

Audit and Governance Committee

Local Government Association Model Code of Conduct

Date: 25 March 2021

Agenda Item:

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| Title of Report | Local Government Association Model Code of Conduct |
| Purpose of Report | To advise the committee of the LGA's Model Code of Conduct and to consider how the Council should respond. |
| Recommendations | That the committee notes the LGA's new Model Code of Conduct and agrees to work with Gloucestershire's District Councils with a view to developing a common Code of Conduct across Gloucestershire. |
| Officer Contact | Rob Ayliffe Monitoring Officer Tel: 01452 328506 |
| Key Risks | N/A |

Introduction

1. The Localism Act 2011 abolished the former Local Government Standards Board and replaced it with a system whereby Local Authorities are responsible for agreeing their own codes of conduct and investigating alleged breaches of that code. Gloucestershire County Council's Code of Conduct was introduced in 2012, and since then operation of the code has been reviewed annually by this committee. During this time, a number of complaints have been resolved informally, and it has not yet been necessary to convene a meeting of the Hearings Panel.
2. In January 2019, the Committee for Standards in Public Life (CSPL) published a review into local government ethical standards. The recommendations from this review were shared with Audit & Governance Committee at the time, and an update on their implementation was provided in October 2020. The CSPL review highlighted the importance of clear Codes of Conduct in maintaining high ethical standards in public life. It also found considerable variation between Local Authority Codes of Conduct in structure, wording, length, breadth, clarity and detail, noting the potential for this to create confusion, particularly in two-tier areas where councillors often serve on multiple tiers of local government. The Committee recommended 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.
3. The Local Government Association undertook work to develop such a model Code of Conduct throughout 2019 and early 2020. Consultation on a draft Code took place during last summer, and included engagement with councillors through a number of online workshops. The resulting model Code was published in December 2020 and is attached to this report at Appendix 1.
4. While covering similar ground to Gloucestershire County Council's Code of Conduct (included at Appendix 2), the Model Code of Conduct is considerably longer and more detailed. As Local Authorities retain responsibility for their own Code of Conduct, Gloucestershire County Council is under no obligation to adopt the model Code. However, members may feel that there are advantages to doing so.
5. The main advantage of a more detailed Code is that it offers Councillors and members of the public greater clarity over the behaviour that is expected of them. Experience of managing complaints under the current Code of Practice suggests that members of the public are not always clear about its scope. This has resulted in a number of complaints that, while important to the complainant, do not amount to a breach of the Code of Conduct. While the

Council's processes often allow for these to be resolved informally, the lack of clarity can result in avoidable stress to the councillor against whom the complaint is brought, and unnecessary frustration to the member of the public who brought it.

6. On the other hand, it could be argued that a broader code encourages a more positive culture by focussing on principles, rather than specific actions or behaviours. It also offers greater flexibility to tackle behaviour that falls short of that which is expected.
7. Aside from the level of detail and style of a particular Code, there are, of course, advantages to having a consistent approach across the different tiers of Local Government. Informal conversations have taken place with the Monitoring Officers of the District Councils. These soundings suggest that there may be an appetite for adopting a common code across Gloucestershire, though some councils may want to make minor modifications to the model code. Cotswold District Council has already adopted the model code in its entirety.
8. Audit and Governance Committee is responsible for advising the Council on any amendment or revision to the Code of Conduct for Members. This report is therefore being brought to seek the committee's views on the Model Code of Conduct and to the Committee's support for working with Gloucestershire's six District Councils with a view to developing a common Code of Conduct across the county.
9. As the Code of Conduct forms part of the constitution, any revisions to the Code of Conduct would need to be approved by Constitution Committee before proceeding to County Council for adoption.

