

Meeting date: 24 March 2021
Report to: Governance Committee



Subject/report title: **New Code of Conduct for Elected and Co-opted Members**
Report from: Monitoring Officer
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Wards affected:

All Wards | Bickenhill | Blythe | Castle Bromwich | Chelmsley Wood |
 Dorridge/Hockley Heath | Elmdon | Kingshurst/Fordbridge | Knowle |
 Lyndon | Meriden | Olton | Shirley East | Shirley South |
 Shirley West | Silhill | Smith's Wood | St Alphege

Public/private report: Public

1. Purpose of Report

1.1 To ask the Committee to consider the new Local Government Association Model Code of Conduct for Elected and Co-opted Members with a view to the Council adopting the Code, either in whole or with modifications. As any new Code will need to be included in the Council's Constitution, any recommendation and the views of the Committee will be reported to full Council for determination.

2. Decision(s) recommended

2.1 The Committee is recommended to advise Council to adopt the Local Government Association Model Code of Conduct, either in whole or with modifications with effect from the start of the 2021/22 Municipal Year.

3. Matters for Consideration

3.1 Under the provisions of the Localism Act 2011, all local authorities are required to have a Code of Conduct for elected and co-opted members which covers ethical standards and behaviour.

3.2 The Review of Local Government Ethical Standards by the Committee on Standards in Public Life (CSPL), which published its report in 2019, recommended a new national model Code of Conduct which will enable Councillors and co-opted members to be held to account for the most serious or repeated breaches.

3.3 In response to this and as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance the Local

Government Association (LGA) has developed a new Model Councillor Code of Conduct following extensive consultation with the sector. The new Model was published by the LGA in December 2020 with a headline statement that *'This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.'*

- 3.4 The Council's current Code of Conduct was adopted in 2012 and was reviewed in 2017 and 2019, resulting in some minor modifications being made. However the majority of the content of the Code has remained largely the same since 2012. The publication of the new model Code provides a good opportunity for the Council to consider moving from its current Code to the new one, which should be widely understood across the local government spectrum.
- 3.5 The content of the new model Code of Conduct is similar to Solihull's existing Code of Conduct with the differences being mainly in the level of description and examples/definitions provided.
- 3.6 The new model Code of Conduct goes into more detail in defining specific actions/behaviours that a Councillor should or should not exhibit, which is helpful in a public facing document as it clearly sets out what the public can expect from their elected members. It strengthens the links between the Seven Principles of Public Life and the context in which they are to be observed and implemented.
- 3.7 The main points of the new model Code of Conduct are:
- (a) The model Code applies when a member is acting in their capacity as a Councillor and it clarifies that this can include when a member of the public could reasonably have the impression a member was acting as a Councillor. It encompasses all forms of communication and interaction, including conduct on social media or where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor. The current Code only applies where a Councillor is acting in their official capacity as a member of the Council.
 - (b) The Code gives examples of what amounts to treating others with respect and also how to deal with disrespectful behaviour from others.
 - (c) Definitions of bullying and harassment are included and there is an express requirement to promote equalities and to not discriminate unlawfully.
 - (d) Councillors must not bring their role or local authority into disrepute
 - (e) Councillors must agree to undertake any Code of Conduct training provided, co-operate with a Code of Conduct investigation, not intimidate any person involved in any investigation and comply with any sanctions imposed.
 - (f) There is an obligation to register any gifts or hospitality regardless of value which could give rise to real or substantive personal gain
 - (g) Gifts or hospitality of £50 or more in value must be registered as must any that have been refused. The current Code requires Members to disclose to the Monitoring Officer any offers of gifts or hospitality regardless of value.

(h) The model Code sets out what members must do to register, declare and behave in meetings where they have a disclosable pecuniary interest under the Localism Act 2011, another registrable interest and a non-registrable interest. “Non-registrable interests” are a new introduction to the Code of Conduct to cover situations where a matter affects a member’s financial interest or wellbeing, or that of a friend, relative or close associate.

In addition to the statutory Disclosable Pecuniary Interests, there is a requirement to register membership of any body exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes includes the influence of public opinion. This only applies to bodies to which the Councillor has been appointed by the Council and mirrors those memberships that were required to be registered under the 2007 national Code of Conduct.

Under the current Code of Conduct members are only required to declare those interests that they are required by law to declare.

3.8 The new Model Code is attached.

3.9 Members are asked to consider the Model Code of Conduct and whether they wish to recommend its adoption by the Council, either as drafted or with modifications. In particular the Committee is asked to consider:

(a) Whether the threshold for the registration of gifts and hospitality should be set at £50 (there is currently no threshold).

(b) Whether the Council should extend the obligation to declare interests to include membership of outside bodies.

4. Implications and Considerations

4.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>Economy:</p> <ol style="list-style-type: none"> 1. Revitalising our towns and local centres. 2. UK Central (UKC) and maximising the opportunities of HS2. 3. Increase the supply of housing, especially affordable and social housing. 	<p>Click here to enter text.</p>
<p>Environment:</p> <ol style="list-style-type: none"> 4. Enhance Solihull’s natural environment. 5. Improve Solihull’s air quality. 6. Reduce Solihull’s net carbon emissions. 	<p>Click here to enter text.</p>

<p>People and Communities:</p> <ol style="list-style-type: none"> 7. Take action to improve life chances in our most disadvantaged communities. 8. Enable communities to thrive. 9. Sustainable, quality, affordable provision for adults & children with complex needs. 	<p>Having an up to date, comprehensive Code of Conduct will help Members to understand their responsibility to uphold high ethical standards and will support them in their Community Leadership role.</p>
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4.2 Consultation and Scrutiny:

4.2.1 The Model Code of Conduct has been widely consulted on by the LGA in summer 2020.

4.3 Financial implications:

4.3.1 There are no financial implications arising from this report.

4.4 Legal implications:

4.4.1 There are no specific legal implications arising from this report. The legislative background to the ethical framework for local government bodies is set out in this report. There have been no changes to the requirements in the Localism Act 2011 or the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

4.4.2 There is an expectation that all local authorities will consider the adoption of the new national Code of Conduct. The adoption of the Code will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

4.4.3 Any changes to the current Code of Conduct (and the Constitution) would be subject to approval by the full Council.

4.5 Risk implications:

4.5.1 There is no direct risk to the organisation as a result of the contents of this report. Having an up to date, comprehensive Code of Conduct will help Members to understand their responsibility to uphold high ethical standards and in turn to reduce the risk of reputational damage to the Council.

4.6 Equality implications:

4.6.1 The Council is subject to the public sector equality duty as set out in the Equalities Act 2010. The revised code reinforces the requirement to have regard to these duties at all times, to prevent discrimination towards any person in relation to any of the protected characteristics and the need to ensure that equality considerations are integral to performance and strategic aims across the work of the authority.

5. List of appendices referred to

5.1 LGA Model Code of Conduct.

6. Background papers used to compile this report

6.1 LGA Model Code of Conduct

7. List of other relevant documents

7.1 None