

Committee(s): Audit & Scrutiny Committee	Date: 5 th July 2022
Subject: LGA Model Code of Conduct	Wards Affected: All
Report of: Amanda Julian Corporate Director (Law & Governance) and Monitoring Officer	Public
Report Author/s: Name: Amanda Julian Telephone:01277 312500 E-mail: amanda.julian@brentwood.gov.uk	For : Decision

Summary

The Council adopted a Member's Code of Conduct in 2012 following changes to the Standards regime. The current Code of Conduct is in Part 5 of the Constitution, the current code was developed in conjunction with other Essex authorities to try and ensure a consistent approach to dealing with Member's conduct matters.

Since then, the Committee in Public Life published a report on standards in local government in 2019. As a response the LGA produced the Model Code of Conduct, at appendix A to this report, to regulate the behaviours of councillors.

Council is asked to adopt the Code of Conduct replacing the current code in Part 5 of the Constitution.

Recommendation(s)

Members are asked to:

- R1.** That the Council adopt the LGA Model Code of Conduct with effect from the 1 July 2022, as set out in Appendix A.
- R2.** Delegated authority be given to the Monitoring Officer to make the changes necessary to Part 5 of the Constitution.

Main Report

Introduction and Background

1. In January 2019 the Committee on Standards in Public Life published a report which recommended that the Local Government Association (LGA) in consultation with Councillors and officers from all tiers of local government, should produce a new Model Code of Conduct.
2. The Model of Code Conduct was first approved by the LGA on 3 December 2020 at this point clarity was still being sought of the rules about declaring interests. The final version was produced in May 21. The revised version addressed the main concerns Monitoring Officers in Essex had. There was a survey of Monitoring Officers in Essex which concluded that most authorities were working to adopt the Model Code of Conduct in the new municipal year.
3. The main aim of the Model Code of Conduct is to create and maintain public trust and confidence in the role of Councillor and local government.
The Model Code of Conduct sets out:
 - The general principles of conduct expected of all Councillors and specific obligations in relation to the standard of behaviour expected.
 - The type of conduct that could lead to action being taken.
4. The Model Code of Conduct covers the following areas:
 - Respect.
 - Bullying, harassment and discrimination.
 - 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 Authority.
 - Interests.
 - Gifts and Hospitality.
5. Some of the key features:
 - It has been written in the first person.
 - It contains provisions on the use of social media, including confidentiality.
 - In relation to declarations of interest there are three categories:
 - (i) Disclosable Pecuniary Interests.
 - (ii) Other Registerable Interests; and
 - (iii) Non-Registerable Interests.

- There is a duty to comply with any sanction imposed.
This strengthens those areas of declaration that have seemed weak in the past.
The Model Code of Conduct is explicit about declarations of interests that not only affect spouses, civil partners or co-habitees, but also relatives or close associates.

<u>Current Code of Conduct</u>	<u>LGA new Model Code</u>
Disclosable Pecuniary Interests (DPIs) <u>Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;</u>	Disclosable Pecuniary Interests (DPIs) Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<u>A beneficial interest in any land in the Authority's area</u>	Any beneficial interest in land which is within the area of the council. <u>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</u>

Other Registrable Interests, formerly OPIs, have been amended as follows:

<u>Current Code of Conduct</u>	<u>LGA new Model Code</u>

<p>Other Pecuniary Interests</p> <p>You have a pecuniary interest in any business of the Authority where it relates to, or is likely to affect:-</p> <p>(a) any person or body who employs or has appointed you; or</p> <p>(b) a decision in relation to any business of the Authority that might reasonably be regarded as affecting your financial position or the financial position of a related person to a greater extent than the majority of other Council Taxpayers, rate payers or inhabitants of your Authority's area.</p>	<p>Other Registrable interests (ORI).</p> <p>1 <u>You must register as an</u></p> <p>Other Registrable Interest:</p> <p>2 <u>a) any unpaid directorships</u></p> <p>3 <u>b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</u></p> <p>c) any body</p> <p>(i) exercising functions of a public nature</p> <p>4 <u>(ii) directed to charitable purposes or</u></p> <p>(iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p> <p>5 <u>of which you are a member or in a position of general control or management</u></p>
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6. The rules about registering interests, fewer interests are required to be registered under the new Model Code of Conduct
7. The threshold for registering gifts and hospitality would be increased to £50, under £50 would not need to be registered. Gifts over £50 that have been refused will be registerable.
8. Disclosable Pecuniary Interests the current rules are set by law and will not change as a result of adopting the new Model Code of Conduct.
9. The LGA has also produced:
 - Supporting guidance at appendix B
 - Training resource pack

Issue, Options and Analysis of Options

The Council can either adopt the new Model Code of Conduct or not. To not do so would mean the Council would not have the same standards as the rest of Essex.

This would make it difficult for those members that sit as Parish and County Council level as they would be subject to at least two different Model Code of Conducts.

Having a common code offers significant advantage to Councillors who will be subject to the same requirements and standards.

The supporting Guidance will all assist all Councillors and Monitoring Officers to interpret the Model Code of Conduct consistently.

A number of Council's across Essex are in the process of adopting the Model Code of Conduct.

Reasons for Recommendation

To ensure consistency in application of standards.

Consultation

The LGA have undertaken consultation.

References to Corporate Plan

To deliver an effective and efficient council to ensure transparency in decision making.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources) and Section 151 Officer

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

There are no direct financial implications arising from this report

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

The Council has a duty to maintain and promote high standards of conduct by Members and co-opted Members of the Council pursuant to s27(1) Localism Act 2011. All Councils are required to have a Code of Conduct.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning and Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

There are no direct economic implications arising from this report

Equality and Diversity Implications

Name/Title: Kim Anderson, Corporate Manager (Communities, Leisure & Health)
Tel/Email: 01277 312500/kim.anderson@brentwood.gov.uk

The Model Code of Conduct and Guidance emphasis the need for Councillors to ensure those with protected characteristics are protected against discrimination.

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

Background Papers

The existing Model Code of Conduct in Part 5 of the Constitution.

Appendices to this report

Appendix A: LGA Model Code of Conduct
Appendix B: LGA Supporting Guidance.