

MEMBERS CODE OF CONDUCT

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

1. INTRODUCTION AND PURPOSE OF REPORT

1.1 To recommend to Members that they agree to commend to the Council Meeting that the LGA voluntary model code of conduct for Members by adopted.

2. BACKGROUND

2.1 As a consequence of the Committee on Standards in Public Life Report issued in January 2019 the LGA drafted a new Voluntary Code of Conduct for Councillors. The Code is not mandatory and only some other GM Authorities are adopting it with others waiting to see if the government issue a new mandatory Code of Conduct as part of its response to the Committee on Standards in Public Life.

2.2 The LGA issued a draft Voluntary Code of Conduct on 17 August 2020 for consultation. A “final” version was issued on 23 December 2020. However, after further feedback from various Local Authorities seeking clarification on the section on interests and identifying some omissions a revised final version was published on 21 September 2021.

2.3 The council’s Standards Committee recommended on 3 March 2022 that the LGA Voluntary Code of Conduct be adopted by the council but with the inclusion of our local code in relation to the continued requirement for councillors to disclose personal and prejudicial interests (as was adopted by the council when that was removed from the previous national recommended code following the Localism Act 2011).

2.4 A copy of the LGA Voluntary Code is at Appendix 4 with the inclusion of the section on personal and prejudicial interests and dispensations in highlighted text.

2.5 A link to the LGA Voluntary Code held on its website is here:-

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

2.6 The main differences between the new proposed model code of conduct and the existing code of conduct are as follows:-

New Model Code	Existing Code	Comments
Written in the first person and requires the Member to sign it by way of	Written in third person and no requirement for signature	

declaration		
<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"> • I act with integrity and honesty • I act lawfully • I treat all persons fairly and with respect; and • I lead by example and act in a way that secures public confidence in the role of councillor. <p>In undertaking my role:</p> <ul style="list-style-type: none"> • I impartially exercise my responsibilities in the interests of the local community • I do not improperly seek to confer an advantage, or disadvantage, on any person • I avoid conflicts of interest • I exercise reasonable care and diligence; and • I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest. 	<p><u>Refers to general principles as (the Nolan Principles):-</u></p> <ul style="list-style-type: none"> • Selflessness • Honesty and Integrity • Objectivity • Accountability • Openness • Personal Judgment • Respect for others • Duty to uphold the law • Stewardship • Leadership • Training 	<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><u>Application of the Code – the code applies as soon as you sign your declaration</u></p>	<p><u>Application of the Code - applies as soon as you take office</u></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>	<p><u>Application of the Code</u></p> <p>This Code applies to you as a member of the</p>	<p>Provides more clarity and examples of when the code</p>

<ul style="list-style-type: none"> - you are acting in your capacity as a councillor and/or as a representative of your council - you are claiming to act as a councillor and/or as a representative of your council - you are giving the impression that you are acting as a councillor and/or as a representative of your council - you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor. - The Code applies to all forms of communication and interaction, including: <ul style="list-style-type: none"> - at face-to-face meetings at online or telephone meetings - in written communication - in verbal communication - in non-verbal communication - in electronic and social media communication, posts, statements and comments. • You are also expected to uphold high standards of conduct and show leadership at all times. 	<p>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>applies in day to day activities undertaken by a councillor which is useful</p>
<p><u>General Conduct</u></p>	<p><u>General Obligations</u></p>	<p>The way the new report is</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	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	drafted requires the councillor to undertake to follow all of the new 10 sections of the Code
<u>Appendices</u> A – The Seven Principles of Public Life B – Registering Interests (table of interests in addition to what is stated earlier in the code) C – the Committee on Standards in Public Life and its best practice recommendations	The Nolan Principles were already in the previous Code. No reference to personal and prejudicial interests or how to apply for a dispensation Appendix C is a new document, the relevant parts of which have already been adopted by the Standards Committee and the Council Meeting into the existing code of conduct.	A new section on our “local code” regarding personal and prejudicial interests has been included for consideration.

3. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

3.1 There are none.

4. LEGAL CONSIDERATIONS

4.1 The new code of conduct covers all the legal obligations and requirements that the code should do.

5. HUMAN RESOURCES IMPACT

5.1 There are none.

6. EQUALITIES IMPACT

6.1 There is no impact.

7. ENVIRONMENTAL IMPACT

7.1 There is no impact.

8. CONCLUSIONS AND RECOMMENDATIONS

- 8.1 That the new LGA model code of conduct be adopted by agreement at a future Council Meeting with authority to be provided to the Monitoring Officer to make the consequential amendments to the Constitution without having to return to a further Council Meeting for such agreement.

BACKGROUND PAPERS

There are none

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

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