



Report Reference Number: A/20/8

To: Audit and Governance Committee
Date: 29 July 2020
Status: Non-key Decision
Ward(s) Affected: All Wards
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Title: Updated Selby District Council Code of Conduct and LGA Model Code of Conduct Consultation

Summary:

To confirm the amendments made to the Code of Conduct for Members and arrangements for dealing with standards complaints following the Audit and Governance Committee's decision on 19 April 2019, having regard to the best practice recommended in the report of the Committee on Standards in Public Life.

To seek the views of the Audit and Governance Committee on the LGA Model Code of Conduct presently out for consultation until 17 August 2020.

Recommendations:

- (i) to note the updated Code of Conduct and arrangements for standards complaints attached at Appendix 1; and**
- (ii) to note the LGA Model Code of Conduct attached at Appendix 2 and the consultation.**

Reason for recommendations:

To ensure that the Council continues to promote and maintain high standards of Member conduct in accordance with the most up to date recommendations for best practice.

1. Introduction and background

- 1.1** Selby District Council has operated and continues to operate in extraordinary times as a result of Covid-19. Consequently, the present Monitoring Officer has not had an opportunity to formally address the Audit and Governance Committee about the changes that it agreed were to be made in April 2019 to the Code of Conduct, following the previous Monitoring Officer's report. That amended Code is

now attached at Appendix 1 for the Committee to note.

- 1.2** More recently, the LGA has issued a Model Code of Conduct and this is presently out for consultation until 17 August 2020. A copy is appended at Appendix 2, together with the list of questions. The consultation link will be circulated to all Members and they are encouraged to submit their views individually. <https://www.local.gov.uk/code-conduct-consultation-2020>

2. The Report

- 2.1** To remind Members of the background and context to the changes being proposed in the LGA Model Code, a summary of the findings of the Committee on Standards in Public Life is set out below. The Committee was established in 1994 and is responsible for promoting what are sometimes called the Nolan Principles. The 7 Principles of Public Life are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2** The Committee keeps a watching brief and publishes reviews of the effectiveness of the current arrangements for standards in local government particularly since the changes introduced by the Localism Act 2011. The most recent (20th) report is publicly available and can be seen online here <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

In summary the Committee recognised and recommended:

- 2.2.1** That responsibility for ethical standards should remain with local authorities and not be returned to a national centralised body such as the former Standards Board for England.
- 2.2.2** That a clear, relevant and proportionate code for each individual authority is essential. The Committee recommends that there should be a national model code (not yet available) but this will not be mandatory.
- 2.2.3** Recommends removal of the criminal offences relating to disclosable pecuniary interests (DPIs).
- 2.2.4** Recommends an amendment to the Localism Act 2011 which will replace the rules around declaring pecuniary interests with a more general objective test.
- 2.2.5** Recommends that Councillors should be presumed to be acting in an official capacity in their public conduct including on publicly accessible social media.
- 2.2.6** Recommends that stronger sanctions should be made available for breaches of ethical standards including that local authorities are given the power to suspend Councillors for up to 6 months in serious cases albeit that the Committee envisages that such a sanction would be rarely used and only in the most serious circumstances.

- 2.2.7** Recognises that ‘principal authorities’ such as Selby District Council have responsibility for investigating and resolving standards breaches at Parish Councils, but recognises that this can be a disproportionate burden and makes recommendations, for example, that Parish Councils should be required to adopt either the code of conduct of the principal authority or a new model code, and that the principal authority’s decision on sanctions for a Parish Councillor should be binding.
- 2.3** The Committee made 26 recommendations in all many of which will require a change in legislation and action from central government. The Best Practice list identified by the Committee was considered by the Audit and Governance Committee in April 2019, and the updated version at Appendix 1 now fully complies with these recommendations.
- 2.4** One of the Committee’s recommendations was that a model national Code of Conduct should be adopted. The proposed National Code has been drafted by the LGA as a response to the Committee’s recommendations and is now the subject of consultation. Members are encouraged to access the link and submit individual responses to the consultation before 17 August 2020: <https://www.local.gov.uk/code-conduct-consultation-2020>

3. Alternative Options Considered

- 3.1** None.

4. Implications

- 4.1** There are no financial, policy, risk, corporate plan, resource or other implications from this report.

4.2 Legal Implications

Legal Implications are incorporated into the main text of this report.

5. Conclusion

- 5.1** The Committee Report of Standards in Public Life provided a useful and well considered review of the effectiveness of the current arrangements for local authorities in upholding the principles of public life and of best practice across the country. It provided a helpful framework for the amendments and additions to Selby District Council’s Code. Members are encouraged to respond to the consultation via the link provided, which will be e-mailed to all Members. It should be noted that some of the matters set out in the Model Code will require further legislation in due course and central government action before they could be given effect. It is anticipated that such legislative changes may be made in the future, but at present there is no formal timeframe.

6. Background Documents

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

7. Appendices

Appendix 1 – Updated Selby District Council Code of Conduct for Members
Appendix 2 – LGA Model Code of Conduct and Consultation Questions

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