

From: Tristan Godfrey, Scrutiny Research Officer
To: The Standards Committee, 22 February 2021
Subject: LGA Model Code of Conduct: Update
Classification: **Unrestricted**

Summary:

The purpose of this report is to provide Members of the Standard Committee with an update of the Local Government Association's Model Councillor Code of Conduct 2020.

Recommendation:

The Standards Committee is asked to discuss and comment on the report.

1. Introduction

- a) In mid-2020, the Local Government Association (LGA) conducted a consultation into a revision of its Model Code of Conduct for Members. Formally, this was carried out in response to the first recommendation of the Committee on Standards in Public Life's (CSPL) review into 'Local Government Ethical Standards' (published January 2019). More broadly, it forms part of an LGA workstream into 'Civility into Public Life'.
- b) Most of the recommendations in the CSPL report were for central government, whose formal response is awaited. Depending on the government response, the legislation underpinning the standards regime for local government may change and so necessitate further changes to the Model Code and the Kent Code of Conduct for Members.
- c) The legislation remains the same at present. The LGA Model Code is not mandatory and the flexibilities of the Localism Act 2011 remain. It is for the Council, with advice from the Standards Committee, to determine what changes to make.
- d) It needs to be kept in mind that this is a Kent Code and not simply a Kent County Council Code. The majority of Borough/District Councils in Kent have adopted the same code. This helps with consistency when there are many Members who are also Borough/District representatives and makes it clearer to the public to what standards their elected representatives are being held. While each authority is responsible for agreeing its own code, there will need to be wider engagement on any revisions through bodies like the Kent Secretaries and directly with other local authorities.

2. The Model Code

- a) The Model Code is presented in full as Appendix B. What can be seen immediately is that it is not structured like a Code of Conduct as would be found in a Council Constitution. Sections which are codified (the numbered

sections within the LGA document) are mixed in with aspirational and explanatory text. In addition, several elements that would be built into a Council's Code are placed in an Appendix in the Model Code.

- b) Appendix A set out a comparison of the substantive content of the LGA Model Code with the Kent Code.

3. Next Steps

- a) Building on the discussion at this meeting, work will begin to consider what changes it may be appropriate to make to the Kent Code in response to the publication of the LGA Model Code.
- b) Should any changes be considered necessary, the Kent Secretaries will be approached to assist the engagement process with other authorities.

4. Recommendation:

The Standards Committee is asked to discuss and comment on the report.

5. Appendices

- a) Comparison Table: LGA Model Code of Conduct and the Kent Code
- b) The LGA Model Code of Conduct for Members.
- c) The Kent Code for Members.

6. Background Documents

None.

7. Contact details

Report Author:

Tristan Godfrey, Scrutiny Research Officer
03000 411704
Tristan.godfrey@kent.gov.uk

Relevant Director:

Ben Watts, General Counsel
03000 416814
benjamin.watts@kent.gov.uk