

**Classification:** Public

**Key Decision:** No

## **Gravesham Borough Council**

**Report to:** Standards Committee

**Date:** 30 July 2020

**Reporting officer:** Perry Holmes, Monitoring Officer

**Subject:** Response to LGA's Consultation on Model Code of Conduct

### **Purpose and summary of report:**

This report provides a draft response from the Monitoring Officer to a consultation on a model code of conduct for councillors prepared by the Local Government Association for comments/suggested amendments.

### **Recommendations:**

1. The Committee is asked to comment on the Monitoring Officer's draft response to the LGA's consultation on the model Code of Conduct before the deadline of 17<sup>th</sup> August 2020.

## **1. Budget and Policy Framework**

- 1.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors and voting co-optees serving on the Council Committees. The Committee may make recommendations to the Council on revisions to the Councillor Code of Conduct and is responsible for adopting any procedures necessary in order to undertake its functions including the assessment, investigation and hearing of allegations of Councillor misconduct.

## **2. Background**

- 2.1 High standards of conduct in local government are needed to protect the integrity of decision making, maintain public confidence and safeguard local democracy.
- 2.2 The Committee on Standards in Public Life (CPSL) was established in 1994 as an independent advisory non-departmental body. The Committee is responsible for advising the Prime Minister on ethical issues relating to standards in public life, conducting broad enquiries into standards of conduct and promoting the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.3 The CSPL published its' 20<sup>th</sup> report in January 2019 on the subject of ethical standards in local government following a review of the effectiveness of the current arrangements for standards in local government, particularly

- following the changes made by the Localism Act 2011. An overview of the Highlights and Recommendations of the CSPL report is provided in a separate report being presented to the Standards Committee on 30 July 2020. One of the recommendations to central government was that the Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 2.4 The consultation was originally to start in March 2020 but was put back due to the local government response to the Covid-19 pandemic. The deadline to respond to the consultation is 17 August 2020. The first of 3 webinars arranged by the LGA will take place on 29<sup>th</sup> July, which will be attended by the Deputy Monitoring Officer. This webinar is the day before the Standards Committee on 30<sup>th</sup> July so any updates gleaned from the webinar will be reported to the Standards Committee on 30<sup>th</sup> July.
- 2.5 The Model Code of Conduct has been compared with GBC's existing Code of Conduct and most of the recommended content is already contained in GBC's Code albeit in a shorter form. The major changes are:
- 2.5.1 Adding a requirement for councillors to treat others with "civility". There is a risk that this could result in an increase in frivolous and petty complaints based on differing views on whether a councillor has acted in a civil manner towards others. This in turn will create a significant amount of work for MOs. The Deputy MO Chairs the Kent Secretaries Group, a forum for Heads of Legal and Monitoring Officers across Kent. This issue was discussed at a Kent Secretaries remote meeting on 9<sup>th</sup> July 2020 and the consensus was that it was not necessary or appropriate to have a reference to treating people with "civility" in the Code due to the risk of it leading to petty complaints and it doesn't add anything to the existing obligations of "not bringing the council into disrepute" and "not to bully or harass others", the latter being widely defined within the Code and provide a clear list of behaviours for Members to avoid.
- 2.5.2 Reducing the threshold for registering gifts and hospitality from £100 to £25. The draft Model Code of Conduct goes further than the CSPL report which recommended that local authorities should establish a register to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. It is recommended in a separate report to the Standards Committee on 30 July 2020 that in the interim the council amends the Code of Conduct to reflect the CSPL thresholds of £50 and £100 and can reconsider this once the outcome of the consultation is known.
- 2.5.3 Adding in explanatory paragraphs for each obligation placed on Members. Some of these provide helpful clarity but it risks making the Code much longer and rather wordy. The views on the Standards Committee will be sought on these.

- 2.6 The Kent Secretaries group agreed to create an Officer Working Group to consider the results of the LGA consultation and make recommendations on the model in order to gain consensus on the Code as far as possible.

### **3. BACKGROUND PAPERS**

- 3.1 All relevant background papers are attached as appendices as follows:
- 3.1.1 Appendix 2 – Draft Model Code of Conduct with MO comments in red text
  - 3.1.2 Appendix 3 - Appendices A-B to LGA Model Code of Conduct
  - 3.1.3 Appendix 4 – Draft response to consultation questions (responses to questions 5 and 17 are at the very end of the questionnaire due to difficulties in accessing some cells following the document having been converted from a pdf document into a word document, ultimately the response will be submitted electronically but has been provided in this format for ease of reference while consulting on the response).

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
<b>Legal</b>	The Committee on Standards in Public Life (CSPL) published a report in January 2019 with numerous recommendations, one of which was that the LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. This report provides a draft response from the Monitoring Officer to the consultation for members of the Standards Committee to comment on.
<b>Finance and Value for Money</b>	There are no financial implications arising from this report.
<b>Risk Assessment</b>	<p>Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.</p> <p>A review of the Code of Conduct in accordance with the best practice recommendations will ensure the Code is compliant and therefore minimise the risk of reputational damage arising.</p>
<b>Data Protection Impact Assessment</b>	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of <a href="#">personal data</a> or <a href="#">special category data</a> or <a href="#">criminal offence data</a>? A definition of each type of data can be found on the Information Commissioner’s Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at <a href="mailto:gdpr@medway.gov.uk">gdpr@medway.gov.uk</a>. N/A</p>
<b>Equality Impact Assessment</b>	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
<b>Corporate Plan</b>	People, Place and Progress
<b>Climate Change</b>	N/A
<b>Crime and Disorder</b>	N/A

<b>Digital and website implications</b>	N/A
<b>Safeguarding children and vulnerable adults</b>	N/A