

Thursday, 9 February 2023

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). 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.

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, a briefing session was held 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.

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 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

A review of the Procedure for Dealing with Code of Conduct Complaints to ensure it remains fit for purpose is proposed as part of the process and a member workshop is welcomed to capture members views and these fed into the reviewed code.

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](#)
- [Agenda for Audit and Governance Committee on Thursday, 25th September 2014, 6.00 pm: Tamworth Borough Council](#)

Appendices

Appendix A