

# **Report of the City Solicitor to the meeting of Council to be held on 15 March 2022**

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## **Subject:**

**Local Government Association Model Councillor Code of Conduct**

## **Summary statement:**

This report recommends to Council the adoption of the Local Government Association (LGA) Model Councillor Code of Conduct with amendments to be effective from the beginning of the Municipal Year 2022/23 as recommended by Standards Committee on 6 October 2021. The report also asks Council to note the consequential amendments to the Form for submitting complaints against Elected Members and that the Members' Interests Form will need to be reviewed.

## **EQUALITY & DIVERSITY:**

The LGA Model Councillor Code of Conduct requires members to promote equality and not discriminate unlawfully against any person. It also makes specific reference to the Equality Act 2010 placing specific duties on local authorities. The Code emphasises that councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

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## **1. SUMMARY**

This report recommends to Council the adoption of the Local Government Association (LGA) Model Councillor Code of Conduct with amendments to be effective from the beginning of the Municipal Year 2022/23 as recommended by Standards Committee on 6 October 2021. The report also asks Council to note the consequential amendments to the Form for submitting complaints against Elected Members and that the Members' Interests Form will need to be reviewed.

## **2. BACKGROUND**

2.1 The Council's current Members' Code of Conduct (with a number of subsequent amendments) was adopted by Council in July 2012 following the implementation of the Localism Act 2011 which required all councils to have a Member Code of Conduct.

2.2 In December 2020 the LGA developed and produced a Model Councillor Code of Conduct in association with key partners and following extensive consultation. The Code was subject to minor revisions in May 2021.

2.3 On 6 October 2021 Standards Committee considered the LGA Model Councillor Code of Conduct and recommended its adoption by Council to be effective from the beginning of the Municipal Year 2022-23 with the following amendments. Amendments (1) (a) to (d) are matters included in the Council's existing Members' Code of Conduct and the paragraph numbers refer to the paragraph numbers in the existing Code:

- (a) The inclusion of the mandatory requirement that members complete a training course on Child Sexual Exploitation. (paragraph 21A).
- (b) Confirmation within the Code that all complaints alleging a failure to comply with the Code will be considered in accordance with the Procedure agreed by full Council (paragraph 22).
- (c) The incorporation into the Code of the Protocols on Member- Officer Relations, and Members' use of Council Resources including use of Email and the Internet as detailed in paragraph 23 of the existing Members' Code of Conduct subject to any consequential amendments required to address inconsistencies.
- (d) The Provisions regarding granting of dispensations (paragraph 24).
- (e) That in paragraph 10.2 of the Code (Gifts and Hospitality), £50 be replaced with £25.

2.4 Further detail can be found in the City Solicitor's report to Standards Committee on 6 October 2021.

### **3. OTHER CONSIDERATIONS**

- 3.1 A draft Code incorporating the amendments recommended by Standards Committee together with a number of consequential amendments has been produced and in accordance with the recommendation of Standards Committee the Chair of Standards Committee has been further consulted on this draft. A copy of the draft Code is attached at Appendix 1 with the amendments highlighted in red (“the Code”).
- 3.2 Consequential amendments to the Form for submitting complaints against Elected Members are required. The amended Form with the amendments highlighted in red is attached at Appendix 2 for information.
- 3.3 In addition a review of the Members’ Interests Form with a view to making it simpler and to specifically refer to “Other Registrable Interests” as detailed in the Model Code is advisable. An initial draft has been shared with Group Leaders and Whips and is attached at Appendix 3 for information.

### **4. FINANCIAL & RESOURCE APPRAISAL**

There are no direct financial implications arising from this report.

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

The adoption of the Code with appropriate amendments would strengthen the Council’s governance arrangements. Consideration will need to be given to providing briefings to all Councillors on the Code should it be adopted by Council.

### **6. LEGAL APPRAISAL**

- 6.1 The Council has a statutory duty under the Localism Act 2011 to promote and maintain high standards of conduct by its members and co-opted members and to adopt a code of conduct consistent with the Nolan principles on standards of public life.
- 6.2 Any changes to the current Code of Conduct is subject to the approval of full Council.

### **7. OTHER IMPLICATIONS**

#### **7.1 SUSTAINABILITY IMPLICATIONS**

There are no sustainability implications, greenhouse gas emissions impact or community safety, Human Rights Act, Trade Union, ward or corporate parenting implications in this report.

#### **7.2 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

No applicable

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

- 9.1 On the recommendation of Standards Committee to adopt the amended Code of Conduct as set out in Appendix 1 to this Report.
- 9.2 Not to adopt the amended Code of Conduct as set out in Appendix 1 to this Report and require further consideration before considering adoption.

## **10. RECOMMENDATIONS**

- 10.1 The Code of Conduct as set out in Appendix 1 to this Report be adopted.
- 10.2 The amendments to the Form for submitting complaints against Elected Members as set out in Appendix 2 be noted.
- 10.3 The need for the Members' Interests Form to be reviewed together with the initial draft of the amended form as set out in Appendix 3 be noted.
- 10.4 Delegated authority be given to the City Solicitor to make any consequential amendments required to the Council's Constitution including to the Protocols on Member-Officer Relations, Members Gifts and Hospitality and Members Use of Council Resources including Use of E-mail and the Internet in consultation with the Chair of Governance and Audit Committee as are necessary to implement the decisions of Council.
- 10.5 Upon adoption of the Code by Council the City Solicitor write to all Town and Parish Councils within the Bradford District to advise them of adoption of the Code and encouraging them also to adopt the Code if they have not already done so.

## **11. APPENDICES**

Appendix 1 Proposed draft Code of Conduct incorporating amendments recommended by Standards Committee.

Appendix 2 Amended Form for submitting complaints against Elected Members.

Appendix 3 Draft amended Members' Interests Form.

## **12. BACKGROUND DOCUMENTS**

None.