

STANDARDS AND ETHICS COMMITTEE

27 APRIL 2022

LOCAL GOVERNMENT ASSOCIATION MEMBER CODE OF CONDUCT

Recommendation

- 1. The Assistant Director for Legal and Governance recommends that:**
 - (a) the Committee considers and comments on the draft Member Code of Conduct, which has been updated following consideration of the Local Government Association Model Code; and**
 - (b) the Code of Conduct be adopted by full Council as the County Council's Code of Conduct.**

Background

2. In January 2021 the Committee were informed about progress with the Local Government Association (LGA) model Code of Conduct which the LGA had developed as part of its work in supporting the sector to continue to aspire to high standards of leadership and performance. This was offered as a template for councils to adopt as a whole and/or with local amendments.
3. Having participated in consultation about content, the Committee agreed to consider the Code once published.
4. The Committee agreed a number of recommendations in relation to the pan Worcestershire Code of Conduct, as follows:
 - a) a statement about a right to respectful behaviour from the public should be included (it is);
 - b) an obligation to undertake Code of Conduct training by the local authority was not necessary aside from the Code of Conduct training session arranged for new councillors. However, this would be the subject of further review by the Monitoring Officer if district council partners were of the view that training should be mandatory for all councillors;
 - c) the value for registering gifts and hospitality should remain as £15 (it does);
 - d) the current situation in the Worcestershire Code where an appointment to an outside body by the Council did not automatically mean that an Other Interest should be declared should remain unchanged. However, this approach should be reviewed dependent on circumstances (this has been changed by the LGA Code and is included in the draft before the Committee for consideration); and
 - e) Having heard the feedback from the Committee, the Monitoring Officer was asked to liaise with colleagues from the District Councils in Worcestershire to consider feedback from all Councils and to bring forward any revisions to the Worcestershire Code for consideration.

5. Since this meeting the new Committee has met informally to consider the main points of the LGA Code and considered an update at its last formal meeting. The Monitoring Officers from the District Councils and Fire Authority have met to consider the views from each Council, and prepared a draft Code based on the LGA Code for consideration.

6. The draft Code is attached as an Appendix. Where local conventions or requirements are recommended for retention by the Monitoring Officers, these are highlighted in yellow in the draft. Examples are retaining the limit of declaring gifts and hospitality at £15 rather than increasing to £50 as suggested in the LGA model Code.

7. The main points of difference from the current Code are:

- More detailed explanation of the requirements of each element of the Code. The Committee had previously supported this as being helpful to Councillors and members of the public;
- A requirement to register 'Other' interests. For example where a Councillor holds an unpaid directorship or is in a position of control with a charity. Currently there is no requirement to register such interests;
- The 10 general principles of public life are retained, the LGA Code has seven;
- Inclusion of best practice recommendations at Appendix C.

Government Response to the Committee on Standards in Public Life

8. The Government published its response to the recommendations in the report of the Committee on Standards in Public Life in March 2022.

9. The Government did not support most of the recommendations but has undertaken to consider further the following:

- Recommendation 2 – not disclosing home addresses of candidates or Councillors – principle accepted
- Recommendation 6 – agrees that the register of gifts and hospitality should be publicly available
- Recommendation 16 – ability to suspend Councillors for up to 6 months – the Government will engage to seek views on strengthening sanctions for breaches of the Code
- Recommendation 11 – providing legal indemnity to Independent Persons – agreed in principle
- Recommendation 17 – clarify whether Councils can lawfully bar Councillors from Council premises or from using facilities – the Government will consider further;
- Recommendation 21 – the Government will consider further the recommendation to amend the Localism Act to require sanctions for Parish Councillors to be determined by the relevant principal authority (the District Councils in Worcestershire)

- Recommendation 22 – extend disciplinary protections for statutory officers to all disciplinary action, not just dismissal – the Government will seek views on this
- Recommendations 23 and 24 about increasing transparency and extending the definition of ‘prescribed persons’ under the Public Interest Disclosure Act 1998 to include Councillors – the Government is willing to consider further.

7. The LGA gave a commitment to reviewing the Code on an annual basis. However, some of the views it received indicated that it would be too early to review the code this year for various practical reasons. It has developed guidance on the Code and training support, which are available on its website.

Supporting Information

Appendix 1 – LGA Model Member Code of Conduct
Appendix 2 – Members’ Gifts and Hospitality Local Protocol

Contact Points

Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) there are no background papers relating to the subject matter of this report as the documents relied on are already published. These documents are:

The report of the Committee on Standards in Public Life: [Local government ethical standards: report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108222/local-government-ethical-standards-report-2015.pdf) .

The Government’s response to the report: [Local government ethical standards: government response to the Committee on Standards in Public Life report - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/108222/local-government-ethical-standards-report-2015.pdf)