

Standards Committee

Date: 10 February 2023

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

Report of: Gillian Duckworth, Monitoring Officer

Purpose of Report

To update the GMCA Standards Committee on the adoption 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) to the GMCA
3. Approve the Arrangements for dealing with complaints under the Code of Conduct at Appendix 3

Contact Officers

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Equalities Impact, Carbon and Sustainability Assessment:

N/A

Risk Management

The review of the Code of Conduct for Members contributes to good governance

Legal Considerations

It is a requirement of the Localism Act 2011 that the GMCA adopt a Code of Conduct for Members

Financial Consequences – Revenue

N/A

Financial Consequences – Capital

N/A

Number of attachments to the report: 3

Comments/recommendations from Overview & Scrutiny Committee

N/A

Background Papers

- Report to the GMCA Standards Committee 17 December 2021
- Local Government Association (LGA) Model Code of Conduct for Members
- GMCA Code of Conduct for Members

Tracking/ Process

Does this report relate to a major strategic decision, as set out in the GMCA Constitution

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?

No

GM Transport Committee

N/A

Overview and Scrutiny Committee

N/A

1. Introduction/Background

1.1. This report provides an update since the Monitoring Officer's report to the Standards Committee of 17 December 2021 on the adoption of the Local Government Association Model Code of Conduct for Members.

2. The LGA Model Code

2.1. The LGA approved its Model Councillor Code of Conduct on 3 December 2020 and approved updates on 19 January 2021 and 17 May 2021. This followed the Committee on Standards in Public Life (CSPL) recommendation 'that the Local Government Association ('LGA') should create an updated code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government'.

2.2. Attached at Appendix 1 is the latest update of the Model Code that was approved by the LGA on 17 May 2021 and the GMCA's current Code of Conduct is attached at Appendix 2.

2.3. At its meeting on 17 December 2021, the Standards Committee recommended that adoption of the LGA model code be deferred pending the receipt of central government's response to the CSPL's recommendations and any legislative changes. The CSPL's recommendations had included the strengthening of sanctions for the breach of the code.

2.4. Government published its response to the CSPL's recommendations in March 2022 but did not accept the CSPL's recommendations in relation to introducing/repealing legislation.

3. Current Position

3.1. The GM Chief Legal Officers have met to discuss the LGA Model Code of Conduct in light of the central government's response to the CSPL report. They have not however made any recommendation as a group for the 10 GM local authorities. The view of the GM Chief Legal Officers is that individual Councils need to consider their own position in relation to the LGA Model Code.

3.2. The following GM local authorities have adopted the LGA Model Code:

- Tameside on 12 January 2021;
- Oldham on 8 September 2021;
- Trafford on 23 March 2022;

- Stockport on 14 July 2022

- 3.3. 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.
- 3.4. There are a couple of issues to consider in relation to Members interests. Appendix B of the LGA Model Code sets out the requirements in relation to registration and declaration of interests.
- 3.5. The previous report indicated that the LGA Code arguably does not explicitly deal with declaration of interests outside of formal committee meetings, i.e. consultation with elected members or delegated decision making. Also, that 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. As Government does not intend to legislate, it would be prudent to maintain wording that is consistent with the Localism Act 2011, which requires that a councillor must not participate in a discussion or vote on a matter where they have a disclosable pecuniary interest [DPI] in any matter to be considered at the meeting, in view of the criminal sanctions that apply for failing to disclose a disclosable pecuniary interest.

4. Arrangements for Dealing with Complaints

- 4.1. The GMCA is required to have in place Arrangements for dealing with complaints about Members made under the GMCA's Code of Conduct for Members.

There are three specific stages in the Arrangements, set out in the GMCA's Constitution, namely:

- Stage 1 – Initial Assessment of a Complaint
- Stage 2 - Informal Resolution
- Stage 3 - Formal Investigation

- 4.2. More detailed Arrangements have been drafted, attached at Appendix 3, for Members' consideration.