

Committee: Standards Committee

Date:

Title: Local Government Association New Model
Code of Conduct

21 September 2022

**Report
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Summary

1. The purpose of this report is to present to the Standards Committee the new Model Councillor Code of Conduct (the Model Code) produced by the Local Government Association (LGA), and accompanying LGA Guidance for Committee to make a recommendation to Council regarding its adoption or not.

Recommendations

2. That Committee recommend to Council that the new Model Code (Appendix 1) and associated [LGA Guidance](#) is adopted.
3. Alternatively, that Committee recommend to Council that the current Code of Conduct is retained.
4. That following Committee's decision the Monitoring Officer be given authority to draft any amendments needed to the current Constitution and or procedure for dealing with Code of Conduct complaints, organise equality impact assessment of the same and commission the design of a short post complaint survey for participants and bring those amendments / copy of survey back to the Committee in report to Full Council.

Financial Implications

5. There are modest financial implications that will result from this report should the Committee wish to approve the recommendation in paragraph 2 above, in that some administrative support (to be drawn upon from within the Council's current staff resources) may be required for consultation with the Parish and Town Councils in the Uttlesford District that operate the Council's current Code of Conduct as they will need to be consulted and encouraged to approve the same Model Code. Failure to do so could also lead to some minor difficulties for the Council in managing the Code of Conduct Complaints if differing versions of the Code of Conduct are operating across the district.

Background Papers

6. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report:

[\(Public Pack\) Agenda Document for Standards Committee, 16/03/2020 17:00 \(moderngov.co.uk\)](#) referencing the report of 30th January 2019

LGA Model Councillor Code of Conduct amended in May 2021 (Appendix 1)

Guidance published in July 2021 <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

March 2022 Government response to the Committee on Standards in Public Life report <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>

Impact

7.

Communication/Consultation	Consultation may be needed with Town and Parish Councils.
Community Safety	None
Equalities	The code and procedure will be equality impact assessed when a decision to taken to either adopt the new Model Code or retain the current version.
Health and Safety	None
Human Rights/Legal Implications	The Local Authority has a duty to maintain an up to date Code of Conduct and procedure for managing code of conduct complaints for the Council and Parish / Town Councils in its District.
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	They will be some resource implications dependent upon which recommendation at paragraphs 2 and 3 above is approved. If members are minded to approve the recommendation at paragraph 2 above, it may be necessary to engage administrative support from within the Council's current resources for a time limited period.

Situation

8. In January 2019, the Committee on Standards in Public Life published a report “Ethical Standards Report” which recommended amongst other matters that the LGA in consultation with representative bodies of councillor’s and officers at all tiers of Local Government, should produce a Model Code of Conduct for Councillors (the Model Code). This report was presented to the Council’s Standards Committee on the 16th March 2020 for noting.
9. Since that time, the Model Code has been through several revisions and guidance has been produced to accompany it. In May 2021, the final version of the model code was published by the LGA (Appendix 1). On the 8th of July 2021, the final [guidance](#) was published.
10. On the 22nd of March 2022, the Government provided a response to the Review of Local Government Ethical Standards report and that response is the subject of an interrelated but separate second report to Council’s Standards Committee of today’s date.
11. Following publication of the Model Code and guidance the Local Essex (and wider Counties) Monitoring Officer forum started to consult with the LGA on various matters in the final versions and feedback various issues to the LGA for consideration and amendment. Those matters were incorporated into the May and July 2021 LGA new Model Code and guidance. In addition, this group consulted widely with each other on progress at their own authorities as to who was adopting the Model Code and who was not. The reason for this liaison was that it was hoped by the LGA that the new Model Code would be adopted across the country making dealing with complaints clear and more uniform nationally. The liaison is still underway, and we are aware that Essex County Council and a number of other districts in Essex have adopted the new Model Code and guidance or are in the process of recommending its adoption to their members and are encouraging their Town and Parish Councils to do likewise.
12. The new Model Code contains and repeats much of the detail of the Council’s current Code of Conduct, but it is significantly improved in that it does set matters out much more clearly and it is written in the first person making it easier to understand. The guidance that was issued with the new Model Code is extremely helpful and assists all with “tighter definitions” of what is and is not a breach of the Code.
13. Adoption of the new Model Code and guidance would not cause the need to alter or amend the Council’s current procedure for dealing with complaints which has been very well thought out, is detailed in its application, and has in general been commented on for its high degree of fairness and thoroughness. Over the last eighteen months three main pieces of feedback / questions have been raised on the procedure by those using it and replies given as follows:
 - 13.1 Have we equality impact assessed the code procedure: the procedure when it was adopted was considered against human

rights and legal implications, but we have planned to follow this Committee’s decision by undertaking a full equality impact assessment.

- 13.2. It is not clear that the Nolan Principles themselves are not matters by which we consider a breach. This could be made clearer in Uttlesford’s current Constitution and is indeed more clearly referred to in the new Model Code guidance.
- 13.3 Why does the Council not deal with complaints against a whole Parish / Town Council. The reason for this is that the Code of Conduct is designed to deal with complaints about breaches by individual Councillors not the Parish / Town Council as a “body corporate” any complaints of this nature should be made to the Parish or Town Council direct.

14. In terms of feedback from participants, it is recommended that a more detailed survey is developed that could be completed by those involved in the process at the end of the process. That information can be used to make ongoing improvements to the Council’s procedure.

Risk Analysis

15.

Risk	Likelihood	Impact	Mitigating actions
1 Little risk / impact in either of the recommendations in paragraph 2 and 3 above.	1	1	1

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project.