

<b>Report title:</b> LGA Model Code of Conduct	
<b>Report to:</b> Audit, Governance and Standards Committee	
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<b>Date:</b> 22 March 2021	<b>For:</b> Decision
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<b>County Divisions affected:</b> All Essex	

**1. Purpose of report**

- 1.1 In December 2020, following a consultation, the Local Government Association (LGA) published a model code of conduct regulating the standards of behaviour expected of councillors. This report asks the Committee to review the code and decide whether or not to recommend that the Council adopts it.

**2. Recommendations**

- 2.1 That the Committee continues to monitor the evolving picture with respect to the LGA Model Code of Conduct but does not recommend adoption of the LGA code at this time.

**3. Background and Issues**

- 3.1 In early 2019 the national Committee on Standards in Public Life published a report on standards in local government. They made a number of recommendations to local authorities, to the LGA and to central government. ECC has broadly implemented the recommendations. On 16 November 2020 the Committee received a report on progress in implementing the recommendations. Central government still has not yet responded to the recommendations and we do not yet know if or how it will react.
- 3.2 The key recommendation to the LGA was that it should produce a model code for local authorities to consider adopting. At present all local authorities have their own code. In Essex a 'model' code was produced in 2012 but many authorities – including ECC -- amended the 'model' code to reflect their own circumstances. Over time the 'Essex model' code has been reviewed by individual authorities and now most authorities are using their own code which differs significantly from the Essex Code.
- 3.3 This has a particular impact on members of ECC given that 60-70% of our members are also district councillors and may also be parish or town

councillors – meaning that they may have to remember up to four sets of rules at meetings.

3.4 ECC's starting point should therefore be that it would welcome the introduction of a model national code, in the hope that all Essex authorities will adopt it. The adoption of a national code would of course mean that ECC has to accept a code designed for all local authorities rather than specifically for ECC, but if the code was one that ECC and other Essex authorities could be happy with then the benefits would outweigh the disadvantages.

3.5 In 2020 the LGA consulted on a code. On 6 July 2020 the Committee considered a report about the consultation which said:

*'Early conversations with other Essex local authorities indicate that a significant number of authorities are likely to adopt the LGA code but this is of course dependent on the final content of the code and the views of those authorities at the time.'*

3.6 In December 2020 the code was published. ECC now needs to decide whether or not to adopt it. The LGA Model code is appended to this report.

3.7 There is limited advantage to ECC in adopting the national code unless a significant number of Essex local authorities also adopt it. Conversations with monitoring officers at other authorities suggest that the broad picture in two tier areas – ie areas covered by a county and district council is likely to fall into one of the following categories:

- Areas which currently have an unsatisfactory code which simply recites the 'Nolan principles' – these authorities are likely to be recommended to adopt the new code as it is an improvement over their current code and will also bring the advantage of a single code. Essex does not fall into this category.
- Areas which have already managed to have a single code across the county area. This is the case in Suffolk. These authorities generally see no reason to change as the national code currently offers no advantages to them – although this may change if they become an outlier.
- Areas where there is no agreed code adopted by all the authorities in the area, where people generally see the advantage of a single code but where the current codes used by individual authorities are satisfactory. In these areas the disadvantages of the current LGA code are seen as outweighing the advantages of a single code.

3.8 The Monitoring Officer has met with other Essex Monitoring Officers in January 2021 and it is clear that the authorities in Essex fall into the third category. The view is that complexities of the new code, particularly relating to declaration of interests mean that we are, regrettably, not yet in a position to recommend adoption to our authorities. For example the LGA Code has arguably six different types of interest, each with their own rules. At present ECC has two different types of interest. A curious piece of drafting would appear to give members an interest in all political parties, regardless of whether or not they were a member of the party.

- 3.9 A letter has been sent to the LGA on behalf of all fifteen monitoring officers expressing disappointment in the LGA code. The LGA have replied saying that the issues may be resolved by guidance on the code or by a future revision to the Code. They have expressed an interest in working to refine the code.
- 3.10 It is therefore recommended that ECC does not adopt the model code of conduct, but that we continue to work with the LGA to help shape a code that we can live with. A decision not to adopt the code now will send a message that the LGA needs to improve the code before we can recommend adoption.
- 3.11 If, contrary to the recommendations in this report, the Committee do wish to recommend adoption to full Council then it can be considered at the annual meeting in May 2021.

#### **4. Financial Implications**

- 4.1 This report has no financial implications.

#### **5. Legal Implications**

- 5.1 The Council is required by the Localism Act 2011 to adopt a code of conduct which is consistent with the 'Nolan' principles. It has a wide discretion as to what the code says, but there is a clear benefit to it being consistent with codes adopted by other authorities where there is an overlap of membership between ECC and the other authority.

#### **6. List of Appendices**

Model LGA code

#### **7. List of background papers**

Correspondence between ECC with monitoring officers and the LGA to the extent that such correspondence does not include exempt information.