

26 July 2022

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| Report of | Monitoring Officer | Author | Andrew Weavers |
| | | | ☎ 282213 |
| Title | Local Government Association Model Councillor Code of Conduct | | |
| Wards affected | Not applicable | | |

1. Executive Summary

- 1.1 This report asks the Committee to adopt the revised Local Government Association (LGA) model councillor code of conduct. In December 2020, following a consultation, the LGA published its model councillor code of conduct regulating the standards of behaviour expected of councillors. This report asks the Committee to review the model code and decide whether to make a recommendation to Full Council that it be adopted.

2. Recommended Decisions

- 2.1 That the Committee recommends to Full Council that Colchester Borough Council adopts the Local Government Association's Model Councillor Code of Conduct with effect from 1 December 2022.
- 2.2 That the Monitoring Officer organises training for all Councillors on the Model Code of Conduct prior to its implementation.
- 2.3 That the Monitoring Officer be requested to write to all Town and Parish Councils in the Borough recommending that they adopt the Model Code of Conduct and that training be offered.

3. Background

- 3.1 The Borough Council adopted its current Members' Code of Conduct in 2012 which has been the subject of an annual review by this Committee. The Code has over the years been found to serve the Borough Council well. A link to the current code can be found at Appendix 1.
- 3.2 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. The Borough Council has broadly implemented those recommendations. Central government still has not yet responded to the recommendations and we do not yet know when it will react, although a response is said to be expected soon.
- 3.3 The key recommendation to the LGA was that it should produce a model code for local authorities (including parishes) to consider adopting. At present all local authorities have their own code. A 'model' code was produced by the Essex authorities in 2012 but almost all authorities have amended the 'model' code to reflect their own circumstances. Over time the authorities (including parishes) have carried out further reviews and most authorities are now using a code which, though based on the original Essex Code, has significant differences. This impacts on members of the Borough Council given that 25% of councillors are members of at least one other authority.
- 3.4 At its meeting on 28 July 2020 the Committee considered and agreed its response to the LGA's consultation on its draft Model Councillor Code of Conduct. The LGA received many responses to its consultation which led to some changes in the code.

- 3.5 In December 2020 the LGA model code was published but most authorities in Essex were not at that stage intending to adopt it. This was because there were a number of concerns about the clarity of the rules regarding declaration of interests. As a result, the Monitoring Officer decided not to recommend adoption to the Committee, but to keep a watching brief on the situation.
- 3.6 In May 2021 the LGA published a revised version of the model code which is attached at Appendix 2. This addressed the main concerns that Monitoring Officers had with the previous version of the LGA model code. All Monitoring Officers in Essex are now generally satisfied with the model code and each are now working towards adoption with their respective authorities.
- 3.7 The Borough Council has previously welcomed the introduction of a national model code in the hope that all Essex authorities (including parishes) would adopt it. The adoption of a national code would mean that the Borough Council has to accept a code designed for all local authorities rather than one specifically for the Borough Council, but the benefits of all Essex local authorities (at all tiers) using the same code, outweighs these disadvantages.
- 3.8 Essex County Council adopted the model code on 1 June 2022 and other Districts and Boroughs within Essex either have or are working towards adopting the model code. Some parishes within the Borough are also considering adopting the model code.
- 3.9 Accordingly it seems sensible to consider whether the Borough Council should now adopt the model code. What would adopting the model code mean?
- 3.10 The fundamental aim of the model code is to create and maintain public confidence in the role of Councillor and of Local Government. It also aims to protect the public, Councillors, Officers, and the reputation of Local Government. The model code clearly sets out:
- The general principles of conduct expected of all Councillors and specific obligations in relation to standards of conduct; and
 - The type of conduct that could lead to action being taken against them.
- 3.11 The model code covers the following areas:
- Respect.
 - Bullying, harassment and discrimination. (The model code includes a definition of bullying, something which our current code does not have. The Committee on Standards in Public Life recommends that local authorities include such a definition in their code.)
 - Impartiality of officers of the Council.
 - Confidentiality and access to information.
 - Disrepute.
 - Use of position.
 - Use of Local Authority resources and facilities.
 - Complying with the Code of Conduct.
 - Protecting your reputation and the reputation of the Local.
 - Interests.
 - Gifts and hospitality.
- 3.12 Some key features of the model code:
- It has been written in the first person, to make it more personal to Councillors.
 - It contains provisions on the use of social media, including confidentiality.
 - In relation to declaration of interests, there are three categories:
 - (i) Disclosable Pecuniary Interests,
 - (ii) Other Registrable Interests; and
 - (iii) Non- Registrable Interests.This strengthens those areas of declaration that have been seen to be too weak. The model code is explicit about declaration of interests that not only affect spouses, civil partners or co-habitees, but also relatives or close associates. This should provide protection to Councillors.
 - A duty to comply with any sanction imposed.

- 3.13 The LGA has also produced:
- Guidance on the model code including examples (a link to which can be found at Appendix 3); and
 - Training Resource Pack.
- The Guidance is welcomed as it will assist all Councillors and Monitoring Officers to interpret the Code consistently.
- 3.14 The LGA plan to undertake an annual review of the model code to ensure it continues to be fit for-purpose, incorporating advances in technology, social media and changes in legislation. Every time it changes the Borough Council will need to consider updating its own code to reflect the changes in the model code. The LGA have indicated that the model code will not change in 2022.
- 3.15 If the Committee recommends adoption to Full Council, training will be arranged for all Councillors by the Monitoring Officer using the LGA's Training Resource Pack referred to in 3.13 above.
- 3.16 If we adopt the model code, all Councillors will need to review their register of interests as the requirements for registration are slightly different, although the requirements of the LGA model code are slightly simpler. The position regarding registration and declaration of Disclosable Pecuniary Interests remains the same as these are subject to a separate legislative provision albeit included in the code for completeness.
- 3.17 In conclusion it is suggested that the Borough Council adopts the model code and that it should come into effect from 1 December 2022 (or such other date as suggested by the Committee) to enable suitable training to be provided by the Monitoring Officer prior to its implementation. It is also suggested that the Monitoring Officer writes to all Town and Parish Council's in the Borough to recommend that they consider adopting the model code and offer training. This will ensure consistency across the Borough and also assist dual hatted Councillors.

4. Strategic Plan References

- 4.1 The manner in which the Council governs its business is an underpinning mechanism in the Borough Council's Strategic Plan aims to set out the direction and future potential for our Borough.

5. Financial, Publicity, Equality, Diversity and Human Rights, Consultation, Health, Wellbeing and Community Safety, Health and Safety and Risk Management, Environmental and Sustainability Implications

- 5.1 None identified.

List of Background papers:

Appendix 1 – current Colchester Borough Council code

[MembersCodeofConduct.pdf](#)

Appendix 2 - LGA Model Councillor Code of Conduct

Appendix 3 - LGA Guidance

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)