

GMCA Standards Committee

Date: 17 December 2021

Subject: Local Government Association (LGA) Model Code of Conduct for Members

Report of: Liz Treacy, Monitoring Officer

Purpose of Report

To update the GMCA Standards Committee on the publication of the LGA Model Code of Conduct for Members.

Recommendations:

The GMCA Standards Committee is requested to:

1. Note the report.
2. Consider whether to recommend the adoption of the LGA model code (with or without modifications), or defer consideration and recommendations regarding adoption of the LGA model code pending the receipt of central government's response to the Committee on Standards in Public Life recommendations and any legislative changes.

Contact Officers

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Background Papers

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution
Yes / No

Exemption from call in

Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?

N/A

GM Transport Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction

1.1 In January 2019 the Committee on Standards in Public Life (CSPL) published its report on its review of local government ethical standards. Its first recommendation was 'that the Local Government Association (LGA) should create an updated Code of Conduct in consultation with representative bodies of Elected Members and officers of all tiers of local government'. The Government has yet to comment on the CSPL recommendations including relating to strengthening sanctions for the breach of the code.

1.2 The new LGA Model Code is attached at appendix 1 and the GMCA's current Code of Conduct is attached at appendix 2.

2. The LGA Model Code

2.1 The most significant points to note from the LGA Model Code are:

- That it claims to clarify when the code will apply;
- That it introduces the concept of treating other Elected Members, members of the public, staff and representatives of partner organisations with respect whilst acknowledging the need to be able to engage in debate in a civil manner;
- That it makes it a requirement to comply with any sanction imposed following a finding that the code has been breached. At present sanctions for breach of the Members Code of Conduct as very limited. The CSPL recommended that Government change the law to allow Local Authorities the power to suspend Elected Members, without allowances for up to 6 months (exercisable only when the authority's Independent Person agrees both with the finding of a breach and that suspending the Elected Member would be the appropriate sanction), however the Government has yet to respond to this proposal.
- That it sets out a threshold for registration of gifts and hospitalities at £50, where it was originally £25. Noting that the GMCA's threshold is currently £100.

2.2 Appendix B of the LGA Model Code sets out the requirements in relation to registration and declaration of interests. There are a number of issues with these proposals in that:

- It arguably does not explicitly deal with declaration of interests outside of formal committee meetings, i.e. consultation with elected members or delegated decision making.
- It departs from narrower wording in section 31 of the Localism Act 2011 (which relates to disclosable pecuniary interests) and introduces a distinction between things that 'directly relate' to an interest and things that 'affect' an interest. This could be because it assumes that the change to the law as recommended by the CSPL report would repeal section 31 of the Localism Act once it comes into effect. However, until such time, narrowing this wording would not be recommended given the criminal sanctions for failing to disclose a disclosable pecuniary interest.

3. Next steps

3.1 There are benefits in a consistent approach across Greater Manchester in relation to a Code of Conduct, especially if the majority of authorities across England were also to adopt the Code, not least to benefit from any developing practice or case law.

3.2 Chief Legal Officers have been reviewing the potential adoption of the LGA Model Code and further guidance was issued by the LGA in July 2021. It became apparent in the interim that since its issue the LGA code had been updated twice by the LGA to clarify issues that were not fully covered in the earlier versions.

3.3 The LGA contacted Chief Legal Officers in relation to its original proposal to review the Code on an annual basis querying whether it is too early to review the code this year for the following reasons:

- It has not yet been well embedded;
- Some Authorities have only just considered it;
- It would be better to review it shortly before the May 2022 Local Government elections, so that it can be considered at the annual general meeting for adoption in full/part/not at all at the annual meeting of Local Authorities;
- Wait for central government response to CSPL recommendations if this is likely to be published by the end of 2021.

3.4 Two Councils within Greater Manchester have already adopted the LGA model code. The view of other Chief Legal Officers seemed to retain their current code of conduct for now, and await central government's response to CSPL recommendations and any legislative changes eg in relation to sanctions (which may lead to further changes to the LGA model code).