

# Southend-on-Sea Borough Council

Report of Executive Director (Legal & Democratic Services) & Monitoring Officer

to  
**Standards Committee**

on  
**28 July 2020**

Report prepared by: John Williams, Executive Director (Legal & Democratic Services) & Monitoring Officer

Agenda  
Item No.

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## The Local Government Association consultation on draft Model Member Code of Conduct

### Part 1 Public Agenda Item

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#### 1. Purpose of Report

To inform the Standards Committee of the consultation by the Local Government Association (LGA) on its draft Model Member Code of Conduct. The consultation runs for 10 weeks from 8 June until 17 August 2020.

#### 2. Recommendations

**To agree a response to the Local Government Association's consultation on its draft Model Member Code of Conduct (a draft response is attached at Appendix 3).**

#### 3. Background

##### 3.1 The Standards Regime relating to Councillors.

The national standards regime introduced by the Localism Act 2011:

- Requires Councils to promote and maintain high standards of conduct for its Councillors and Co-opted Members.
- Requires Councils to adopt their own Member Code of Conduct, consistent with a set of principles and the provisions of the Localism Act 2011.
- Defines "Disclosable Pecuniary Interests" which must be registered and declared by Councillors and Co-opted Members – and imposes criminal sanctions for non-compliance.
- Abolished the previous National Code, the Standards Board for England and the associated legislation.

- Requires the compilation and publication on the Council's website of the Register of Members' Interests.
- Requires Councils to put in place arrangements for dealing with breaches of the Code. However, there are very limited sanctions if such a breach is found, essentially naming and shaming and possibly withdrawal of facilities in some cases.
- Requires Councils to appoint at least one "Independent Person" to assist with dealing with complaints. Southend has appointed 2 Independent Persons.
- Applies the same principles to parish and town councils, except that the principal council will operate the arrangements in respect of the Code.

### 3.2 The Arrangements at Southend

To ensure some common standards across Essex, a model Essex Code was developed in 2012 and this reflected the strengths of the previous National Code.

On 19 July 2012, the Council adopted a new Members' Code of Conduct ("the Code") which was based on the model Essex Code, together with associated arrangements for dealing with complaints.

(Leigh on Sea Town Council adopted essentially the same Code on the 12 September 2012).

The Code is contained in Part 5(a) of the Constitution and covers 4 matters:

- Some general obligations about Councillor conduct
- Rules on registration of interests
- Rules on declarations of interest
- Rules on gifts and hospitality.

No legislative changes have required the Code to be amended since 2012. However, the Code is kept under review and changes were made in October 2019 as referred to in 3.3 below.

### 3.3 The Committee on Standards in Public Life (“the CSPL”)

The CSPL is a body which advises Government on ethical standards across the whole of public life in the UK. It monitors and reports on issues relating to the standards of conduct of all public office holders, including monitoring the impact of changes to the local government standards regime by the Localism Act 2011.

The CSPL published a “Local Government Ethical Standards Review” in January 2019 making a number of recommendations to local authorities, the LGA and Government.

In terms of recommendations local authorities, the CSPL’s best practice recommendations were considered by the Standards Committee on 3 October 2019. The Standards Committee recommended additions to the Code in accordance with these best practice recommendations and the Council revised the Code at its meeting on 24 October 2019.

The key recommendation to the LGA was that it should produce a Model Member Code of Conduct for local authorities to consider adopting – see 3.4 below.

Key recommendations to Government included giving Councils the power to impose sanctions against a councillor who breaches the Code, alongside an appeals process. The imposition of such sanctions would require legislative change. The Government’s response is awaited.

### 3.4 The LGAs Draft Model Member Code of Conduct

- (a) On 8 June 2020, the LGA published a draft Model Member Code of Conduct for consultation (**Appendix 1**) together with a consultation questionnaire (**Appendix 2**).

In fact, the Model is not that dissimilar from the Council’s existing Code, both having their roots in in the former National Code.

The LGA has stated that *“the draft Model Member Code of Conduct aims to be concise, written in plain English and be understandable to Members, officers and the public. The draft Model Member Code has been designed to aid Members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members.”*

- (b) The introduction of a model national Code seems eminently sensible. It would provide the opportunity for the same standards of conduct to apply to all councillors in England and reflect the common expectations of the public regardless of geography or tier of authority.

- (c) At present all Councils have their own Member Codes of Conduct. Even in Essex, most Councils have over time varied their Member Codes of Conduct, so that they now differ from the model Essex Code referred to in 3.2.

Early indications suggest that a significant number of Essex local authorities are likely to adopt the national Code produced by the LGA, but this is of course dependent on the final content and views of those Authorities at that time.

Once the LGA has produced its final Model Member Code of Conduct, then the Standards Committee and Council will have to decide whether it should be adopted at Southend.

- (d) Attached at **Appendix 3** is a draft response to the consultation questionnaire for the Committee's consideration.

#### **4. Corporate Implications**

##### 4.1 Contribution to the Council's Southend 2050 Road Map

The promotion and maintenance of high standards of conduct for Councillors and Co-opted Members contributes to all aspects of the Southend 2050 Road Map. Also Values and Behaviours are an essential part of the Transforming Together programme.

##### 4.2 Financial Implications

None

##### 4.3 Legal Implications

The Council is required by the Localism Act 2011 to adopt a Member 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 Member Codes of Conduct adopted by other authorities.

##### 4.4 People Implications

None

##### 4.5 Property Implications

None

##### 4.6 Consultation

Standards Committee

4.7 Equalities and Diversity Implications

The LGA will have considered this matter when preparing the consultation draft.

4.8 Risk Assessment

There are no significant risk issues associated with this report.

4.9 Value for Money

No significant issues.

4.10 Community Safety Implications

None

4.11 Environmental Impact

None

**5. Background Papers**

None

**6. Appendices**

**Appendix 1 - LGA Draft Model Member Code of Conduct**

**Appendix 2 - LGA Consultation Questionnaire**

**Appendix 3 – Draft response to Consultation**