

## Local Government Association's (LGA) Model of Code of Conduct

To: Constitution and Ethics Committee

Meeting Date: 18 June 2024

From: Service Director: Legal and Governance

Outcome: To introduce the Local Government Association's (LGA) Model of Code of Conduct.

Recommendations: The Committee is asked to:

Recommend to Council the adoption of the Local Government Association's Model Code of Conduct, attached at Appendix 2 of this report, to replace the Council's current Members' Code of Conduct.

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# 1. Background

- 1.1 In 2020, the Local Government Association (LGA) developed an updated model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector. As part of this process a formal response was sent from the Constitution and Ethics Committee, following a discussion at its meeting on 30th June 2020.
- 1.2 The stated purpose of the LGA's Model Code of Conduct is to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The new LGA Model Code of Conduct is available [on its website](#). Guidance to accompany the code, offering advice on how it should be interpreted, was published in July 2021, and is also available on [the LGA's website](#). This resource also contains links to other LGA guidance, such as guidance for Councillors on the use of social media.
- 1.3 There is no legal requirement to adopt the new Model Code of Conduct, as under the Localism Act 2011 it is for each authority to adopt whatever code of conduct it thinks fit. However, the LGA expressly acknowledges that the model code is a "template", which it will review annually.
- 1.4 At its meeting on 29th September 2021, the Committee resolved unanimously to:
  - Review the new Local Government Association Model Code of Conduct against the Council's current Members' Code of Conduct;
  - Agree to retain the Council's current Members' Code of Conduct for the time being; and
  - Agree to keep the Council's Members' Code of Conduct under review, pending a response from the Government to the recommendations from the Committee on Standards in Public Life.
- 1.5 The Committee met to consider the government response to the Committee on Standards in Public Life report on 26th April 2022. At this meeting, the Chair proposed, with the agreement of the Committee, that the Council's Code of Conduct be reviewed against the Model Code of Conduct in September 2022. Following a review on 27th September 2022, Members agreed that the current Code of Conduct and Social Media Protocol should remain unchanged.

# 2. LGA Model Code of Conduct

- 2.1 The Model Code also includes (where applicable) the best practice recommendations made by the Committee for Standards in Public Life (where applicable). A side by side comparison of the LGA Model Code and the LGA Code with commentary is set out at Appendix 1.
- 2.2 The model Code of Conduct has 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 which provides a number of helpful practical examples of how to apply the new Code to day-to-day scenarios.

- 2.3 The Council and the Constitution and Ethics Committee have a statutory duty to promote and maintain high standards of conduct. An appropriate Members' Code of Conduct is an important part of complying with that duty.
- 2.4 One of the overriding reasons for a new Model Code of Conduct was for all local authorities to adopt it, ensuring consistency across the tiers of local government, especially for those Councillors who are elected at both County and District levels, represent the Council in the Combined Authority and at Town and Parish levels, where different codes of conduct often apply. This is currently a cause of confusion for those Members, as well as the public.

### 3. How does the new model Code differ from the Council's existing Code?

- 3.1 The key differences are as set out below. The new LGA Code Conduct:
1. Has comments and guidance built into every section, as well as a separate section on how to interpret it.
  2. Makes clear in the introduction that it applies to social media communications in specific circumstances and includes a rebuttable presumption that a Member is acting in their official capacity for all public interactions, including on social media.
  3. Adds in "harassment" as well as bullying. This is a best practice recommendation from the Committee on Standards in Public Life (CSPL), which also recommends that examples of such behaviour are given.
  4. Adds in a requirement to undertake Code of Conduct training, and to comply with any sanctions imposed on a Councillor following a finding that there has been a breach of the Code of Conduct.
  5. Sets gifts and hospitality declarations at £50 and over. The Council's current Members' Code of Conduct is set a higher level of £100.
  6. Has a section on "Other Registrable Interests". The Council's current Members' Code of Conduct calls these "non-statutory disclosable interests", which is very similar.
  7. The standards in the new LGA Code of Conduct are set out in the first person (e.g. "I ..."), so a Member reads the Code of Conduct as a personal commitment to behave in accordance with the standards.
  8. It also includes the Nolan Principles and CSPL Best Practice Recommendations as appendices.

## 4. Source Documents

- 4.1 [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)
- 4.2 [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)
- 4.3 [Local Government Ethical Standards Report \(Committee on Standards in Public Life – 30<sup>th</sup> January 2019\)](#)
- 4.3 Constitution and Ethics Committee Agenda and Minutes : 29th September 2021; 26th April 2022; and 27th September 2022 [Constitution and Ethics Committee](#)