

Name of Committee:	Standards Committee		
Committee Date:	7 November 2023		
Report Title:	Adoption of the LGA Model Code of Conduct and Arrangements		
Responsible Officer:	Jo McIntosh, Chief Legal and Monitoring Officer		
Cabinet Lead:	Cllr Bowdell, Cabinet Lead for Finance		
Status:	Non-Exempt		
Urgent Decision:	No	Key Decision:	No
Appendices:	1. LGA Model Code of Conduct 2. Arrangements		
Background Papers:	Code of Conduct Part 4 Section B - Code of Conduct for Councillors.pdf (modern.gov.co.uk)		
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Report Number:	HBC/049/2023		

Corporate Priorities:

The role of councillors is a vital part of our country's system of democracy. Councillors, represent local residents, work to develop better services and deliver local change through its Corporate Strategy. The Model Code has been designed to protect the democratic role, encourage good conduct and safeguard the public's trust in local government. Adoption of the Model Code ensures good governance and public confidence in the Council's decision making practices and procedures through which the Council agrees and delivers its Corporate Strategy.

Executive Summary:

This report outlines the adoption of the Model Code of Conduct which is published by the Local Government Association. The Standards Committee is asked to review the new Model Code, with a view to adopting it in its entirety or with revisions.

Recommendations:

To recommend to Full Council:

- A. To adopt the LGA Model Code of Conduct.
- B. To adopt the revised Arrangements for dealing with allegations that a Member has failed to comply with the Code of Conduct
- C. To arrange training for all Members.

1.0 Introduction

- 1.1 On 23 December 2020, the Local Government Association (LGA) published a model Councillor Code of Conduct (the Model Code). The Model Code, attached at Appendix 1, is described by the LGA as ‘designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.
- 1.2 The LGA describes the development of the Model Code as being ‘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’.
- 1.3 All councils are required to have a local Councillor Code of Conduct and the Model Code is provided for use by councils as a template to adopt in whole and/or with local amendments should they wish to.
- 1.4 It is the role of the Standards Committee to determine whether to recommend the Model Code to Council for inclusion in the Council’s Constitution.

2.0 The LGA Model Code

- 2.1 In its January 2020 report into Local Government Ethical Standards, the Committee for Standards in Public Life (CSPL) included a best practice recommendation for local authorities to the adopt a Code of Conduct based on a model produced by the Local Government Association (LGA).
- 2.2 When researching the local Codes of Conduct, the CSPL found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government.
- 2.3 The report of the CSPL recognised that clear, relevant, and proportionate codes of conduct are central to maintaining ethical standards in public life. In order to ensure consistency of approach the Committee recommended that there should be a national model code

of conduct, but that this should not be mandatory, and should be able to be adapted by individual authorities.

2.4 The LGA has produced a model code of conduct, which is based on the CSPL best practice recommendations and the expectation is that all councils should adopt it as a minimum, but with provision for additional local variations.

2.5 The key elements of the LGA Model Code of Conduct are that:

- it aims to be concise, written in plain English and be understandable to members, officers and the public
- it has been designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office
- it articulates behaviour which falls below the standards that would be expected of council members
- it is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

2.6 The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. Any proposed amendments by the LGA will be considered by the Monitoring Officer and brought to members as considered appropriate.

2.7 The LGA have produced guidance notes on the Code and its application. It has also produced training tools for Monitoring Officers. The LGA also offers support, training and mediation to councils and councillors on the application of the Model Code. Adoption of the Model Code of Conduct enables the Council to take advantage of this support and helpful tools.

- 2.8 Adoption of a nationally recognised Code of Conduct further promotes uniformity across Council throughout the country and provides further resilience should the Council need to seek advice in the Monitoring Officers absence.
- 2.9 The Council's current Code of Conduct and arrangements for handling complaints can be found at Part Four, Section B of the Council's constitution. The Localism Act requires the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance. As such, the Model Code does not differ significantly in content from the local code already in operation in Havant although some of the language used is different.
- 2.10 The Model Code is however, drafted in a different style. It is drafted in the first person. This modern easy-to-read use of language ensures that it is clearly understandable to all audiences. Whilst, at the same time the Model Code continues to require the upholding the Seven principles of public life (the Nolan Principles), contains obligations with guidance and sets out the legal requirements.

