

## COUNCILLOR CODE OF CONDUCT

**Head of Service:** Andrew Bircher, Interim Director of Corporate Services

**Wards affected:** (All Wards);

**Appendices (attached):**

### Summary

This report considers the Councillor code of conduct, which has been reviewed by the Constitution Working group (CWG), and makes a recommendation for adoption.

### Recommendation (s)

#### The Committee is asked to:

- (1) Recommend to Full Council that the Local Government Association Model Code of Conduct 2020 is adopted in its entirety.**

## 1 Reason for Recommendation

- 1.1 The CWG has reviewed the code of conduct and is recommending to the Standards and Constitution Committee and then to Full Council that the LGA model code of conduct should be adopted in its entirety.

## 2 Background

- 2.1 EEBC's current Members Code of Conduct was last updated in 2019.
- 2.2 In December 2020, the Local Government Association (LGA) developed and published a Model Councillor Code of Conduct in association with key partners and following extensive consultation with the sector, to which EEBC's Standards Committee responded. This was in response to the recommendation of the Committee of Standards in Public Life (CSPL) Local Government Ethical Standards 2019. The code was part of the LGA's work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance, and their Civility in Public Life programme.
- 2.3 The code is a template for Local Authorities to adopt in whole or with amendments to take into account local circumstances.

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- 2.4 The LGA's aim was to make the code relatively short and easy to read rather than an overly-complex legal document as it needed to be accessible to Councillors, officers, and the public alike. The consultation response also asked for supporting guidance to help understand some of the key provisions in greater depth with examples and case illustrations.
- 2.5 The guidance is a detailed publication which is aimed to help understanding and consistency of approach towards the code. It is not reproduced here in this report but the link can be found at the end of this report.
- 2.6 The code, together with the supporting guidance, have been designed to protect the democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of Councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage Councillors to:
- model the high standards expected of Councillors,
  - be mutually respectful even if they have personal or political differences,
  - provide a personal check and balance,
  - set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of Councillors and in breach of the code,
  - protect Councillors, the public, local authority officers and the reputation of local government.
- 2.7 The LGA will undertake an annual review of this guidance and the code to ensure it continues to be fit for purpose, incorporating advances in technology, social media, case law and changes in legislation. The latest version on the LGA website is updated 17 May 2021 and is the version shown in the appendix.
- 2.8 The current EEBC Code of Conduct is compliant with regulation, but during the review of the Constitution in 2022, Standards and Constitution Committee asked the CWG to consider whether it was fit for purpose.
- 2.9 The CWG has debated whether to adopt the LGA version, retain our existing Code of Conduct for Members, or to create a local version of the code. They considered both of the codes and the LGA Code of Conduct Survey.

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- 2.10 The group decided that the LGA Code had been written by experts and had cross party support. It was also felt that as this was a scheme adopted by so many councils it was tried and tested. Some councils had adopted the LGA Code with modifications or amendments. The CWG decided that there was little merit in making amendments as for a borough of our size it was prudent to adopt what was considered to be national best practice rather than creating our own unique content. Their recommendation is that the Council adopts the LGA code unaltered.
- 2.11 One of the CSPL's best practice recommendations is that councils should review their Code of Conduct annually and regularly seek, where possible the views of the public, community organisations and neighbouring authorities. Given the wide-reaching and extensive consultation conducted by the LGA, it is not recommended that further consultation is currently required. As noted above, the LGA has committed to an ongoing and at least annual review of their Model Code. On that basis, it is suggested that this Committee carries out an annual light touch health check upon the publication of the LGA annual review.

## 3 Risk Assessment

Legal or other duties

### 3.1 Equality Impact Assessment

- 3.1.1 An EIA has not been done for this report but the LGA code of conduct sets out behaviours which help to support the way communities of all types are treated and included.

### 3.2 Crime & Disorder

- 3.2.1 There are none that arose from this report.

### 3.3 Safeguarding

- 3.3.1 There are none that arise from this report.

### 3.4 Dependencies

- 3.4.1 This is linked to the constitution and there are background papers shown below.

### 3.5 Other

- 3.5.1 None.

## 4 Financial Implications

- 4.1 There are no direct financial implications of the report recommendations.

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4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

## 5 Legal Implications

5.1 Under the Localism Act 2011, all councils must adopt a code of conduct dealing with the conduct that is expected of members.

5.2 This Committee is responsible for Standards functions as set out in the Constitution. This includes advising the Council on codes of conduct and making arrangements under which allegations may be investigated. Changes to the Code of Conduct and the Constitution are, however, decisions reserved to full Council.

5.3 **Legal Officer's comments:** None arising from the contents of this report.

## 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

- Ensuring a transparent and fair process for engaging with councillors as well as effective council.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None.

6.4 **Sustainability Policy & Community Safety Implications:** None

6.5 **Partnerships:** None

## 7 Background papers

7.1 The documents referred to in compiling this report are as follows:

### **Previous reports:**

- none

### **Other papers:**

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

The LGA published a Code of Conduct Survey – Research Report in July 2023 (2023 LGA Code-of-Conduct-Survey-Research-Report-July-2023-AA.pdf)