

Full Council

21 October 2021

Report of the Monitoring Officer

**Adoption of the LGA Model Code of Conduct for Elected Members
2020**

Summary

1. In May 2021, The Local Government Association issued a Model Code of Conduct for Elected Members, and following consultation and review by the Joint Standards Committee, Council is requested to adopt the Model Code as drafted at Annex One of this report for immediate implementation across City of York Councillors and in turn recommend the adoption of the Model Code by Parish Councils.

Background

2. In response to the work undertaken by the Committee for Standards in Public Life relating to ethical governance, (findings published in January 2019), the Local Government Association (hereafter referred to as the “LGA”) has consulted widely and has now published its Model Code for Elected Members for adoption by all tiers of Councils.
3. During the previous municipal year, the Council’s Joint Standards Committee actively participated in the consultation process and more recently in June 2021, convened a workshop to discuss the final published version of the Model Code. As the Model Code is voluntary, Council’s do have a discretion as to whether or not to adopt the Code in its entirety or to adopt elements of the Model Code to amend or update any existing arrangements.
4. On 23rd June 2021, Joint Standards Committee held a virtual meeting, attended by the Chair of Audit & Governance Committee [the Vice Chair is an existing member of the Joint Standards Committee], and proceeded to hold a workshop with Paul Hoey and Natalie Ainscough of Hoey Ainscough Associates. Hoey Ainscough Associates have been commissioned by the Council to support delivery of the Model Code of Conduct across City of York Council and also to work with the Parish Councils in their consideration of whether or not to adopt the Model

Code should the same be implemented by City of York Council as the principal council. The workshop was convened to assist Members with seeking clarity around the following issues:

- Whether the Model Code should be adopted in its entirety;
- Whether the Council's existing arrangements could be amended by including elements taken from the Model Code;
- Implications of the Model Code of Conduct on Parish Councils;
- Timeframes for both adoption of a new code;
- Requirements for Member training; and finally
- Would adoption of the Model Code of Conduct address or go a considerable way to, in the view of Joint Standards Committee and Audit & Governance Committee, of addressing some of the conflict issues highlighted in the Report in the Public Interest.

5. A further meeting of the Joint Standards Committee took place on 6th July 2021.

6. Following the short period of reflection from the workshop and after detailed consideration of the above issues arising from the workshop, the Joint Standards Committee has made the following recommendations:

- At para 10.2 of the Model Code, the estimated value of a gift or hospitality should be reduced from £50 to £25;
- That additional wording be added to para 10.3 as follows: "If I decline such a gift or hospitality, I will provide the details to the Monitoring Officer who will maintain an informal register."

Report in the Public Interest and associated Action Plan

7. On 4th May 2021, an Extraordinary Meeting of Council received a Report in the Public Interest and approved the supporting Action Plan prepared to address the five recommendations contained therein.

8. Recommendations 3 and 4 of the Report in the Public Interest states:

- (3) Review the design of its governance policies and procedures to manage conflicts of interest (including self-interest threats); this should include updating the Council's constitution and scheme of delegation.

(4) Ensure all Members fully understand the requirements of the Code of Conduct in relation to declaration of interest.

9. Audit & Governance Committee has been asked by Council to monitor progress against the Action Plan. In respect of the conflict of interest issue, the Chair and Vice Chair of the Audit & Governance Committee have worked closely with the Joint Standards Committee in the work to consider the Model Code of Conduct.

Member and Officer Training

10. Joint Standards Committee is keen that a comprehensive programme of Member and Officer training is developed and promoted so as to ensure the Model Code is fully understood and embedded. Joint Standards Committee will work with Hoey Ainscough Associates and key Officers to develop and deliver this programme of training.

Impact on Parish Councils

11. As aforementioned, adoption of the Model Code is voluntary and therefore there is no requirement on Parish Council's to adopt the same. However to offer greater clarity and consistency to both Parish Councillors and City of York Councillors, work will be undertaken with the York Association of Local Council's to proactively promote the adoption of the Model Code as adopted by City of York in its capacity as the principal council. It is however noted that should the Parish Councils wish to adopt the Model Code, the Parish Charter would need to be updated.
12. By undertaking such action, the response to complaints received would be assisted as currently Parish Councils have differing local codes which makes adjudication of complaints against the Code complex and very often time consuming.

Options

13. Option 1: To adopt the LGA Model Code of Conduct as recommended by the Joint Standards Committee.
14. Option 2: To retain the existing Code of Conduct for Elected Members.
15. Reasons: It is suggested that Option 1 is the preferred option so as to ensure greater clarity to Elected Members in respect of conflict of

interests and will address concerns expressed by the External Auditor in the Report in the Public Interest.

Implications

16. The implications are:

Financial

The cost of the work undertaken is £7,900 plus expenses. This was commissioned as part of delivery of the action plan approved by Full Council on 4th May 2021 and is being funded from within existing budgets.

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

The Council is required to establish, publish and promote a Code of Conduct for Elected Members. The adoption of the LGA Model Code of Conduct is voluntary but adoption of the same would substantially update the existing Code of Conduct which is based on the Model Code launched in July 2012. Adoption of the LGA Model Code will support City of York Council in meeting actions required to be delivered in response to the Report in the Public Interest issued on 19th April 2021, and formally received by Council on 4th May 2021.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

17. Full Council is requested to:

- Adopt the LGA Model Code of Conduct as recommended by the Joint Standards Committee for immediate implementation;
- The Model Code of Conduct will be incorporated into the Council's Constitution and will replace the existing Code;
- The Joint Standards Committee will, in consultation with the Monitoring Officer, develop and promote a Member and Officer Development programme to support the implementation of the Model Code;
- Support the adoption of the Model Code of Conduct as adopted by City of York Council by Parish Councils and ensure recognition of the same is included within the Parish Charter.

**Author & Chief Officer
responsible for the report:**

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**Report
Approved**

Date 7 July 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:

- Committee for Standards in Public Life January 2019.
- City of York Council Code of Conduct for Elected Members dated 2012 contained within the Council's Constitution.
- Meeting of Joint Standards Committee dated 6th July 2021.
- Extraordinary Meeting of Full Council dated 4th May 2021
- Report in the Public Interest dated 19th April 2021.
- (Remote) Meeting of the Audit & Governance Committee dated 16th June 2021

Appendices

- Model Code of Conduct