

**REPORT TO:** Audit and Governance Board

**DATE:** 7 July 2021

**REPORTING OFFICER:** Strategic Director Enterprise, Community and Resources

**PORTFOLIO:** Resources

**SUBJECT:** Members Code of Conduct

**WARDS:** Borough Wide

## **1.0 PURPOSE OF THE REPORT**

1.1 The Local Governance Association (LGA) has published a model Code of Conduct for Members (the Model Code). This is attached as Appendix A. The LGA have stated that it is designed to encourage good conduct and safeguard the public's trust in local government. They have indicated that guidance is to follow.

## **2.0 RECOMMENDATION: That**

The Board is asked to

- a) Consider the new Code of Conduct for Members and recommend its adoption to full council.
- b) Approve the revised arrangements for dealing with standards allegations under the Localism Act 2011.

## **3.0 SUPPORTING INFORMATION**

3.1 The LGA has published a new model Code of Conduct for Members following a detailed and lengthy consultation exercise. This followed a recommendation from the Committee for Standards in Public Life to the LGA and Government.

Previously, reports on the adoption of a Code of Conduct would have been taken to Standards Committee in the first instance for consideration and recommendation to Council. However, Members will be aware that Council in May decided not to appoint to Standards Committee and a separate report on this agenda contains a recommendation that the powers and duties of that committee are transferred to this board, which has responsibility for consideration of the Council's arrangements for corporate governance and agreement of necessary actions to ensure best practice. Full Council has the responsibility for

adopting the Code.

The model code is designed for Local Authorities to accept either in whole or with local amendments. The Localism Act 2011 requires that all councils must adopt a Code of Conduct setting out the conduct expected of members and co-opted members when they are acting in that capacity. This must be consistent with the seven principles of public life

- Selflessness
- Integrity
- Objectivity
- Accountability
- Honesty
- Leadership

The code must also provide for the registration and disclosure of pecuniary interests and other interests.

The LGA review was carried out following recommendations made by the Committee on Standards in Public Life, and the resulting code was designed to clearly articulate the duties and expectations of persons in public office as well as their rights, in particular their right to be protected from abuse and intimidation resulting from their undertaking of public office.

The LGA's objectives were set out as to

- Articulate what Local Government believes are good standards for all in public office.
- Show leadership in good standards of conduct for those in public office, both elected and as employees.
- Achieve consensus between the stakeholders affected by Local Government conduct.
- Support its member Councils and partners in achieving good standards of conduct.
- Produce a code that is fit for purpose, useful and held in high regard.
- Enhance the reputation of Local Government and local Politicians.
- Support the good running of Councils.
- Support all democratically elected local representatives

to deliver their best on behalf of their local communities.

- Build on the good practice that already exists within Councils.

The model code is attached at Appendix A for the consideration of members, and contains a number of points of difference to the current code. The main areas can be summarised as

- The code applies to members when they are acting in their capacity as a Councillor, which may include when the position as a Councillor is misused.
- The members' actions would give the impression to a reasonable member of the public with knowledge of all the facts that he or she is acting as a Councillor.
- The code applies to all forms of communication and interaction including

Face-to-face meetings

Online or telephone meetings

In written communication

In verbal communication

In non-verbal communication

In electronic and social media communication, posts, statements and comments.

- The obligation to treat others with respect and not to bully is retained, but definitions are now provided, which is useful.
- There is a new obligation to undertake Code of Conduct training provided by the Council, and to co-operate with a Code of Conduct investigation and/or determination.

The appended draft has been considered by Monitoring Officers across the region, and has just been adopted by the Liverpool City Region Combined Authority and other councils in the area. This will assist with consistency across the region, and it contains very minor local amendments.

Monitoring Officers in Merseyside and Cheshire are now giving consideration to whether it would be possible to agree a standardised form of arrangements for dealing with Code of Conduct complaints across authorities. Whilst that work continues in progress, it is suggested that Halton's current arrangements are updated very slightly in anticipation of this Board and full Council approving a separate item on this agenda dealing with committee changes. These minor

revisions to the arrangements would ensure consistency with that. The revised version is attached to this report as Appendix B and is recommended for approval.

#### **4.0 POLICY AND FINANCIAL IMPLICATIONS**

- 4.1 The powers and duties of the Audit and Governance Board include responsibility for considering the Council's Corporate Governance arrangements and agreeing necessary actions to ensure compliance with best practice. The revised Code of Conduct is compliant with that responsibility. The Council has a legal duty under the Localism Act 2011 to adopt a Code of Conduct setting out what is expected of members and co-opted members when they are acting in that capacity. The code must be consistent with the seven principals of public life and ensure that there are appropriate provisions for dealing with pecuniary and other interests.
- 4.2 There are no direct financial implications arising from this report.

#### **5.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

##### **5.1 Children and Young People in Halton**

The revised code is designed to protect the democratic role of councillors and encourage good conduct, safeguarding the public's trust in Local Government. This would therefore assist the Council in meeting its values and engaging effectively with all stakeholders.

##### **5.2 Employment, Learning and Skills in Halton**

See 5.1 above

##### **5.3 A Healthy Halton**

See 5.1 above

##### **5.4 A Safer Halton**

See 5.1 above

##### **5.5 Halton's Urban Renewal**

See 5.1 above

## **6.0 RISK ANALYSIS**

- 6.1 The revised Code of Conduct would provide assurance that the Council has an up-to-date and fit for purpose Code of Conduct for members, which would assist in the protection and accountability of members. The aim of the revised code is to protect the democratic role of Councillors, encourage good conduct and safeguard the public's trust in Local Government. This would apply across all sectors of the community.

## **7.0 EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 none.

## **8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
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There are no background papers within the meaning of the Act.