



Name of meeting: Standards Committee

Date: 29th March 2021

Title of report: Local Government Association (LGA) Model Code of Conduct and Kirklees Standards Survey

Purpose of report:

To inform Standards Committee about proposals in relation to the LGA Model Code of Conduct and to report on the Standards Survey.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	NO
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	NO
The Decision - Is it eligible for call in by Scrutiny?	NO
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director for Finance? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Yes – Rachel Spencer-Henshall Yes Yes
Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: YES

Public or private: Public

Has GDPR been considered? YES

1. Summary

1.1 This report is intended to provide an update to members on two matters that have previously been reported to the committee.

1.2 The first is the LGA's Model Code of Conduct and the report will look at the Code itself, what interested parties have said about it and whether Kirklees should adopt the code, in whole or part, or whether the code contains parts that could be incorporated into the existing Kirklees code.

1.3 The second is to consider the results of the stakeholder survey that recently took place as part of a review of the code of conduct.

2. Information required to take a decision

2.1 LGA Model Code of Conduct

2.1.1 The LGA published its Model Code of Conduct in December 2020, following a period of consultation that began in June 2020.

2.1.2 The published consultation response analysis can be found at [LGA Model Member Code of Conduct: Consultation response analysis, November 2020 | Local Government Association](#).

2.1.3 Following the consultation, a final version of the Model Code was published. A copy is at Appendix A.

2.1.4 The most obvious change brought in by the Model Code is that it is written in the 'first person'. It has been suggested that doing so may reinforce to members that it is about them and their obligations.

2.1.5 It has also been suggested that, in setting out a desire for a Model Code in their report, the Committee of Standards in Public Life (CSPL) were anticipating that this would come after the government had considered its response and dealt with any legislative needs to introduce recommended changes. As it stands, the Model Code is likely to need revision as and when a formal government response is forthcoming, should that response result in any legislative change.

2.1.6 The LGA has committed to review its Model Code on an annual basis, which is in line with the recommended review period in the CSPL report. One potential advantage of adopting the Model Code in full might be that it reduces the necessity to consult and review the Code of Conduct on an annual, or bi-annual basis. Clearly, there would still be a need to review any amendments and make a decision as to whether these should be adopted here in Kirklees and how the model code was operating in general. In such circumstances, any revisions to the Model Code would be reported to this committee.

2.1.7 The LGA has also undertaken to prepare and deliver training on the Model Code. Again, one advantage of this is that we may be able to use this as part of our training supplemented with any relevant additions through local training.

2.1.8 Within West Yorkshire, the Model Code has so far been adopted in full by Calderdale Council. Leeds City Council were recommending its adoption. Wakefield Council are recommending its adoption with some amendments.

2.1.9 A number of interested parties have commented on the Model Code. These include Lawyers in Local Government (LLG), who conducted a survey of Monitoring Officers. LLG described the response as 'lukewarm' with principal concerns being that the Model Code was less robust than many existing codes and also over whether it accurately reflected the legal position with regards to members acting in a private capacity.

2.1.10 Of the Monitoring Officers who responded to the survey, 20% reported plans to adopt the Model Code in full, with a further 20% reporting plans to adopt the Model Code in part. 55% reported that the Model Code would not be being adopted and, of those 55%, 25% reported that they were planning no changes to their existing Codes whilst the remaining 30% reported that some changes were planned.

2.1.11 The Law Society Gazette reported on the draft Code and consultation and makes a valuable point that the Code is '*readily understandable in plain English*'. Having a Code that is easy to understand is important, as members of the public are likely to want to refer to it and it is also likely to be less ambiguous or open to interpretation.

2.1.12 Kirklees has 3 options with regards to the model code:

- i) adopt the code in full;
- ii) adopt parts of the code;
- iii) retain its own code.

2.1.13 Given that the Model Code is based on the recommendations made by the CSPL and that since publication of the CSPL report in early 2019, this committee has been instrumental in looking at the various recommendations and implementing those that could be done on a voluntary basis, there is not a great deal of difference between the current Kirklees code and model code.

2.1.14 The principal non-stylistic differences between the two codes are:

- lack of reference and explanation around 'other interests' in the model code
- a lower limit of £25 in the current Kirklees code compared to a limit of £50 in respect of gifts and hospitality in the model code,

2.1.15 Members are invited to consider and discuss the options available to inform a further report to this Committee with recommendations about whether to adopt the code in full or with any amendments.

2.1. 16 It is not intended to make a decision at Standards Committee at this stage. It is proposed that a report come back to this Committee taking into account comments today and once it has been possible to do a full assessment of the feedback from the survey which is considered below. Given the level of the feedback we have had it would be helpful to consider that in greater depth before making any proposals about whether we adopt the LGA Model code and/or make any other changes to the Code or the Standards process or any other steps we might wish to take to change what we do in Kirklees.

