



<u>Committee and Date</u>
Council 23 September 2021

<u>Item</u>
<u>Public</u>

Adoption of LGA New Model Code of Conduct for Members

**Responsible
Officer**

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1. Synopsis

Members are being asked to consider whether to approve the recommendation to adopt the LGA New Model Code of Conduct in its entirety to replace the Council's current Code

2. Executive Summary

- 2.1. The current Code of Conduct (see Appendix A) regulating member behaviour, including the registration and declaration of interests, has been in place since 2014. It has generally worked well and enabled the Monitoring Officer and Standards Committee to effectively deal with the wide-ranging complaints that have been received.
- 2.2. The LGA are now recommending that Councils consider their new Model of Conduct ("new Code") (see Appendix B) which has been extensively consulted upon. Though it is much more detailed than the current Code it does have the advantage of setting out a more complete set of behavioural principles as well as providing a comprehensive system of registering and declaring interests (beyond disclosable pecuniary interests). There is also extensive guidance published by the LGA (see Appendix C) which provides a number of helpful practical examples of how to apply the new Code to day to day scenarios.
- 2.3. The new Code has been considered by an informal meeting of the Standards Committee and there was unanimity that it should be put before full Council with a recommendation for approval. It has also been considered by Group Leaders at the Constitution Working Group where again there was unanimity that the new Code should

be adopted. Whilst it would be possible to adopt the new Code in part only, it was agreed by both the Standards Committee and the Constitution Working Group that cherry picking aspects of the new Code would risk undermining the integrity of the comprehensive structure put in place by the LGA.

3. Recommendations

That members:

- 3.1. approve the adoption of the LGA Model Code of Conduct in its entirety as the member Code of Conduct for Shropshire Council from 1st December 2021 following training**
- 3.2. request that the Monitoring Officer write to all Town and Parish Council in Shropshire to recommend that they too adopt the LGA Model Code of Conduct**

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. There is a risk that complaints might rise as a result of what appears to be an expanded Code but this will be balanced by having a clearer framework within which to deal with such complaints.
- 4.2. As the Joint Statement says at the start of the new Code “This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government.”
- 4.3. There will be training provided as part of the introduction of the new Code and this will focus on practical examples of when and how the rules apply. It is hoped that this will be a significant opportunity to promote the new Code within the day to day activities of the Council.

5. Financial Implications

- 5.1. As referenced in the previous section, it is not clear what the impact of the new Code might be in terms of increased complaints and therefore the possibility of additional investigations, some of which

will need to be carried out by external investigators at a cost to the Council.

- 5.2. However, as the new Code provides a more comprehensive framework within which to determine whether particular behaviour might have breached the Code, it should be easier for the Monitoring Officer to legitimately determine matters at the initial stage of the complaints process without the need for an investigation.

6. Climate Change Appraisal

- 6.1. Adoption of the new Code will have no obvious impact in terms of climate change.

7. Background

- 7.1. The new Code includes aspects of the Council's Code and introduces a number of new principles as explained in more detail below. It would be possible to choose to adopt only certain aspects of the new Code but this was rejected as a suggestion by the Standards Committee and the Constitution Working Group.

- 7.2. The new Code includes the following principles from the current Code:

- Not using position improperly to advantage or disadvantage of anyone (i.e. act solely in public interest)
- Not using resources of Council improperly for political purposes
- Promoting high standards of conduct

- 7.3. The new Code does not include the following principles from the current Code:

- Make all choices based on merit
- Being Accountable for decisions
- Being open about and give reasons for decisions and actions

However, it is not considered that the lack of these principles being explicitly provided for in the new Code weakens it in any way as they are regarded as rules of natural justice in any event – i.e. they are principles that should be applied by members in their day to day decision-making whether set out in a Code of Conduct or not

- 7.4. The new Code states that members must not compromise the impartiality of anyone who works for the Council. On the face of it, this is weaker than the current Code which requires members to avoid financial or other obligations to individuals/organisations that

might seek to influence them. However, this is now replaced and strengthened by a more comprehensive registration and declaration of interests process designed to ensure members identify and avoid conflicts of interest

7.5. The new Code introduces some important new principles such as:

- Treating staff, other councillors and members of the public with respect;
- Not to bully, harass or discriminate
- A detailed framework for dealing with confidential information

It is suggested that these additions to the Code are to be welcomed as they frequently arise in the complaints received about members and so to have them explicitly referenced should be of assistance.

7.6. Currently members are required to register disclosable pecuniary interests and declare certain non-pecuniary interests. This is considerably expanded within the new Code which links to the key principles of bias and pre-determination. There is also considerable guidance on gifts and hospitality. Such a comprehensive structure should be helpful to both members and officers alike in establishing which decisions they should and should not participate in although it is acknowledged that the Code is complex in parts. As such, if Council agree to adopt the new Code training will be offered to all members by the Monitoring Officer.

8. Conclusions

8.1. Whilst it is acknowledged that the new Code is more complex and detailed than the current Code (17 pages rather than the current 2) it is recommended for adoption by the Council as it has been the result of comprehensive consultation undertaken by the LGA. That should mean that if an unusual situation arises in Shropshire it is likely to have arisen elsewhere and the LGA will be better equipped to offer advice on the scenario than would be the case if the Council decides to continue with its current Code.

8.2. It is only fair to point out that the new Code is very similar to the Code that was in existence prior to the changes introduced by the Coalition Government in the Localism Act 2011. However, the key distinction is that the new Code does not re-introduce any of the controversial sanctions then available for a breach of the Code such as suspension or disqualification.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder) – Gwilym Butler

Local Member - All

Appendices

A – Current Member Code of Conduct: [SUMMARY AND EXPLANATION \(shropshire.gov.uk\)](#) Page E1

B – LGA New Model Code of Conduct: [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)

C – LGA Guidance on New Model Code of Conduct: [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

