



Agenda Item 6

Standards Committee
29 June 2021

Title: The Local Government Association Model Councillor Code of Conduct

**Lead Officer: Graham Leach, graham.leach@warwickdc.gov.uk,
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Portfolio Holder: Andrew Day

Public report

Wards of the District directly affected: None

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: No

Accessibility checked: Yes

Officer/Councillor Approval

| Officer Approval | Date | Name |
|--|--------------|--------------|
| Chief Executive/Deputy Chief Executive | 21 June 2021 | Andrew Jones |
| CMT | | |
| Section 151 Officer | | |
| Monitoring Officer | 21 June 2021 | Andrew Jones |
| Finance | | |
| Portfolio Holder(s) | 21 June 2021 | Andrew Day |

1. Summary

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

2. Recommendation

- 2.1. The Standards Committee recommends to Council the LGA Model Councillor Code of Conduct, as set out at appendix 1 to the report, be adopted to replace the existing WDC Code of Conduct pursuant to section 28(5)(b) of the Localism Act 2011 (The Act) and it comes into force once those areas in recommendation 2.2 have been agreed.
- 2.2. The Standards Committee recommends to Council it be authorised to determine, without further recourse back to Council, the following:
 - Investigating and making decisions on allegations made under the Code pursuant to section 28(6) of the Act;
 - Pooling and appointing Independent Persons under section 28(7) of the Act;
 - Granting dispensations to Members who have interests;
 - Providing/facilitating training on the Code to Members of both Councils;
 - Hearing and determining a complaint that has been the subject of an investigation;
 - Harmonisation of official forms and other documents ancillary to the arrangements;
 - Determining when the LGA Code will come into force; and
 - Issuing guidance to assist Members in complying with the LGA Code.
- 2.3. The LGA Code be promoted for adoption by all Town and Parish Councils in the District, as a replacement for their current code of conduct.
- 2.4. The Monitoring Officer be asked to bring forward an updated Planning Code of Practice in line with that in use at Stratford-on-Avon District Council.

3. Reasons for the Recommendation

- 3.1. In December 2020 the Committee considered a report regarding the Local Government Association – Model Code of Conduct. As a result, the Committee agreed the establishment of a Working Party formed of the Chairman of Standards Committee (Councillor Illingworth), Councillors Margrave and Weber along with the Independent Persons Mr Tomkinson and Ms Pyke. This was with a remit to review the LGA Model Code of Conduct and bring forward any proposed revisions to this Council's Code. The Working Group was also asked to provide the Committee with proposals on how the views of the public, community organisations and neighbouring authorities could be sought on any revisions to the Code.
- 3.2. The Working Party met on two occasions to discuss the LGA Model Code of Conduct and the current arrangements in place for handling complaints made about Councillors Conduct.

- 3.3. Parallel to these discussions, officers were also in discussion with colleagues across Warwickshire regarding the future recruitment of Independent Persons, as required under the Act. Discussions were also in process with the Monitoring Officer for Stratford-on-Avon District Council on the LGA Model Code of Conduct.
- 3.4. The WDC Working Party were supportive of the LGA Model Code of Conduct and in a position to refer it to Committee, subject to the final layout being improved by officers for when it is published online, because they did not feel it was radically different to the current Code of Conduct for this Council. At the same time, in March 2021, the Stratford-on-Avon District Council Audit and Standards Committee, proposed the adoption of the Model Code of Conduct, subject to Warwick District Council also passing a similar resolution, as set out in recommendations 2.1 to 2.3 above. Due to an overlap in meeting dates and scheduled meetings it has not been possible to bring forward this proposal to the Committee before this time.
- 3.5. In respect of the second part of the work for WDC Working Party, they did not feel community engagement on potential changes to the LGA Model Code of Conduct was appropriate. This was because the intention was to have a single national code used by all authorities to provide consistency for the public. It was important that at the very least, due to the proposed merger, that both Warwick and Stratford-on-Avon had the same Code of Conduct in place at the same time.
- 3.6. In addition to this, officers and the WDC Working Party were made aware that the Warwickshire Association of Local Council's had recommended it to all their Members (which include all Parish & Town Council in Warwick District, less one) that they adopt the proposed LGA Model Code. Therefore, it is considered appropriate that this Council supports this recommendation.
- 3.7. There are a wider number of areas that need to be addressed before the LGA Code of Conduct comes into operation. The most specific of this is that the Local Government Association has commissioned advice to provide guidance on the operation of the Model Code of Conduct. It is considered this needs to be received and considered by this Committee before the Code becomes operational as this will impact on training to be provided, as well the arrangements for considering complaints. Equally, at present both Stratford-on-Avon District Council and Warwick District Council have similar but not identical procedures or handling processes for Code of Conduct matters and, if approved by Council in July, they have the same Monitoring Officer combined with the desire to merge authorities. Therefore, it is considered an appropriate time to provide consistency across both authorities for these matters.
- 3.8. The Working Party considered the benefits of joining a Warwickshire wide Pool of Independent Persons or a more local South Warwickshire Pool with Stratford-on-Avon District Council. On balance they had no objection to either but felt it made more sense to work more closely with Stratford-on-Avon District Council, based on the emerging relationship and noting that they were also not part of the wider Warwickshire Pool.

- 3.9. At present Warwick District Council does not have an up to date Planning Code of Practice and therefore it is considered appropriate for it consider that used by Stratford-on-Avon District Council.

4. Policy Framework

4.1. Fit for the Future (FFF)

4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report contributes to the overall work to enable a smooth transition to a merger with Stratford-on-Avon-District Council.

4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#).

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - The revisions to the Code of Conduct should seek to enhance the application of the Nolan Principals within Warwick District Council.

Services - Green, Clean, Safe - No contribution from this report.

Money- Infrastructure, Enterprise, Employment - No contribution from this report.

4.2.2. Internal impacts of the proposal(s)

People - Effective Staff – By having the same Code and processes as Stratford-on-Avon District Council it reduces demand for officers as they do not need to know multiple Codes and processes.

Services - Maintain or Improve Services - The revisions to the Code of Conduct should seek to enhance the application of the Nolan Principals within Warwick District Council.

Money - Firm Financial Footing over the Longer Term - No contribution from this report.

4.3. **Supporting Strategies** - Each strand of the FFF Strategy has several supporting strategies but this report does not directly contribute to them.

4.4. **Changes to Existing Policies** – The report brings forward a proposal for a new Code of Conduct for Councillors.

4.5. Impact Assessments

- 4.5.1. No assessment has been undertaken because the Model Code proposed has been considered and brought forward by the Local Government Association following a wider national review of governance.

5. Budgetary Framework

- 5.1. The report does not impact on the Budgetary Framework or Budget of the Council.

6. Risks

- 6.1. In adopting the Code, the Council will help to mitigate risk by providing a more consistent approach on this area of work which will enable all parties to have a greater understanding.

7. Alternative Option(s) considered

- 7.1. The Committee could decide not to approve the recommendations and/or propose revisions to the Model Code. However, the purpose of the Code was to have a standard Code for all local authorities to enable more consistency and understanding especially in areas where there are multiple tiers of local authorities.