

**LGA NEW MODEL CODE OF CONDUCT**

**Report of the Strategic Head of Service & Monitoring Officer  
(Legal & Democratic Governance)**

**1. INTRODUCTION AND PURPOSE OF REPORT**

- 1.1 The Local Government Association (LGA) issued a new Model Councillor Code of Conduct on the 23 December 2020 with a headline statement that 'This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.'
- 1.2 The model code has been developed in association with key partners and after extensive consultation with the local government sector. Members will recall we formulated a response to the draft code on behalf of Stockport Metropolitan Borough Council which was submitted on 17 August 2020.
- 1.3 The LGA will undertake an annual review of the model code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.
- 1.4 The recently published model code is a template for councils to adopt in whole and/or with local amendments.
- 1.5 Stockport Metropolitan Borough Council's existing Code of Conduct for Members was based on a previous model code but adapted to best suit the requirements of the ten Greater Manchester (GM) authorities. It is anticipated that a cross GM approach may be taken again but in the interim it is recommended that the New Model Code of Conduct progresses through the Council's governance process to determine whether such is adopted into the Constitution at the Annual Council Meeting on 25 May 2021.

**2. BACKGROUND**

- 2.1 The Model Code of Conduct covers:
  - Joint statement
  - Introduction
  - Definitions
  - Purpose of the Code of Conduct
  - General principles of councillor conduct
  - Application of the Code of Conduct
  - Standards of councillor conduct
  - General Conduct: Respect; Bullying, harassment and discrimination; 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 your

reputation and the reputation of the local authority; Interests; Gifts and hospitality

- Appendix A: The Seven Principles of Public Life
- Appendix B: Registering Interests
- Appendix C: the Committee on Standards in Public Life

2.2 The LGA have published the code on their website (link below) and plan to issue guidance in support of the Code in the near future and hopefully by May 2021.

<https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>

2.3 A copy of the New Model Code is at Appendix 1 of this Report.

2.4 The New Model Code has been drafted “with a blank piece of paper” and the only provisions that were specifically carried over were the statutory requirements around Disclosable Pecuniary Interests which had to be included by law.

2.5 With that in mind, the main changes/differences between the new Model Code of Conduct and the existing Code of Conduct can be summarised as follows:-

New Model Code	Existing Code	Comments
Written in the first person and requires the Member to sign it by way of declaration	Written in third person and no requirement for signature	
<p><u>Refers to general principles as:-</u></p> <p>In accordance with the public trust placed in me, on all occasions:</p> <ul style="list-style-type: none"> <li>• I act with integrity and honesty</li> <li>• I act lawfully</li> <li>• I treat all persons fairly and with respect; and</li> <li>• I lead by example and act in a way that secures public confidence in the role of councillor.</li> </ul> <p>In undertaking my role:</p> <ul style="list-style-type: none"> <li>• I impartially exercise</li> </ul>	<p><u>Refers to general principles as (the Nolan Principles):-</u></p> <ul style="list-style-type: none"> <li>• Selflessness</li> <li>• Honesty and Integrity</li> <li>• Objectivity</li> <li>• Accountability</li> <li>• Openness</li> <li>• Personal Judgment</li> <li>• Respect for others</li> <li>• Duty to uphold the law</li> <li>• Stewardship</li> <li>• Leadership</li> <li>• Training</li> </ul>	<p>Removal of selflessness, objectivity, accountability, openness and personal judgment but the appendices include the Nolan Principles.</p> <p>Stewardship has been moved to “undertaking my role” declaration.</p>

