

Title: Adoption of LGA Model Code of Conduct and associated documents
Lead Officer: Phil Grafton Monitoring Officer
Portfolio Holder: Councillor Jefferson and Councillor Day
Wards of the District directly affected: All

Summary

The report brings forward proposals for the adoption of the Local Government Association (LGA) Model Councillor Code of Conduct, associated guidance and procedures.

Recommendations:-

- (1) The Standards Committee recommends to Council that the revised LGA Model Councillor Code of Conduct, as set out at Appendix 1 to the report, be adopted to replace the existing Code of Conduct for members from 1 May 2022;
 - (2) Subject to Council adopting recommendation (1), the Standards Committee is asked to approve the following documents as set out in the respective appendices to the report:
 - the form and guidance for declaring interest and gifts & hospitality as set out at Appendices 2 and 3 to the report;
 - the form for making complaints as set out at Appendix 4 to the report.
 - (3) The LGA Model Code be promoted for adoption by all Town and Parish Councils in the District, as a replacement for their current code of conduct;
 - (4) The proposed training arrangements for Councillors and officers be noted; and
 - (5) The Committee delegates authority to the Monitoring Officer in consultation with the Chairmen of the Committees to make minor amendments and formatting changes to the documents prior to publication.
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1 Background/Information

- 1.1 In 2021 the Committee and subsequently Council agreed to the adoption of the Model Code of Conduct and delegated the authority of it coming into force, along with the adoption of a number of supporting documents to this Committee.
- 1.2 The Local Government Association (LGA) has, since then, made some amendments to the Model Code of Conduct. In brief the changes to the Code were tidying up and providing clarification, so it is easier to understand as well as updating so that those parts that required legislative change moved to discretionary areas for Council's to consider. An example of this was that the original model included a requirement to declare "Any unpaid directorship" as a disclosable pecuniary interest. This is not required by law and therefore has been moved into the additional interests to be declared.

- 1.3 As a result of these changes it is recommended that the revised Code is adopted by Council following a recommendation from this Committee.
- 1.4 It should also be noted that the LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose. Any proposed amendments by the LGA will be considered by the Monitoring Officer and brought to members as they consider appropriate.
- 1.5 The Local Government Association (LGA) have produced [guidance notes on the Code](#) and its application. These have been considered by officers, along with feedback from Councillors/Council's on the current arrangements in place at both Council's. These have then been used to develop and revise the suite of documents appended to this report.
- 1.6 The appendices to the report are an amalgamation of standard documents already in use at Stratford-on-Avon District Council (SDC) and Warwick District Council (WDC) and are considered to be fit for purpose.
- 1.7 To be clear, the existing terms of reference for the Committee and any powers previously delegated to the Monitoring Officer will remain in place for now and are unaffected by any of the recommendations.
- 1.8 The Monitoring Officer has arranged for an external trainer, Bethan Evans to provide three training session on the new Code of Conduct. Bethan is an expert in this area of work and has developed the LGA training programme on the Code of Conduct. These sessions will be online and available for District, Town and Parish Councillors to attend. Senior officers from both Councils as well as Clerks to all Town/Parish Council's will also be invited to attend the training.
- 1.9 There are further procedural documents in place at both SDC and WDC and at present these will remain in place unchanged. However, they will be reviewed to be combined into a standard set for both Council's. Once this review is complete, they will be brought forward for approval.

2 Alternative Options available

- 2.1 The Committee could make amendments to the procedures in the appendices but the advice is that these should only be made if agreement can be reached from [SDC/WDC].

3 Consultation and Member's comments

- 3.1 The report has been discussed with the Chairmen of both the Audit & Standards and Standards Committees, who support the proposals.

4 Implications of the proposal

4.1 Legal/Human Rights Implications

- 4.1.1 The Localism Act 2011 provides the legal basis for the recommendations, including Section 28(5)(b) of the Act, which enables each Council to adopt a code of conduct for its own members to replace its existing code.

4.2 Financial

- 4.2.1 The report does not impact on the budget of each Council.

4.3 Council Plan

- 4.3.1 There are no direct implications for the SDC Council Plan or WDC Business Plan.

4.4 Environmental/Climate Change Implications

4.4.1 The report does not directly impact on the Climate Emergency Action Plans for either Council.

4.5 Analysis of the effects on Equality

4.5.1 The report does not directly impact on the protected characteristics defined within the Equalities Act.

4.6 Data Protection

4.6.1 There are no direct implications.

4.7 Health and Wellbeing

4.7.1 There are no direct implications.

5 Risk Assessment

5.1 The main risk is if the two Council's make different decisions in relation to the recommendations. This approach provides one of the first alignments of key documents across South Warwickshire, and as stated they have support from the Chairmen of both Committees.

6 Conclusion/Reasons for the Recommendation

6.1 Both Councils have previously decided to adopt the LGA code of conduct for its own members, and the main purpose of this report is to seek adoption of the latest version of the document. It follows that if both Councils support this proposal then it would appear sensible to have a common set of related policies and procedures, a joint training programme and a single date for bringing the two codes into operation.

Background papers: None

Supporting documents: None

Report Information Sheet

Please complete and submit to Democratic Services with report

Committee / Date		
Title of report		
Officer / Councillor Approval *required	Date	Name
Ward Members(s)		
Portfolio Holder		
Financial Services *		
Legal Services (*SDC)		
Other Services		
Chief Executive(s)		
Head of Services(s)*	11/02/2022	Phil Grafton
Section 151 Officer		
Monitoring Officer	11/02/2022	Phil Grafton
CMT (WDC)		
Leadership Co-ordination Group (WDC)		
Other organisations		
Final decision by this Committee or rec to another Cttee / Council?	Yes/ No Recommendation to: Cabinet / Council Committee	
Contrary to Policy / Budget framework?	No/Yes	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No/Yes, Paragraphs:	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	No/Yes, Forward Plan item – scheduled for (date)	
Accessibility Checked?	Yes/No	