that the Code'(and supporting guidance notes) be adopted by West Lindsey District Council (and subsequently the Parishes of the District ) as the standard by which all Councillors should be expected to adhere to.

**RECOMMENDATION(S):**

**(1) That the Governance and Audit Committee accept the recommendation from the Standards Sub-Committee and in doing so:**

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**recommend to Full Council that West Lindsey District Council: -**

- **adopts the LGAs model code of Conduct and associated Guidance Notes as the Authority's Code of Conduct with immediate effect.**
- **Encourage All Parish Council's across the District to adopt West Lindsey's new Code of Conduct by May 2022**
- **That the roll-out process detailed in Section 5 of the report be approved and implemented; and**

**(2) The Committee supports the Standards Sub-Committee's recommendation that "Officers be requested to continue lobbying Government Ministers for a change in legislation to allow for the decriminalisation of "interests", and the re- introduction of proper meaningful sanctions" and recommends to full Council that they do so as well and requests that the Leader writes to the relevant Ministers to further highlight this important point."**

**(3) Prior to the Full Council Meeting in November 2021, training on the requirements of the new Code be provided to all District Councillors.**

## IMPLICATIONS

### **Legal:**

As prescribed by the Localism Act 2011 - The Council is required to have a Code of Conduct which as a minimum meets the Nolan principles.

### **Financial : FIN/82/22/TJB**

Any additional costs, which are anticipated to be minimal, associated with workshops and training events will be met within existing budgets.

### **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.

### **Equality and Diversity including Human Rights :**

None directly arising from the report.

### **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:**

Wherever possible please provide a hyperlink to the background paper/s  
If a document is confidential and not for public viewing it should not be listed.

<b>Risk Assessment :</b>

**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 Introduction**

- 1.1 The Standards Sub-Committee at Its meeting on 15 July considered a report which presented the LGAs new Model Code of Conduct and, associated Guidance Notes.
- 1.2 The Committee gave consideration to the benefits and merits of adopting this new Model as the Code of Conduct and as a result of its deliberations have recommended to the Governance and Audit Committee that the LGA's model Code of Conduct be adopted in Full by West Lindsey District Council , as the Code by which its Elected Members should abide.
- 1.3 The report considered by the Standards Cub-Committee, can be viewed at:-  
<https://democracy.west-lindsey.gov.uk/documents/s25426/LGA%20New%20Model%20Code%20Conduct%20to%20consider%20recommending%20its%20adoption.pdf>

## **2 Background**

- 2.1 Back 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.
- 2.2 The CSPL made a series of recommendations to the government for legislative changes to be made as well as a series of best practice recommendations for local authorities, considered as a benchmark of good ethical practice. These are summarised in Appendix C of the Model Code of Conduct – attached at Appendix A
- 2.3 The Standards Sub-Committee have followed this matter closely and considered the CSPL report and recommendations 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>
- 2.4 Of the 15 best practice recommendations arising from the CSPL report, West Lindsey had already introduced 11 ½ , through experience of dealing with Code of Conduct matters, many of these being introduced when West Lindsey radically overhauled its code in 2017/18.
- 2.5 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 ,
- 2.6 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.

### **3. Development of the Model Code, Consultation Undertaken and Outcomes**

3.1 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>

3.2 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.

3.3 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.

3.4 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

3.5 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.

3.6 Key changes implemented as a result of the consultation were : -

- A move away from the word civility, (not supported by the Standards Sub-Committee) seeing it replaced by the more commonly understood phrase, "treating others with respect."
- Including a requirement for Councillors to comply with any sanction if they are found to have breached the Code of Conduct, in attempt to ensure compliance in the absence of meaningful sanctions

3.7 The Sub-Committee welcomed the resulting changes. The lack of sanctions is an area the sub-committee has previously and continues to express concern at.

#### **4. Resulting Code of Conduct and Reasons for recommending adoption.**

4.1 The resulting new Model Code of Conduct is attached at Appendix A and supporting guidance can be viewed via the following link <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#general-principles-of-councillor-conduct>

#### **4.2 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

4.3 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 (LGA's previous model) did not suffice, re-introducing much of its previous Code, as far as legislation permitted.

4.4 This work was undertaken throughout 2017 culminating with West Lindsey District Council adopting its current Code of Conduct in May 2018.

4.5 As a result, West Lindsey's current Code already includes many of the "new" 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.

4.6 Whilst the lack of sanctions cannot be addressed through the Code, due to legislation changes being required, the new model code does now

place a requirement on Councillors to comply with any sanction if they are found to have breached the Code of Conduct. It also makes it a mandatory requirement for all Councillors to undertake Standards /Code of Conduct Training.

4.7 West Lindsey's ethos of declarations of interest wider than the legal requirements" of the Localism Act/ DPI Regulations is also supported within the LGA's New Model Code, albeit the requirements are slightly different and there will need to be a process of re-educating and re-training members appropriately.

4.8 The new code recognises the following interests

- A Disclosable Pecuniary Interest – as defined in the DPI Regs 2012 (no change)
- B Other Registrable Interests
- C Non-registrable interests (currently personal / and local provision prejudicial in our adopted code )

4.9 Whilst moving to the new Model Code of Conduct is not a mandatory requirement, and arguably its 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 the Standards Sub-Committee believe should be welcomed.

4.10 A reasonable, clear, national standard for all can only be seen as an improvement.

4.11 Further Benefits of adopting the LGA 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.

4.12 This guidance will provide both those subject to the Code and those charged with assessing complaints made under Code, with clear expectations and a commonly understood interpretation; something it is considered has not been provided since the introduction of the Localism Act.

4.13 Guidance notes are something the Sub-Committee have previously advocated for and whilst Officers had begun to develop West Lindsey specific ones work halted, pending the development of new model code.



- 4.14 The Code, together with the Guidance have been designed to protect our democratic role, encourage good conduct, and safeguard the public trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political difference, to provide a personal check and balance, and to set out the types of conduct that could lead to complaints being made of behaviour falling below the standards expected of Councillors. It is also to protect councillors, the public and the local authority officer and the reputation of local government.
- 4.15 It is therefore recommended, from the Standards Sub-Committee that the Governance and Audit Committee support their recommendation that West Lindsey District Council's Full Council should adopt the LGA Model Code in its entirety including the guidance and supporting notes.
- 4.16 Whilst the creation of a Code wider the Nolan principles is to be supported and welcomed , the biggest change to regime will be realised by changes to legislation particularly in respect of sanctions.
- 4.17 An appropriate Code is only half the tools an MO requires to be effective. The re-introduction of sanctions is something the Standards Sub-Committee and Officers have been lobbying for a number of years and have raised again in all consultation responses relating to the Code's development.
- 4.18 In order to raise the profile of this matter, the Committee are asked to: - support the Standards Sub-Committee's recommendation from previous meetings that "Officers be requested to continue lobbying Government Ministers for a change in legislation to allow for the decriminalisation of "interests", and the re- introduction of proper meaningful sanctions".
- 4.19 The Committee are also asked to recommend to Full Council that they do the same and requests that the Leader writes to the relevant Ministers to further highlight this important point.

## **5. Parish Council Adoption**

- 5.1 The 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.
- 5.2 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.
- 5.3 Should the Committee and subsequently Full Council, 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.

- 5.4 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.
- 5.5 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.
- 5.6 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 the Standards Sub- 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

- 5.7 The Committee are asked to support the programme and time-line of associated work to be undertaken in the event that adoption of a new Code is supported.