<p>my responsibilities in the interests of the local community</p> <ul style="list-style-type: none"> <li>• I do not improperly seek to confer an advantage, or disadvantage, on any person</li> <li>• I avoid conflicts of interest</li> <li>• I exercise reasonable care and diligence; and</li> <li>• I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.</li> </ul>		
<p><u>Application of the Code</u> – the code applies as soon as you sign your declaration</p>	<p><u>Application of the Code</u> - applies as soon as you take office</p>	<p>Requires an actual step to be taken by the Councillor to sign the declaration</p>
<p><u>Application of the Code</u></p> <p>This Code of Conduct applies to you when:</p> <ul style="list-style-type: none"> <li>- you are acting in your capacity as a councillor and/or as a representative of your council</li> <li>- you are claiming to act as a councillor and/or as a representative of your council</li> <li>- you are giving the impression that you are acting as a councillor and/or as a representative of your council</li> <li>- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.</li> <li>- The Code applies to all</li> </ul>	<p><u>Application of the Code</u></p> <p>This Code applies to you as a member of the Council.....</p> <p>Subject to sub-paragraphs (2) and (3), you must comply with this Code whenever you are acting as a member or co-opted member of the Council or an appointed member of a joint committee, and references to your office capacity are construed accordingly.</p> <p>This Code does not have effect in relation to your conduct other than where it is in your official capacity.</p>	<p>Provides more clarity and examples of when the code applies in day to day activities undertaken by a councillor which is useful</p>

<p>forms of communication and interaction, including:</p> <ul style="list-style-type: none"> <li>- at face-to-face meetings at online or telephone meetings</li> <li>- in written communication</li> <li>- in verbal communication</li> <li>- in non-verbal communication</li> <li>- in electronic and social media communication, posts, statements and comments.</li> </ul> <ul style="list-style-type: none"> <li>• You are also expected to uphold high standards of conduct and show leadership at all times.</li> </ul>		
<p><u>General Conduct</u></p> <p>10 Sections on Respect, Bullying, Harassment and Discrimination, Impartiality, Confidentiality, Disrepute, Use of position, Use of local authority resources and facilities, Compliance with the Code, Interests and Gifts and hospitality</p>	<p><u>General Obligations</u></p> <p>These cover not breaching Equality Act 2010, being bullying or abusive, intimidation, confidentiality, conduct that causes disrepute, use of position, use of local authority resources, having regard to advice of statutory officers, interests</p>	<p>The way the new report is drafted requires the councillor to undertake to follow all of the new 10 sections of the Code</p>
<p><u>Appendices</u></p> <p>A – The Seven Principles of Public Life</p> <p>B – Registering Interests</p> <p>C – the Committee on Standards in Public Life and its best practice recommendations</p>		<p>The Nolan Principles were already in the previous Code.</p> <p>Registering Interests was included in main part of previous Code.</p> <p>Appendix C is a new document but the Standards Committee has previously reviewed the report and included</p>

		the best practices where appropriate.
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### **3. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 3.1 No financial considerations.
- 3.2 Regarding risk generally, a governance framework in local authorities is necessary to promote and maintain high ethical standards and to ensure public confidence.
- 3.3 Our Code of Conduct for elected members is included in our Constitution. The Constitution sets out the governance framework for local authorities, which provides the foundations for any local authority that aspires to be effective, progressive and successful.

### **4. LEGAL CONSIDERATIONS**

- 4.1 Our current Code of Conduct for Members was adopted in accordance with the Council's obligations under section 27 (2) of the Localism Act 2011 and complies with the requirements under section 28 of the Act. Any changes to the current Code of Conduct (and the Constitution) would be subject to approval by the full council at the Council Meeting.

### **5. HUMAN RESOURCES IMPACT**

- 5.1 None.

### **6. EQUALITIES IMPACT**

- 6.1 The proposed Code includes reference to the Equality Act 2010 and the Public Sector Equality Duty to ensure personal conduct of elected members reflects this.

### **7. ENVIRONMENTAL IMPACT**

- 7.1 None.

### **8. CONCLUSIONS AND RECOMMENDATIONS**

- 8.1 The Standards Committee is asked to:-
  - 8.1.1 Consider the recently issued LGA Model Councillor Code of Conduct in the context of the Council's response to the Consultation;
  - 8.1.2 Agree that the Model Code of Conduct be put to the Constitution Working Party for consideration, then through the Council's Governance Process to consider and

agree whether it ought to be adopted as the Council's New Code of Conduct at the Annual Council Meeting on 25 May 2021;

- 8.1.3 Recommend that the Monitoring Officer provide training to all Councillors (not just newly elected Councillors) on this New Code of Conduct, in the event it is adopted by the Council, as soon as possible after the Annual Council Meeting on 25 May 2021.

### BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact Vicki Bates

on Tel: 0161 474 3219 or by email on [vicki.bates@stockport.gov.uk](mailto:vicki.bates@stockport.gov.uk)