

Standards Committee – 05/02/2021

Title of paper:	Local Government Association Model Code of Conduct 2020	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Director of Legal and Governance	Wards affected: all
Report author(s) and contact details:	Beth Brown, Head of Legal and Governance	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Nottingham People		<input type="checkbox"/>
Living in Nottingham		<input type="checkbox"/>
Growing Nottingham		<input type="checkbox"/>
Respect for Nottingham		<input type="checkbox"/>
Serving Nottingham Better		X
Summary of issues (including benefits to citizens/service users):		
<p>After extensive consultation the Local Government Association have published the Model Councillor Code of Conduct 2020 (“the Code”) attached at Annexe 1. The Code has been designed to protect the democratic role of Councillors, encourage good conduct and safeguard the public’s trust in local government.</p>		
Recommendation(s):		
1	To consider the Code and the additional local provisions	
2	To recommend to Council the adoption of the Code with additional local provisions	

1 Reasons for recommendations

1.1 To ensure that the Code is up to date, fit for purpose and in line with best practice.

2 Background (including outcomes of consultation)

2.1 In 2018 the Committee on Standards in Public Life announced a review of ethical standards in local government.

2.2 The Committee responded to the consultation in May 2018, the proposed response having been agreed by the Standards Committee.

2.3 The report into Local Government Ethical Standards was published on 19 January 2019.

- 2.4 The first recommendation of the report into Local Government Ethical Standards was that the Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 2.5 The LGA committed to reviewing the current model member code of conduct, in line with the recommendation.
- 2.6 At the end of 2019 the LGA held an event on Civility in Public Life with a range of stakeholders and held three consultation workshops at the beginning of 2020.
- 2.7 The LGA consultation on the draft code of conduct commenced in June 2020 and at the meeting of the Standards Committee on 27 July 2020 members approved a response to the consultation. This was submitted on 6 August 2020.
- 2.8 The Code was published on 23 December 2020.
- 2.9 The main changes are summarised below;
 - a. The Code applies whenever a member is acting in their capacity as a Councillor.
 - b. The Code applies to all forms of communication and interaction.
 - c. The Code sets out the obligations on Councillors, which are the minimum standards of conduct required. If the conduct falls below these standards a complaint may be made.
 - d. The term 'respect' remains (as opposed to the term 'civility' proposed in the consultation).
 - e. The Code provides an extended definition of bullying harassment and discrimination.
 - f. Councillors are required under the Code to undertake Code of Conduct training
 - g. Gifts and hospitality over £50 must be registered within 28 days of receipt.
 - h. The section and annexe on Interests has been amended and the Code now refers to 'Registerable Interests' which include Disclosable Pecuniary Interests (as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012), and Other registerable Interests.
 - i. The Code sets out when you can and cannot participate in meetings depending on the interest declared.
- 2.10 The revised Code will be reviewed annually by the LGA to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation.
- 2.11 The current Nottingham City Council Code of Conduct includes issues which the Council has agreed to be of particular local importance such as Safeguarding training and DBS checks. It is proposed that these are retained in the new Code of Conduct as an additional section.
- 2.12 The ongoing reviews of governance arising from the Public Interest Report and the Non-Statutory Review and subsequent Recovery and Improvement Plan are likely to result in further amendments to the code. Areas that are likely to be considered for inclusion are further mandatory training for those holding certain positions such as directorships, shareholders and Chairs of certain committees. These will be reviewed as part of the wider governance work and brought back to this committee for consideration prior to going to Council.

2.13 In addition to the Councillors' Code of Conduct the Constitution also contains a Co-opted Members' Code of Conduct. This is largely similar to the Councillors' Code of Conduct but with those elements only relevant to Councillors removed. It is proposed that the aspects of the LGA model Code of Conduct relevant to co-opted members are adopted as a new Co-opted Members' Code of Conduct.

3 Other options considered in making recommendations

3.1 Not to recommend the adoption the revised Code – not recommended. The Code has been developed by the Local Government Association in association with key partners and after extensive consultation with the sector.

3.2 Adopt the Code without amendments – not recommended. Adopting the Code without amendment would result in matters of local importance no longer being part of Nottingham's Code of Conduct.

4 Finance colleague comments (including implications and value for money/VAT)

4.1 There are no financial implications associated with this report

Clive Heaphy, Strategic Director of Finance, 25th January 2021

5 Legal and Procurement colleague comments (including risk management issues, and legal, Crime and Disorder Act and procurement implications)

5.1 In accordance with the Localism Act 2011 section 28 Councils are required to adopt a code of conduct that is consistent with the Nolan Principles of public life, namely;

- a. Selflessness
- b. Integrity
- c. Objectivity
- d. Accountability
- e. Openness
- f. Honesty
- g. Leadership

5.2 The Local Government Association have revised the Code after lengthy and extensive consultation with key stakeholders to make it clearer and fit for purpose. The purpose of the Code is to protect the democratic role of Councillors, encourage good conduct and safeguard the public's trust in local government. The adoption of the revised Code with the proposed local provisions will support the Council in its improvement journey and will form part of the Council's Constitution.

Beth Brown, Head of Legal and Governance, 22 January 2021

6 Equality Impact Assessment (EIA)

6.1 Has the equality impact of the proposals in this report been assessed?

No

X

An EIA is not required because:

Whilst the code amounts to a policy change the purpose of the new Code it will not adversely affect or positively impact will positively those with protected characteristics

7 List of background papers other than published works or those disclosing confidential or exempt information

7.1 The report to Standards Committee dated 27 July 2020 (Agenda Item 4).

8 Published documents referred to in compiling this report

8.1 Committee on Standards in Public Life – Consultation on Ethical Standards in Local Government (<https://www.gov.uk/government/consultations/local-government-ethicalstandards-stakeholder-consultation>)
The Local Government Ethical Standards Report
(<https://www.gov.uk/government/publications/local-government-ethical-standardsreport>)
Local Government Association Model Member Code of Conduct Consultation
(<https://www.local.gov.uk/local-government-association-model-member-codeconduct-consultation>)