

STANDARDS COMMITTEE

16 JULY 2020

REPORT OF THE MONITORING OFFICER

A.1 LOCAL GOVERNMENT ASSOCIATION MODEL MEMBER CODE OF CONDUCT CONSULTATION

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For the Standards Committee to agree Tendring District Council's formal response to the Local Government Association's Model Member Code of Conduct consultation.

EXECUTIVE SUMMARY

The Local Government Association (LGA) has launched its consultation on a draft Model Member Code that could be a template for councils to adopt in whole and/or with local amendments. The LGA Consultation document incorporating the draft Model Code of Conduct is attached as **Appendix A** for consideration.

All Councils are required to have a local Member Code of Conduct and Tendring District Council's Members' Code was last reviewed and adopted by Full Council in 2018 and is attached as **Appendix B** for reference.

The LGA draft Model Member Code of Conduct has been developed in consultation with the sector and the LGA has committed to undertake an annual review of the Model Code to ensure it continues to be fit for purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation.

The draft Model Code covers its purpose and application, refers to the seven Principles of Public life, expressly states what model member conduct as a councillor is expected and sets out the minimum requirements through some specific obligations of general conduct. Under each of the specific obligations the LGA has created additional guidance.

In responding to the consultation, the LGA is asking a number of questions via an online form, however they have produced an information document setting out those questions for responders to consider in advance, this information document is attached as **Appendix C**. Any individual whether an elected Member, Independent Person or Officer may respond to the consultation in their own right. The purpose of this report is to establish whether an agreed formal response can be submitted on behalf of Tendring District Council. Members of the Standards Committee are requested to give consideration to the questions set out in Appendix C.

Responding to the consultation does not commit the Council to adopting the Model Member Code of Conduct, in full or in part. The Monitoring Officer envisages that the Standards Committee would wish to consider each aspect, in detail, against a review of its existing Members' Code of Conduct, which could be undertaken later in the year as part of its work programme once the final version of the LGA Model Code is launched.

BACKGROUND & LEGAL SECTION

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct.

The Standards Committee will recall through its work programme in 2019, that the Committee on Standards in Public Life published its report in January 2019 on local government ethical standards. The report looked at the current framework governing the behaviour of local government councillors and executives in England and made a number of recommendations to promote and maintain the standards expected by the public.

Through their work the Committee on Standards in Public Life considered whether there was a need for a centralised body to govern and adjudicate on standards. They concluded that whilst the consistency and independence of the system could be enhanced, there was no need to reintroduce a centralised body, and that local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government. The report identified best practice to improve ethical standards in local government.

When researching the local Codes of Conduct, the Committee on Standards in Public Life found there was considerable variation in the length, quality and clarity of codes of conduct. They believed that this created confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct failed to address adequately important areas of behaviour such as social media use and bullying and harassment. Consequently, they recommended that an updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.

The recommendation was that the LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made. Tendring District Council has a formal Complaints Procedure adopted by full Council and in undertaking the review of the adopted Tendring Members' Code of Conduct, the sanctions referred to within the Model Code of Conduct can be considered by the Standards Committee for recommendation onto full Council, as some of those suggested would be in addition to those contained with the Council's procedure.

RECOMMENDATION

That the Standards Committee:

- (a) considers the questions set out in Appendix C and its response thereto; and**
- (b) authorises the Monitoring Officer to submit the agreed response to the Local Government Association's Model Member Code of Conduct consultation on behalf of Tendring District Council.**

APPENDICES

- **Appendix A** – LGA Model Member Code of Conduct consultation
- **Appendix B** – Tendring District Council's Members' Code of Conduct adopted 23 January 2018
- **Appendix C** – LGA Consultation Questions information document