

## BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

<b>TO:</b> Joint Audit and Standards Committee	<b>REPORT NUMBER:</b> JAC/19/25
<b>FROM:</b> Monitoring Officer	<b>DATE OF MEETING:</b> 11 August 2020
<b>OFFICER:</b> Emily Yule – Assistant Director for Law & Governance and Monitoring Officer	

### RESPONSE TO THE CONSULTATION ON THE LGA DRAFT MODEL CODE OF CONDUCT

#### 1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to gain the Joint Audit and Standards Committee's approval of the Councils' response to the consultation on the LGA Draft Model Code of Conduct for Members. The Committee has delegated authority from Full Council to deal with matters relating to the Code of Conduct, except for the adoption of a Code of Conduct which is reserved to Full Council and the undertaking of hearings for Code of Conduct Complaints which is delegated to the Joint Standards Board.

#### 2. RECOMMENDATIONS

- 2.1 That the draft consultation response be considered and amended as required by the committee, and
- 2.2 That the Monitoring Officer be authorised to submit the agreed consultation response on behalf of Babergh and Mid Suffolk District Councils.

#### 3. KEY INFORMATION

- 3.1 The Localism Act 2011 required all local authorities to adopt a new Code of Conduct for Members, or update their existing one, to ensure that the code complied with and promoted the Seven Principles of Public Life or 'Nolan Principles' and adequately addressed the declaration of pecuniary and non-pecuniary interests. The Nolan Principles are:

- Selflessness;
- Integrity;
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

- 3.2 Local authorities could choose to adopt a model code of conduct produced by the LGA or their own local code of conduct. In 2012 Babergh and Mid Suffolk District

Councils resolved to adopt the Suffolk Local Code of Conduct<sup>1</sup>. This Code of Conduct has been adopted by all Suffolk Councils including Town and Parish Councils. District Monitoring Officers also have responsibility for dealing with conduct matters in Town and Parish Councils, therefore having a county-wide Code of Conduct is highly advantageous as the same scheme is applied across the board.

3.3 On 30 January 2019 the Committee on Standards in Public Life published its report "[Local Government Ethical Standards](#)". One of the key recommendations from the report 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*". Hence the LGA has produced a draft new Model Code Of Conduct (appendix A) in partnership with key stakeholders which has been published for consultation from 8 June to 17 August 2020.

3.4 The Committee on Standards in Public Life also made further recommendations which are relevant to the drafting of the new model code, notably:

- That Councillors should be presumed to be acting in an official capacity in their public conduct, including on social media,
- That the register of gifts and hospitality threshold be increased to £50 for a single item and that multiple items totalling £100 or more from a single source should be declared,
- That a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter",
- That Local Authorities should be able to suspend Councillors, and withhold the payment of allowances, for up to 6 months but only where the Independent Person and the Monitoring Officer are both in agreement that this is an appropriate sanction,
- That Councillors who have been suspended should be able to appeal to the Local Government Ombudsman,
- That the Localism Act 2011 be amended to state that Town and Parish Councils must adopt the Code of Conduct of their Principal Authority or the Model Code,
- That the criminal offences relating to disclosable pecuniary interests should be abolished.

3.5 The LGA draft Model 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 amendments to the Code proposed by the LGA are restricted to those which can be made without changes to the current legislation.

3.6 The LGA is inviting Councils, individual Councillors and Monitoring Officers to respond to a consultation on the draft new model code. A copy of the consultation questions is attached at appendix B. The Monitoring Officer has prepared a proposed response to the consultation (appendix C) for consideration, amendment and approval by the Joint Audit and Standards Committee which will then be submitted

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<sup>1</sup> Babergh District Council on 19 June 2012, Mid Suffolk District Council on 21 June 2012

as the Councils' formal response to the consultation. This will not prevent any Councillor submitting an individual response in a personal capacity.

- 3.7 Once the Model Code has been agreed and published by the LGA the Councils will need to consider whether to adopt the Model Code in its entirety or a Local Code of Conduct which fulfils the key requirements. It would be desirable to continue to have a Suffolk-wide Code of Conduct to provide consistency across the County and throughout the tiers of Local Government. Training will be provided to all Councillors on any amendments to the adopted Code of Conduct.

#### **4. LINKS TO CORPORATE PLAN**

- 4.1 There are no specific links to the corporate plan, however the Member Code of Conduct is a key part of the Councils' governance arrangements.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no financial impacts to the Councils by responding to this consultation.

#### **6. LEGAL IMPLICATIONS**

- 6.1 There are no legal implications of the Councils responding to this consultation.

#### **7. RISK MANAGEMENT**

- 7.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
The Councils miss the opportunity to contribute to the development of a new model Code of Conduct for Members	Low	Low	The Joint Audit Standards Committee is asked to agree a consultation response.

#### **8. CONSULTATIONS**

- 8.1 This report has been prepared in consultation with the Cabinet Members for Law & Governance, the Deputy Monitoring Officers and the Independent Persons appointed for the purpose of considering Code of Conduct complaints.

#### **9. EQUALITY ANALYSIS**

- 9.1 An Equality Impact Assessment is not required for the purpose of responding to the consultation. However, a full Equality Impact Assessment will be required if the Councils choose to adopt a new model Code of Conduct.

#### **10. ENVIRONMENTAL IMPLICATIONS**

10.1 There are no environmental impacts of responding to this consultation. The consultation is online and Councils response will be submitted electronically.

## 11. APPENDICES

Title	Location
(a) Draft LGA Model Code of Conduct for Consultation	Attached
(b) Draft LGA Model Code of Conduct Consultation Questions	Attached
(c) Suggested Consultation Response	Attached

## 12. BACKGROUND DOCUMENTS

12.1 None