



Leicester
City Council

WARDS AFFECTED
All

Standards Committee
Council

27th April 2022
29th September 2022

REVIEW OF THE MEMBER CODE OF CONDUCT

Report of the Monitoring Officer

1. PURPOSE OF REPORT

- 1.1 To seek the approval of the Full Council to the revised “Member Code of Conduct” under the Localism Act 2011.

2. SUMMARY

- 2.1 The Council adopted a new Code of Conduct (and associated ‘Arrangements’) on 1st July 2012 pursuant to changes in the law. These were reviewed by Full Council on 19th September 2013 and minor modifications were made. They were further reviewed and amended by Full Council on 14th November 2014. This report reflects upon the intervening years and seeks approval for further changes.

3. RECOMMENDATIONS (OR OPTIONS)

- 3.1 That the Standards Committee receives the report and comments upon the proposed changes
- 3.2 That Full Council accepts the changes to the Code of Conduct

4. REPORT

- 4.1 In 2019 the Committee for Standards in Public Life (CSPL) produced a comprehensive report on the topic of Local Government Ethical Standards. At its meeting on the 1st of October 2019 Leicester City Council's Standards Committee considered the CSPL report in full. The CSPL report made 26 recommendations, almost all of which were directed at Government, in relation to changes that it felt were required to the framework for upholding ethical standards in Local Government. That report also made 15 Best Practice points against which each Local Authority could assess its ethical Standards regime. Leicester City Council, through the Standards Committee, self-audited against those Best Practice points and recommended some changes to our Code of Conduct. In relation to the 26 recommendations, many of them required action by the Government because certain recommendations could not be taken forward without legislative change. For example, it is widely acknowledged that sanctions available for proven Member misconduct are weak. The Government did not reply to the CSPL report until January 2022. It has declined to make any substantive changes to the existing law. One key recommendation which was not within the purview of government was a recommendation that the Local Government Association (LGA) produce a Model Code of Conduct which LAs could choose to adopt. This was in response to the fact that after the Localism Act 2011 each Local Authority drafted its own Code of Conduct and there were widespread inconsistencies between them. The LGA Model Code was issued in late 2020 and was discussed by the City Council Standards Committee meeting on the 8th of November 2021. This report implements the recommendations made by the Standards Committee to make changes. The Council's Standards Committee considered the draft on 27th April 2022 and endorsed it.

4.2 The proposed amended Code is attached.

The main changes comprise:

- a) Expanded scope and significantly expanded narrative concerning when the Code of Conduct applies to a Member. In the ten years since the Localism Act 2011 imposed new requirements in relation to Standards regimes there has been a general view that Codes of Conduct have not kept pace with the many and varied ways in which Members interact with society and thereby the settings in which they ought to be held to high standards of behaviour. Too narrow a focus upon exercising their “representative” role excludes, for instance, deliberate misuse or manipulation of status to achieve, or seek to achieve, certain outcomes. Broadly speaking, the previous Code focussed very much on establishing that a Member was conducting the “business” of the Authority when the alleged behaviour occurred. The proposed version incorporates behaviour whilst a Member is misusing that role, for example by claiming to be acting in that capacity. It also incorporates a test focussed on whether a member of the public could reasonably be of the view that the Member was acting in their official capacity. This revised section does however expressly acknowledge that Members have the right to act in their private citizen capacity without being held to be acting on official business.
- b) Expanded narrative in relation to specific behaviours/standards such as “respect”, “bullying” and “respecting impartiality”
- c) Express reference to expectations of Member cooperation and compliance with the Code of Conduct.
- d) New preamble to the Gifts & Hospitality section to make reference to a general expectation (consistent with the Employee Code of Conduct) that gifts should be declined. Thereafter, a raising of the registration threshold from £25 to £50.
- e) Incorporation of the Member Conduct in Meetings Protocol into the Code as an appendix
- f) Cross-referencing in the Code to complementary Guidance such as Social Media Guidance for Members, and the Council’s Political Conventions.

5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS

5.1 Financial Implications

There are no direct financial implications arising from these proposed modifications to the Code of Conduct – Amy Oliver, Head of Finance, ext. 37 5667

5.2 Legal Implications

The legal implications are dealt with in the body of the report. The Localism Act 2011 compels each Local Authority to have in place a Code of Conduct by which Member conduct can be held accountable – Kamal Adatia, City Barrister & Head of Standards, ext. 37 1401

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