

Joint Standards Committee

31 March 2021

Report of the Monitoring Officer

Update on Model Code of Conduct

Summary

This report provides Members with an update on the Model Code of Conduct.

Background

Members will recall that the Local Government Association (LGA) published a Model Code of Conduct in December 2020. It appears that an updated version of the Model Code has been published in January 2021, this new version of the Model Code can be found at Annex A.

The Model Code is voluntary and Local Authorities are able to adopt the Model in its entirety or not at all, or adapt it to suit the needs of the local circumstances. Parish Councils may also wish to adopt the Model Code, and again, if they do wish to adopt it, they can adopt it in part or as set out within Annex A.

A copy of the current Code of Conduct, can be found at Annex B.

Members are asked to consider whether the new Model Code, or any part of it, should replace the current Code of Conduct, or, whether the Council's current Code of Conduct for Members should remain in place as it is.

The LGA has stated that it will review the Model Code annually, therefore, if Members do adopt the Model Code, they may wish to also review the adopted Code annually to ensure that it remains fit for purpose and up to date.

New Model Code of Conduct for Members

The Model Code sets out on page 1 a "Joint Statement". The City of York Council Code does not currently have an overarching statement by way of an introduction, therefore, Members may wish to adopt the wording of this statement in City of York Council's Code. The Model

Code also includes an introduction, which Members may also want to include. **Members are asked to consider whether the additional detail in these introductory parts of the Model Code are required for City of York Council's Code.**

On comparing the Model Code with the current Code of Conduct, there are areas of similarity, including:

- (1) Definitions – the wording within this part of the Model Code can be found within the Introduction and Definitions sections of the City of York Code. **Members are requested to consider whether to include the definitions in one section in the Council's Code or whether to adopt the wording in the Model Code.**
- (2) Purpose of the Code of Conduct – the wording within this part of the Model Code is again found within the Introduction section of the City of York Council Code, however, Members may feel that re-wording the York Code to reflect the Model Code may make it easier for Members and anyone reading it to understand and sets out clearer the purpose of the Code. **Members are asked to consider whether to adopt the purpose of the Code of Conduct in the Council's Code to along with the Definitions set out above to replace the current Introduction and Definitions sections.**
- (3) General Principles of Councillor Conduct – this section of the Model Code references the Seven Principles of Public Life. The Council's Code does set out these principles briefly within the Introduction, however, Members may wish to set out in its own section, the Seven Principles clearly and concisely as can be shown in the Model Code. **Members are requested to consider whether such additional requirements are necessary for the Council's Code.**
- (4) Application of the Code of Conduct – this section of the Model Code expands on the Council's Code within the Introduction section. The additional part which does not feature in York's Code is that it makes it clear that the Code applies as soon as a Member signs their declaration of acceptance of the Office of Councillor or attendance at their first meeting. Including this section may provide further clarity for Members. **It is recommended to Members that consideration is given to inclusion of this section in the Council's Code of Conduct.**
- (5) Standards of Councillor Conduct – this section of the Model Code sets out the minimum requirements of Member conduct and

includes guidance to help explain the reasons for the obligations and how they should be followed. The obligations are contained in the main in the Council's Code, however, the Model Code provides more detail around these obligations. The Council's Code includes respect, bullying, harassment and discrimination, impartiality, confidentiality and access to information, disrepute, use of position and use of resources. Members may wish to consider inclusion of the Model Code around compliance with the Code of Conduct and also Protecting Members Reputation and the reputation of the Local Authority. Members will recall that the LGA have advised that they will be issuing guidance in due course. This guidance has not yet been published and when the guidance is issued, this will provide further clarity, however, the inclusion of the Model wording may assist Members further at this time. **Members are requested to consider whether they wish to make any recommendations or changes to the general conduct provisions.**

(6) Gifts and Hospitality – this has been an area of discussion for Members and the Model Code requires Members not to accept any gifts or hospitality which could give rise to a real or substantive personal gain or a reasonable suspicion of influence by the Member. The Model Code also requires registration with the Monitoring Officer of any gift of hospitality of at least £50 within 28 days of receipt and the Model Code also includes a requirement to register any significant gift or hospitality which is offered but refused by the Member. In addition there is also guidance around gifts and hospitality in general terms too, which may aid Members when faced with such an offer. **Members are requested to consider whether they wish to incorporate any of these changes into the Council's Code of Conduct, and if they wish to make any amendments to the amount of any gift or hospitality.**

(7) Appendix A – sets out in full the Seven Principles of Public Life – **Members may wish to include the full wording of the principles into the Council's Code of Conduct.**

(8) Appendix B – Registering Interests – the Model Code sets out in more detail the process for Members to register interests, including Disclosable Pecuniary Interests, other Registerable Interests and Non Registerable Interests. **Members are requested to consider whether they wish to adopt the wording of the Model Code within the Council's Code.**

(9) Appendix C – The Committee on Standards in Public Life – this section references the report of the CSPL regarding Local Government Ethical Standards and sets out the CSPL’s best practice recommendations. Whilst this sets out examples of best practice, it is suggested that it is not necessary to include this Appendix in the Council’s Code of Conduct, which should focus on setting specific obligations by which Members should abide in a clear and concise way.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

The Equality Act 2010 places specific duties on Local Authorities. Having a clear and concise Code of Conduct which clearly prohibits unlawful discrimination gives the public confidence in Members and the Council as a whole.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That the Joint Standards Committee reviews the Council’s Code of Conduct, in light of the new Model Code to determine whether it wishes to adopt the Model Code or if any amendments should be made to the current Code of Conduct in light of the new Model.

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**Report
Approved**

Date 22 March
2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- **Annex A –Model Code of Conduct – January 2021**
- **Annex B – Code of Conduct**