

## **LGA Review of the Model Councillor Code of Conduct**

### **Purpose of report**

For discussion.

### **Summary**

The report sets out the progress the LGA has made in reviewing the Model Member/Councillor Code of Conduct and invites members of the Councillors' Forum to provide further commentary on the latest draft.

### **Recommendation**

That members of the forum provide commentary on the latest draft Code of Conduct.

### **Actions**

Officers will take into account the views and comments from the members of the Councillors Forum in drafting the final version of the Code of Conduct.

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## **LGA Review of the Model Councillor Code of Conduct**

### **Introduction**

1. We would like to thank all those who took the time to respond to the online consultation, who wrote in and who took part in the webinars. We had 1600 individual responses from councillors and officers, as well as on behalf of whole councils, and around 800 people participated in the webinars.

### **Background**

2. The LGA Leadership Board agreed in June 2019 to review and seek to revise the model member code of conduct. This was in line with the Leadership Board's concerns about intimidation of councillors and the recommendations made by the Committee on Standards in Public Life's report into Local Government Ethical Standards.
3. In October 2019, the LGA commissioned consultants Hoey Ainscough to support the review of the model code of conduct. They undertook a desk-top study into good practice in codes of conduct from across professions and countries. The LGA undertook a number of workshops at the end of 2019 and the beginning of 2020 to take stock of the current code and help provide the basis for a revision of the code. This included an event to launch our programme on Civility in Public Life, which was attended by leaders of all the UK's local government associations.
4. As a result of the COVID-19 pandemic, the timetable and process for consulting the sector on a revised draft model member code of conduct was modified. The LGA developed an online consultation and held 4 webinars.
5. The consultation closed after 10 weeks on 17 August. The LGA received around 1600 written submissions to the consultation from individual councillors and officers and on behalf of whole councils. Over 800 people participated in our webinars.

### **Next steps**

6. Officers will take into account the views and comments from those attending Councillors' Forum. We will continue to refine the code and will develop accompanying guidance for councillors. The request for accompanying guidance was very clear from the consultation.
7. On 3 December 2020, we will present the final version of the revised Model Councillor Code of Conduct to the Executive Advisory Group, with an initial explanatory guide for councillor. This will be the opportunity for the LGA to sign off the final version of the Code and formally launch it.
8. The LGA is also developing additional guidance for councillors on digital citizenship, which will include social media.

### Headline issues

9. The predominant issues that arose from the consultation on the draft code of conduct are:
  - 9.1. Ensuring the presentation is clear and that we use plain English. We also need to be clear what is within the current legislative framework and what has been proposed by the Committee on Standards in Public Life.
  - 9.2. Civility is not word universally used and could give rise to confusion. The recommendation is to use the word respect instead.
  - 9.3. When a councillor is acting as a councillor and when they are acting in a private capacity. This has led to much debate, with a general conclusion that a councillor is acting as a councillor if they introduce the fact that they are a councillor into a discussion or dispute. We will be exploring this further in the accompanying guidance for councillors.
  - 9.4. That the code should reflect the importance of the Equalities agenda.
  - 9.5. The importance of social media and that we need more emphasis in the code. This is particularly in light of the move to online meetings and online communication as the main tool of engagement with residents and officers.
  - 9.6. A strong request for supporting guidance.
  - 9.7. A strong discussion on the use of the first person (I) and the third person (councillors should). There are concerns that the use of the first person will make implementing the code more difficult and that the code would be less accessible to the general public. However, LGA leadership is keen to keep the first person, to emphasise that the code is a tool for councillors and that the code is for their use.
  - 9.8. Reflections on gifts and hospitalities. There was a case made that it should not be an assumption that the role of councillor involves accepting gifts, as this could threaten the reputation of local government. It was emphasised that a distinction between gifts and expenses paid in kind as part of a councillor's role should be made. In order to protect the reputation of the council, the case was made to assume a presumption against the general acceptance of gifts, but that where gifts are accepted, gifts of above £50 should be declared.
  - 9.9. That there should be a specific obligation to cooperate with an investigation or process.

10. There were some issues brought up in the consultation that are outside the immediate scope of the revision of the code of conduct, but which the LGA will be reflecting on further. These include:
  - 10.1. A general reflection that there is a need for appropriate sanctions.
  - 10.2. That being put on the Sex Offenders Register should lead to automatic removal of a councillor.
11. The LGA has already made representation to Government on these issues and will be using the review of the code of conduct as a mechanism for raising these issues again.
12. As a result of the consultation, we are planning to develop guidance for councillors to further explain the code of conduct and give working examples. We are planning for this to cover
  - 12.1. Social media
  - 12.2. When a councillor is considered to be acting as a councillor
  - 12.3. Who would be considered a family member or close associate
  - 12.4. Bullying
  - 12.5. Parish council specific issues

## **Appendix A: Jane Ramsey**



1. Jane Ramsey took up her post on the Committee on Standards in Public Life on 1 September 2016 for a five-year term. Jane is currently Chair of Young Epilepsy and Chair of the Children and Young People Steering Group for Transforming Care, NHS England.
2. Jane was previously Chair of Cambridge University Hospitals NHS Foundation Trust. She joined the Trust in November 2012 from University College London Hospitals (UCLH) where she was Vice Chair. She has previously served on the Council of the Royal Pharmaceutical Society, the Department of Health Audit and Risk Committee, chaired a local Housing Association and has been Head of Law for two London boroughs.
3. She also served on the Independent Commission into regeneration and wealth creation in non-Metropolitan areas established by the Local Government Association.