

Item 8

LGA political appointments – code of conduct

Purpose of report

For decision.

Summary

In 2008, the LGA Executive agreed a process for handling issues of conduct or complaints against elected members appointed to any of the LGA's governance structures. Currently there is no corresponding process for president/vice-presidents, beyond the emergency procedure set out in the Constitution.

This report updates the current process in relation to LGA members and proposes two options for managing issues relating to the president/vice presidents.

Recommendations

That the Leadership Board

- a) endorse the approach for handling issues relating to the conduct of LGA elected members; and
- b) agree an approach based on the options set out in paragraphs 14 – 18, for handling issues relating to conduct of the LGA president/vice presidents.

Action

Subject to the decision of the Leadership Board, officers to draft a process note to be appended to the LGA political conventions, and if an amendment to the Constitution is required, prepare a paper to General Assembly.

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Item 8

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Introduction

1. LGA political appointments fall into two categories
 - 1.1 local authority elected members who are elected by General Assembly, or appointed by the Groups to sit on the LGA's governance structures ("LGA Elected Members"); and
 - 1.2 MPs and MEPs who are nominated by the Groups and elected by General Assembly as president/vice presidents of the LGA ("LGA President/Vice presidents")
2. This paper updates the LGA's policy on member conduct, agreed by the LGA Executive on 17 July 2008, and sets out two options for handling issues of conduct relating to the president/vice presidents.

LGA Elected members

3. Under the Localism Act 2012, Councils must adopt a Code of Conduct for Members that is consistent with the seven Nolan principles of *Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership*, and put in place local arrangements for handling allegations that a Member of the Council has failed to comply with the Code. All Members are subject to the code adopted by their local authority.
4. Paragraphs 4-5 clarify how local codes of conduct apply to the conduct of LGA business. Paragraphs 6-10 outline the procedure for handling complaints.

Conduct of LGA Elected Members

5. The letters of appointment sent each year to LGA Elected Members state that "*Councillors serving on LGA's member structures, or otherwise undertaking LGA business, are required to operate in accordance with the member code of conduct of the home local authority they are representing*". This approach was endorsed by the Standards Board for England in 2008.
6. LGA Elected Members are also required to complete a register of interests, which is open to public inspection.

Procedure for handling complaints against LGA Elected Members

7. The formal process for handling any complaint against a member on LGA business is to pass full details of the complaint to their home authority, addressed to the monitoring officer for investigation and adjudication. However, the LGA has in place an informal conciliation procedure that seeks to resolve complaints through investigation and conciliation, prior to any formal reference to the home authority.
8. The LGA does not have the equivalent of the local standards committee, which would

Item 8

have no statutory locus or powers to undertake an investigation or impose sanctions. The procedure is instead overseen at member level by the Chair and Office Holders of the Audit Panel, whose terms of reference include responsibility to “*consider issues of probity and conduct and agree action necessary to ensure an appropriate ethical framework*”.

9. In the event of a complaint being received against an LGA Elected Member during the conduct of his/her LGA responsibilities, the following informal conciliation procedure will apply:
 - 9.1 The complaint should be passed to the Chief Executive.
 - 9.2 The Chief Executive will nominate a senior LGA officer to undertake an initial investigation of the complaint.
 - 9.3 He/she will present a report to the Chair and office holders with a recommendation that either:
 - a. there was no case to answer;
 - b. there was substance to the complaint, but recommending an approach to informally resolve the matter (for example through an apology) or
 - c. the complaint should be referred formally to the home authority’s standards committee for investigation and adjudication.
10. The aim, where possible, should be to seek to resolve the complaint through conciliation at the LGA. It would, of course, be open for the complainant to refer the matter to the home council, if he or she was not satisfied with the LGA’s approach or findings.
11. In the event that an LGA Elected Member is under investigation for a serious offence either by their home standards committee, or by the Commissioner for Local Administration in Wales, and is temporarily suspended by his/her home authority, then that member will also be suspended from membership of the LGA body.

LGA President/Vice presidents

12. The LGA President/Vice presidents are elected annually by General Assembly on the basis of nominations by the LGA’s four political groups, endorsed by the LGA Executive. Whilst the LGA President undertakes some specific duties – for example taking the chair at General Assembly prior to election of the Chairman – in general the President/Vice Presidents operate at relatively arm’s length, putting forward LGA lines and proposing amendments during debates.

Conduct of LGA President/Vice presidents

13. The LGA President/Vice-presidents are elected by virtue of the fact that they are serving Members of Parliament, Peers, Welsh Assembly Members and Members of European Parliament. All are bound by their respective Codes of Conduct. With the exception of MEPs, these are based on the seven Nolan principles of *Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership*. MEPs have a separate code of conduct which is not based on those principles.

Item 8

14. From July 2013, the letters of appointment sent each year to the LGA President/Vice Presidents will include specific reference to the relevant code.

“The LGA President and Vice Presidents are required to operate in accordance with the Code of Conduct for Members of Parliament/for Members of the House of Lords/for MEPs/for Welsh Assembly Members”.

Procedure for handling complaints against LGA President/Vice Presidents

Option 1 – President/Vice Presidents elected by General Assembly

15. This option assumes that the process for electing the president/vice president remains unchanged, with both elected annually by the General Assembly. The proposed approach broadly follows the existing process for handling emergency situations set out in paragraph 2.17 of the LGA political conventions.
16. Under this option, in the event that a complaint made against an LGA President/Vice President becomes subject to a formal investigation, the Chief Executive will alert the Chairman and Vice Chairmen. If the Chairman and Vice Chairmen feel that the allegations are sufficiently serious to impact on the reputation of the LGA, then the individual will be asked to step down temporarily pending the outcome of the investigation.
17. In the event that the complaint is upheld and is deemed by the Chairman and Vice-Chairmen to be of sufficient gravity to impact on the reputation of the LGA, then the individual will be asked to resign as President/Vice-President and/or his/her appointment will be terminated. No replacement Vice-Presidents will be appointed mid-year.

Option 2 – President/vice presidents elected by General Assembly

18. Under this option, responsibility for electing Vice Presidents moves from General Assembly to the four Groups. In this instance, it is also the responsibility of the four Groups to take appropriate actions, through their Group Executives, in the event that a complaint made against a Vice President becomes subject to a formal investigation or that the complaint is upheld.
19. This option will require an amendment to the LGA Constitution, which can be put to the General Assembly in July. The process for appointing the President would remain unchanged and the procedure for managing any issues of conduct could follow that set out in option 1.

Conclusion

20. Leadership Board are asked to consider the two options for handling conduct of President/Vice-Presidents and agree their preferred approach, and to endorse the existing process for handling conduct issues in relation to elected members.