3.0 Arrangements for dealing with allegations that a Member has failed to comply with the Code of Conduct

- 3.1 The Council has arrangements in place for dealing with allegations that a Member has failed to comply with the Code of Conduct (Arrangements). These have been reviewed to ensure they remain fit for purpose and some minor amendments are proposed to the Arrangements. A copy of the proposed Arrangements can be found at Appendix 2.
- 3.2 It is proposed to introduce clearer timescales within the Arrangements. This is to ensure that all those involved within the process have both a clear expectation of how these matters are dealt with and when they can reasonably expect a resolution.
- 3.3 It is proposed to introduce a procedure flowchart to demonstrate at a glance, how allegations are considered. Again, this is to provide a

clear understanding of the process. These Arrangements are not routinely engaged and complaints and councillors are often not overly familiar with them. The flowchart seeks to assist those involved in the process.

- 3.4 It is proposed to insert a section in respect of confidentiality and confirm who shall be made aware of receipt and investigation of a complaint.
- 3.5 It is proposed to include provision for resolution amongst the relevant group leaders in respect of complaints by a councillor against a councillor. This is become more common in Arrangements and ensures that any complaints that are capable of being resolved amongst councillors are done so. It should be noted that this is proposed to be purely an informal process with the aim of resolving councillor against councillors' complaints at the earliest opportunity and reducing the resolution time for complaints.
- 3.6 The offer of complaint support has been included. It can be an unsettling and uncomfortable process for those involved. Support has been offered by our Chief HR Officer and team to assist those going through the process from a health and wellbeing perspective.
- 3.7 Finally, amendments have been made to the Arrangements to reflect a modern and more simplistic drafting.

4.0 Options

The following options have been considered in respect of the adoption of the Model Code.

- 4.1 Option 1
The preferred and recommended option is to adopt the LGA Model Code of Conduct as drafted. The Council should take advantage of the opportunity to adopt this best practice.
- 4.2 Option 2
Not to review and update thereby not taking advantage of the opportunity to ensure this Council is adopting best practice.
- 4.3 Option 3

The following options have been considered in respect of the adoption of the Arrangements.

4.4 Option 1

The preferred and recommended option is to adopt the Arrangements as drafted. The Council should take advantage of the opportunity to update its procedures.

4.5 Option 2

The Council does not review and update its Arrangements.

5.0 Relationship to the Corporate Strategy

5.1 The role of councillors is a vital part of our country's system of democracy. Councillors, represent local residents, work to develop better services and deliver local change through its Corporate Strategy. The Model Code has been designed to protect the democratic role, encourage good conduct and safeguard the public's trust in local government. Adoption of the Model Code ensures good governance and public confidence in the Council's decision-making practices and procedures through which the Council agrees and delivers its Corporate Strategy.

6.0 Conclusion

6.1 The Committee is asked to consider the Model Code of Conduct and proposed Arrangements for adoption by the Council. Should they Code of Conduct and Arrangements agreed training shall be arranged for all Members.

7.0 Implications and Comments

7.1 S151 Comments

The recommendations have no financial impact and follow sensible and practical guidelines. Therefore, this has my full support.

7.2 Financial Implications

7.3 Non arising directly from this report.

7.4 Monitoring Officer Comments

The Standards Committee is asked to consider the proposed report and make recommendations to Council.

7.5 Legal Implications

The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted members of the authority.

Section 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one independent person whose views must be sought and considered before the Council makes a decision about an alleged breach of the code that has been investigated.

There is no obligation by the Council to adopt a particular model of the Code of Conduct. The statutory duty is to adopt a code of conduct which complies with the statutory requirements referred to above.

7.6 Equality and Diversity

None directly arising from this report.

7.7 Human Resources

None directly arising from this report.

7.8 Information Governance

None directly arising from this report.

7.9 Climate and Environment

None directly arising from this report.

8.0 Risks

There are no risks directly arising from this report.

9.0 Consultation

9.1 Given the wide reaching consultation conducted by the LGA, it is not recommended that consultation is currently required on a local basis. However, the report and recommendations are in the public domain at Standards Committee and Council (if recommended to approve the adoption of the Model Code).

10.0 Communications

10.1 Should the Council adopt the Model Code, the Code shall be inserted into the Council's constitution and the communicated through the Council's website.

Agreed and signed off by:		Date:
Cabinet Lead:	Cllr Bowdell	30 October 2023
Executive Head:	Matt Goodwin	30 October 2023
Monitoring Officer:	Jo McIntosh	30 October 2023
Section151 Officer:	Steve Pink	30 October 2023