

Tuesday, 15 November 2022

Report of the Monitoring Officer

Code of Conduct Review

Exempt Information

None

Purpose

To update members on new Local Government Association Model (LGA) Code of Conduct in response to the recommendations made by the Office for Standards in Public Life so the Committee can consider whether to adopt it in full or in part, or to retain the Council's current Code of Conduct for Councillors ("Code of Conduct").

Recommendations

1. Members endorse the new LGA model code of conduct
2. The Council's current Code of Conduct and Procedure for dealing with Code of Conduct complaints be reviewed by the Monitoring Officer with any necessary legal advice (where required) and the reviewed code be presented to the Audit & Governance Committee in February 2023. This may incorporate specific elements of the LGA Model Code.
3. Welcome a member workshop to capture members views prior to the final draft being presented to A&G in February 2023.
4. To approve the timetable for review

Reason for recommendation

To ensure that the Council's Code of Conduct is and continues to be fit for purpose

Executive Summary

Section 27(2) of the Localism Act 2011 requires local authority must adopt 'a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.'

Options Considered

N/A

Resource Implications

N/A

Legal/Risk Implications Background

Section 27 of the Localism Act 2011, requires each local authority has to adopt a Members' Code of Conduct

Equalities Implications

None identified.

Background Information

Members will recall a report from the Office for Standards in Public Life that made a number of recommendations in relation to the form and content of codes of conduct for member behaviour.

Partially in response to this report the Local Government Association commissioned a new model code of conduct document in December 2020, with guidance on the application of the Model Code due to be available in March 2021 however this was delayed until July 2021.

A link is provided to the model code and updated guidance below.

- [Local Government Association Model Councillor Code of Conduct 2020 | Local Government Association](#)
- [Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

In addition to the guidance and in response to the LGA's request for views (21 September 2021) on what training support would be helpful, the LGA developed (15 March 2022) further resource to support councils to deliver comprehensive and bespoke training to Councillors on the Member Code of Conduct.

At the request of the committee in June 2022, the Monitoring Officer held a briefing session for all members in August 2022. This briefing session provided members with an overview of differences between the current Code of Conduct and the new updated LGA Model Code of Conduct. A summary of the differences can be found in Appendix A.

A member workshop is welcomed to capture members views and these fed into the reviewed code, with the view to present a final draft to A&G Committee (planned for February 2023) and Full Council (March 2023), The final reviewed code coming into effect in time for the new municipal year 2023/2024. This will provide a clear transition date and can be built into the training for new Councillors post-election.

As part of the review, the Monitoring Officer also intends to review the Procedure for Dealing with Code of Conduct Complaints to ensure it remains fit for purpose.

The Council has a code of conduct in place and there is no legal requirement for this to be replaced or for the Council to adopt the new LGA Model, however it is acknowledged the current code of conduct and procedure for dealing with complaints were put in place in 2014 and corporate guidelines are for polices to be reviewed to ensure they remain fit for purpose. There are some potential positives in the new updated LGA Code which can be added to the Council's Code

Timetable

December 2022

- Review of the current code of conduct by the Monitoring Officer with the consideration of including any new elements of the new LGA Model code.
- Review of the code of conduct complaints process
- Members workshop

February 2023

- Reviewed code of conduct and complaints procedure presented to A&G for consideration and potential referral to the Full Council

March 2023

- Reviewed code of conduct and complaints procedure presented to Full Council

May 2024

- Implementation of the reviewed code of conduct

Report Author

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List of Background Papers

[Agenda for Audit and Governance Committee on Wednesday, 8th June 2022, 6.00 pm:
Tamworth Borough Council](#)

[Issue - items at meetings - Policy in relation to Councillors for an Alleged Breach of the Code
of Conduct: Tamworth Borough Council](#)

Appendices

Appendix A

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