



STANDARDS COMMITTEE:
21 September 2021

COUNCIL: 13 October 2021

Report of: Legal and Democratic Services Manager & Monitoring Officer

Contact for further information: Mrs Kay Lovelady (Extn 5075)
(E-mail: Kay.lovelady@westlancs.gov.uk)

SUBJECT: REVIEW OF THE MEMBERS' CODE OF CONDUCT

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval of the revised Members' Code of Conduct following which the Code shall be subject to public consultation.

2.0 RECOMMENDATIONS TO STANDARDS COMMITTEE

- 2.1 That the draft Members Code of Conduct be agreed
- 2.2 That the Legal & Democratic Services Manager and Monitoring Officer be given authority to amend the draft Code of Conduct and supporting Guidance having considered any comments received as a result of the said consultation exercise (as outlined at paragraph 5.5 below) and prior to the revised Code of Conduct being reviewed at full Council on the 15 December 2021

3.0 RECOMMENDATIONS TO COUNCIL

- 3.1 That the draft Members Code of Conduct be agreed
- 3.2 That the revised draft Members Code of Conduct be subject to a public consultation.
- 3.3 That the Legal & Democratic Services Manager and Monitoring Officer be given authority to amend the draft Code of Conduct and supporting Guidance having considered any comments received as a result of the said consultation exercise (as outlined at paragraph 5.5 below) and prior to the revised Code of Conduct being reviewed at full Council on the 15 December 2021

4.0 BACKGROUND

- 4.1 On 30 January 2019, the Committee on Standards in Public Life published its national report on local government ethical standards:

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

- 4.2 One of the main recommendations of the Committee was that the Local Government Association (LGA) should create an updated, non-mandatory, model code of conduct, which local authorities could then consider either adopting in full or adapting according to their local circumstances.
- 4.3 The model code was published by the LGA in December 2020, and updated in May 2021, and is attached at Appendix 1.
- 4.4 The Council's current Members' Code of Conduct, which has also been adopted by all parishes within West Lancashire, is attached at Appendix 2. The current code was adopted by West Lancashire Borough Council on 1 July 2012.
- 4.5 The Committee on Standards in Public Life also made a number of best practice recommendations. Recommendation 3 provides that principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities on the content of the code.

5.0 TIMETABLE FOR CONSIDERATION OF THE MEMBERS' CODE OF CONDUCT

- 5.1 Under the Council's constitution, Standards Committee has the function of "advising the Council on the adoption or revision of the Members' Code of Conduct".
- 5.2 Prior to drafting the revised draft Members Code of Conduct, the Standards Committee at their meeting on the 16th March 21, considered a report of the Legal and Democratic Services Manager with regard to the Members' Code of Conduct in the light of the publication of the model code of conduct by the LGA.
- 5.3 Members were asked at the meeting to provide initial, in principal views, as to whether they would wish to see the LGA model code adopted in full, a continuation of the existing Code "as is", or revisions made to the existing Code.
- 5.4 It was decided that there should be revisions to the existing Code with a view to adopting the definitions at the beginning of the LGA Model Code but retaining the current Code in relation to Declarations of Interest. It was felt that Members were familiar with current practices when determining interests which allowed for transparency and consistency. A copy of the proposed Draft Members Code of Conduct is attached at Appendix 3.

- 5.5 The relevant amendments have been made to the draft Code. In addition, to assist Members when declaring interests a flowchart describing how a Member should determine what interest they hold and what actions can be taken depending on that interest has been included at Page 15
- 5.6 The LGA have recently published a Guidance document to accompany their Model Code. To assist members a similar Guidance document has been produced to reflect the proposed draft revised Members Code of Conduct. The guidance provides more information on each part of the Code as well as examples of acceptable/unacceptable conduct. Unlike the Code itself the Guidance document will not be contained in the Constitution but will be available on the Council's website or on request. It is intended to assist with interpretation and may be used by the Standards Committee and Monitoring Officer when determining Standards Complaints.
- 5.6 Given the Committee on Standards in Public Life's best practice recommendation that authorities should regularly consult on the content of their codes of conduct, it was agreed that a "consultation draft" of the proposed code is considered by Standards Committee at this meeting, for approval by Council at its October 2021 meeting. The draft code would then be the subject of a consultation exercise with members of the public and other stakeholders (including parish and town councils) during October/November 2021 prior to consideration of responses received and formal adoption of the Code by Council at its December 2021 meeting. To ensure consistency of approach across West Lancashire parishes would be encouraged to adopt the same code.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report.

8.0 RISK ASSESSMENT

- 8.1 This item does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Ensuring high standards of member conduct supports health (in particular mental health) and wellbeing within West Lancashire. This report provides an update on actions taken in consideration of the best practice recommendations of the Committee on Standards in Public Life following its national review of Local Government Ethical Standards to help to ensure high standards are maintained.
-

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and/or stakeholder. Therefore no Equality Impact Assessment is required.

Appendix 1 – LGA's Model Members' Code of Conduct

Appendix 2 – West Lancashire Borough Council and Parish Councils Members' Code of Conduct

Appendix 3 – West Lancashire Borough Council and Parish Council's revised Members Code of Conduct.

Appendix 4 – West Lancashire Borough Council and Parish Council's revised Members Code of Conduct – Guidance Document.