

Audit, Governance and Standards Committee

1st March

2021

Local Government Association new Model Code of Conduct

Relevant Portfolio Holder	Councillor
Portfolio Holder Consulted	Yes - Councillor David Thain, Portfolio Holder for Finance and Enabling
Relevant Head of Service	Claire Felton
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Wards Affected	n/a
Ward Councillor(s) consulted	n/a
Relevant Strategic Purpose(s)	n/a
Key Decision / Non-Key Decision	n/a
If you have any questions about this report, please contact the report author in advance of the meeting.	
This report contains exempt information as defined in Paragraph(s) of Part I of Schedule 12A to the Local Government Act 1972, as amended	

1. RECOMMENDATIONS

The Committee is asked:

1) to review the new Model Code of Conduct at Appendix 1 and consider whether it recommends:

- a) adopting it; or**
- b) amending the pan-Worcestershire Code currently in place attached at Appendix 2; and**
- c) request the Monitoring Officer [MO] to liaise with other MOs across Worcestershire to consider the feedback from all councils and to bring forward a new Worcestershire wide Code for consideration.**

2. BACKGROUND

2.1 The Committee will recall from previous reports that the National Committee on Standards and Public Life carried out a review of the operation of the Standards Regime under the Localism Act 2011 and also made a number of recommendations on 'best practice' in this regard. The report on the implementation of those recommendations and resulting changes to the Council's "Arrangements" for handling

Audit, Governance and Standards Committee

1st March

2021

member complaints was considered by this committee at its last meeting on 26th November 2020.

2.2 In December 2020 the Local Government Association (LGA) published a model Code of Conduct as part of its work in supporting the sector to continue to aspire to high standards of leadership and performance. A copy of this is attached at Appendix 1. This is offered as a template for councils to adopt as a whole and/or with local amendments.

2.3 The content of the LGA Code is generally similar to the Worcestershire Code.

The main areas where it differs are:

- The LGA Code includes detailed guidance to explain the reasons for obligations and how they should be followed
- It includes a statement about a right to respectful behaviour from the public which is not referred to in the Worcestershire Code
- It includes an obligation to undertake Code of Conduct training provided by the local authority
- The value for registering gifts and hospitality is £50 compared to £15 in the Worcestershire Code
- There is more detail in the LGA Code about registering and declaring **Other** Interests. The LGA Code states (in table 2) that Councillors have a personal interest in any business where it relates to or affects any body of which a Councillor is in general control or management and to which they are nominated or appointed by the Council. This is in direct contrast to the current situation in the Worcestershire Code where appointment to an outside body by the Council does not automatically mean that an Other Interest should be declared.

2.4 Members have previously expressed a preference for a Code of Conduct that applies to all councils across the County and at all tiers of local government, as is currently the case in Worcestershire.

2.5 The new model code anticipates that some adaptations will be made for local adoption and for this reason it is recommended that members agree that the Monitoring Officers across the County should consider the feedback from this and the other Standards Committees to draft a new pan-Worcestershire Code and bring it back to each authority for consideration.

Audit, Governance and Standards Committee

1st March

2021

2.6 Because primary legislation is required to introduce a number of the recommendations to strengthen the Standards regime as identified by the Committee on Standards in public life, it is recommended that we should move to the new model Code now and amend it for local adoption, rather than amend the current Code.

This is because any future changes that are introduced by legislation will relate to the new Code and it will therefore be more readily amended than if we were to stay with the current code, even if it were to be amended to align with the new model Code.

3. FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications arising from this report.

4. LEGAL IMPLICATIONS

4.1 Under the Localism Act 2011, the Council is required to adopt a Code of Conduct, which it has. Following a review of the operation of the Standards regime under the Localism Act, carried out by the Committee for Standards in Public Life, the Local Government Association has issued a new Model Code and this report and subsequent proposed Code of Conduct for adoption by the Council, will ensure compliance with the requirements of the Localism Act.

5. STRATEGIC PURPOSES - IMPLICATIONS

Relevant Strategic Purpose

5.1 n/a

Climate Change Implications

5.2 n/a

6. OTHER IMPLICATIONS

Equalities and Diversity Implications

6.1 n/a

Operational Implications

6.2 n/a

7. RISK MANAGEMENT

Audit, Governance and Standards Committee

1st March

2021

7.1

8. APPENDICES and BACKGROUND PAPERS

- Appendix 1 –Member Code of Conduct published by the LGA
<https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>
- Appendix 2 – Worcestershire County Council Code of Conduct

9. REPORT SIGN OFF

Department	Name and Job Title	Date
Portfolio Holder	Councillor David Thain, Portfolio Holder for Finance and Enabling	
Lead Director / Head of Service	Claire Felton	
Financial Services	n/a	
Legal Services	Claire Felton	
Policy Team (if equalities implications apply)	n/a	
Climate Change Officer (if climate change implications apply)	n/a	