



Classification	Item No.
Open / Closed	

Meeting:	Standards Committee
Meeting date:	14 th March 2023
Title of report:	Report of Monitoring Officer – Member Code of conduct
Report by:	Monitoring Officer
Decision Type:	Non Key
Ward(s) to which report relates	Not applicable

Executive Summary:

This report sets out details of earlier reports to this Committee in relation to the LGA’s revised code of conduct. The report proposes that a working group is established to consider the current code of conduct and consider whether revisions should be made. The working group to then make recommendations for a revised code to be considered by all Members at annual Council

Recommendation(s)

That:

- a. Establishment of a working group made up of Members of this Committee, the Monitoring Officer and Head of Democratic Services.

- b. The Working party is delegated by this Committee to make a recommendation to Council in relation to the code of conduct.

Member Code of Conduct

1. The Local Government Association (LGA) approved its Model Councillor Code of Conduct on 3 December 2020 and approved updates on 19 January 2021 and 17 May 2021. Attached as Appendix 1 is the latest update of the Model Code that was approved by the LGA on 17 May 2021.
2. On 8 July 2021 the LGA published Guidance on the LGA Model Councillor Code of Conduct. That Guidance can be found at the following web address: www.local.gov.uk/publications/guidance-local-government-association-modelcouncillor-code-conduct
3. Bury and the other nine Greater Manchester local authorities adopted a similar code following the requirement in the Localism Act 2011 that all local authorities adopt a code of conduct for Members. Bury's code of conduct is attached to this report as Appendix 2.

Reports to the Standards Committee

4. The code of conduct has been considered at earlier meetings of this Committee on 1 July 2021 and 15 November 2021 with a further oral feedback being provided by the Director of Law & Governance. Members on the 15th November 2021 agreed to defer consideration of the new code until such times as the position regarding the code was settled. Members are reminded that the report raised concerns with the LGA code. The revised code departed from narrower wording in s 31 of the Localism Act 2011 (which relates to Disclosable Pecuniary Interests (DPI's)) and introduced a distinction between things that "directly relate" to an interest and things that "affect" an interest. At this point it was assumed the change to the law recommended by the Committee for Standards in Public Life report to repeal s 31 of the Localism Act 2011 but until such time as s31 was repealed departing from (narrower) the wording currently in the Localism Act would not be recommended given the criminal sanctions for failure to disclose a DPI.
5. The November 2021 report to this committee, recommended a retention of the current code as at that time the LGA code appeared to be in a state of flux, having been updated twice since its publication. Members agreed that time would be given for the government to respond to CSPL recommendations and any legislative changes, for example in relation to sanctions (which may lead to further changes to the LGA model code).
6. Members were updated on that the central government response to the CSPL report was that did not accept the CSPL's recommendations in relation to introducing / repealing any legislation. The GM Chief Legal Officers have met to discuss the LGA Model Councillor Code of Conduct in light of the central government's response to the CSPL report. They have not however made any recommendation as a group for the 10 GM local authorities. The view of the

GM Chief Legal Officers is that individual Councils need to consider their own position in relation to the LGA Model Code.

7. Although there are benefits in consistency of approach across Greater Manchester Councils some Council's have now adopted the code others have reviewed their codes and considered whether to follow all or some of the new code.

The following GM local authorities have adopted the LGA Model Code:

- Tameside on 12 January 2021;
- Oldham on 8 September 2021;
- Trafford on 23 March 2022;
- Stockport on 14 July 2022.

The following GM local authorities have not adopted the LGA Model Code:

- Bolton;
- Manchester;
- Rochdale;
- Salford;
- Wigan

8. It is now proposed that a working group of this Committee is formed and considers in detail the LGA code. In doing so, brings forward a recommendation for consideration by Annual Council in May in respect of the code of conduct. It is envisaged that the working group would need to meet twice to consider the code and associated documents.

Community impact/links with Community Strategy

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation

Consultation: Not applicable

Legal Implications:

Legal implications are set out in the body of the report

Financial Implications:

There are no financial implications

Report Author and Contact Details:

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