

STANDARDS REPORT

REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER



For Information

1. PURPOSE OF REPORT

- 1.1 To inform the Committee of the draft Model Member Code of Conduct issued through the Local Government Association (LGA) and the public consultation exercise 'Standards Matter 2: Public Consultation & Public Sector Survey' through the Committee on Standards in Public Life.

2. RECOMMENDATION

- 2.1 That Members note and provide comment on the draft LGA Member Code of Conduct.
- 2.2 That the Committee considers the 'Consultation Questions' of the Committee on Standards in Public Life open consultation "Standards Matter 2: Public Consultation & Public Sector Survey" and whether a response should be made by the Authority.

3. BACKGROUND

- 3.1. At their meeting on 22 February, 2019, the Committee received a report regarding a review of 'Local Government Ethical Standards' (January, 2019) by the Committee on Standards in Public Life. The Audit and Governance Committee had previously responded through a 'call for evidence' in submitting a response through a stakeholder consultation.
- 3.2. The Committee are reminded that the Committee on Standards in Public Life was established in 1994 as an independent advisory non-departmental public body to advise the Prime Minister on ethical issues relating to standards in public life. In addition, the Committee are able to conduct broad inquiries into standards of conduct and to promote the 'Seven Principles of Public Life' (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).
- 3.3. Although, the Prime Minister is yet to respond on the report from the Committee on Standards in Public Life, a recommendation was that the Local Government Association 'should create an up-dated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government'.

4. **LGA DRAFT MODEL MEMBER CODE OF CONDUCT**

- 4.1. On 8 June, 2020, the LGA produced a draft Model Member Code of Conduct which was ‘...offered as a template.....to adopt in whole and/or with local amendments’. A copy of the draft Code is appended herewith (**Appendix 1**). The LGA further advised that the Code should be subject to an ‘annual review’ to ensure it remained fit for purpose and particularly should there be legislative or other changes requiring a review.
- 4.2. Following the introduction of the ethical framework under the provisions of the Local Government Act, 2000, a model Code was introduced under The Local Authorities (Model Code of Conduct) (England) Order, 2001 with later revisions under The Local Authorities (Model Code of Conduct) Order, 2007. However, the Localism Act, 2011, introduced a new dynamic, in that, a ‘relevant authority’ could adopt its own style of code provided ‘*when viewed as a whole*’ it is consistent with the seven principles of conduct in public life (Section 28 of the Act refers).
- 4.3. The Authority’s Code complies fully with the requirements of the Localism Act, 2011 and has features that are not dissimilar to the LGA’s current draft. Of note, the Authority’s Code includes an extract from The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012, and the extract from the Association’s ‘Template Code and Guidance Note on Conduct.’
- 4.4. Members are asked to consider what (if any) amendments should be made to the Authority’s current Code of Conduct, a copy of which is appended for information purposes (**Appendix 2**) in the light of the Associations draft and to make recommendations thereon to the Authority.

4. **OPEN CONSULTATION – STANDARDS MATTER 2**

- 5.1 On 22 September, 2020, the Committee on Standards in Public Life initiated a “landscape review” by way of a public consultation exercise and public sector survey to look at the ‘*institutions, processes and standards in place to support high standards of conduct.*’
- 5.2. The Terms of Reference for this review, are as follows:
 - Review the evidence as to how well ethical standards are upheld in public life in the UK;
 - Review the evidence on the strength of the UK’s arrangements for regulating and promoting ethical standards;
 - Review the adequacy and continuing relevance of the Seven Principles of Public Life;
 - Identify examples of best practice in the regulation of ethical standards;
 - Identify examples of best practice in the promotion of cultures that celebrate and encourage high ethical standards.
- 5.3. The ‘consultation questions’ are appended herewith (**Appendix 3**) with a response required by 18, December, 2020. Members are requested to consider the attached questions and whether a response should be made by the Committee on behalf of the Authority.

6. SUMMARY

- 6.1. Members have previously considered the Committee on Standards in Public Life report on 'Local Government Ethical Standards'. Whilst a response from Government is awaited, the LGA have produced a draft Model Member Code of Conduct and a further public consultation exercise has been launched through the Committee on Standards in Public Life.

PETER DEVLIN
LEGAL ADVISER AND MONITORING OFFICER