2.2 Kirklees Standards Survey

2.2.1 Members will recall that one of the recommendations of the CSPL was that there should be an annual review / consultation of the Code of Conduct. This Committee considered that a full consultation involving many stakeholders annually might be impractical and considered that instead it should do something two yearly with a smaller review as part of the review of the constitution in other years. The Stakeholder survey is the first consultation of this type that we have carried out.

The standards consultation was conducted by means of an online survey that was widely publicised throughout Kirklees. As you will note it encouraged responses from Members, officers, members of the public, voluntary organisations and partners, Town and parish Councillors and their clerks, the independent person, as well as Monitoring officers from WYLAW

It comprised of a number of questions, some of which were structured and had 'tick boxes' for responses, while others allowed the respondent to enter text comments.

The survey asked initially what role the respondent had and, depending on the answer to that, tailored questions to the respondent. By way of example, anyone completing the survey as a Monitoring Officer would have been asked more questions than a member of the public, those additional questions relating more specifically to their knowledge and experience as Monitoring Officers.

The survey ran from the 1st of February to the 8th of March and 661 responses were received.

2.2.2 The responses to the structured questions are set out in Appendix B.

2.2.3 The general picture from these results is:

- it is important to the respondents that Councillors are respectful and adopt good behaviour – 99% of respondents felt this was *very important or important*
- it is important that Councillors are held accountable for poor behaviour and that they respond to any sanctions – 99% of respondents felt this was *very important or important*
- a significant number of respondents were unaware of the Code of Conduct or the complaints process and member sanctions
- only 28% of respondents felt that the current sanctions were sufficient to address poor behaviour
- 94% of respondents *agreed or strongly agreed* that there should be a power to impose financial penalties, such as removal of allowances
- 96% of respondents *agreed or strongly agreed* that there should be a power to suspend
- 97% of respondents wanted to see the website updated to record when sanctions have been complied with
- the majority of respondents who were asked felt that Town and Parish Councils should have a role in the complaints process, particularly where Town and Parish members were the subject of complaints

2.2.4 The views given in the comments boxes is at Appendix C.

2.2.5 The general picture from these is that they do support and amplify the responses given to the 'tick box' questions. Overall, there does appear to be a level of dissatisfaction with the process, but principally with the ability to enforce standards decisions and the available sanctions.

2.2.6 With regards to whether or not the results of the survey could or should lead to changes to the Code of Conduct of the standards process, it is to be noted that the principal concerns of the respondents cannot be addressed fully without some legislative changes.

2.2.7 These views may, however, be helpful in supporting and amplifying any formal response from Kirklees to central government on the subject of sanctions and may help to secure cross party support for this.

2.2.7 The number of responses we received were much higher than we originally anticipated which we were very pleased with as it gives us lots of information to inform what we might do going forwards and to stimulate some initial discussion today.

2.2.8 Given the number of responses received to the survey, it is not possible to provide this committee now with a comprehensive analysis of the survey results and it is therefore proposed that further work will be done to identify any possible changes to the Code of Conduct or standards process and also to see how the council can best use the information included in the feedback to raise the awareness of member standards in Kirklees. A further report will be made to the committee.

2.2.9 An initial analysis also shows that there are some other pieces of work or questions we need to consider as an organisation. It is possibly the case that the understanding of the functions and role of the council, not just in respect of the issue of standards, is unclear to members of the public. This is an opportunity to undertake some work around the role of the council, to reflect its real impact on people's lives, and the work it does to support the people of Kirklees. It gives an opportunity for members to consider their role in that.

2.2.10 The survey also presents an opportunity to look at a number of other areas, including (though not limited to):

- working with partners
- the council's reputation
- member-officer relationships
- sanctions and how to make them as effective as possible
- social media behaviour

2.2.11 Members are invited to discuss and comment on the survey and inform how it might be used to change the Code of Conduct, influence behaviours moving forwards as well as any other things we may need to look at as a result.

3. Implications for the Council

3.1 Working with People

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

In order to minimise any impact, printing is kept to a minimum.

3.5 Improving outcomes for children

N/A

3.6 Other (eg Legal/Financial or Human Resources) Consultees and their opinions

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.

4. Next steps and timelines

4.1 LGA Model Code of Conduct

- 4.1.1 The Monitoring Officer will continue to look for a response to the CSPL report from central government.
- 4.1.2 The Monitoring Officer will also consider any comments or views from this committee in considering what changes, if any, should be made to the Kirklees code of conduct.

4.2 Kirklees Standards Survey

- 4.2.1 Due to the volume of information that the survey has provided, it is proposed that further consideration and analysis is made by the Monitoring Officer and a more detailed report is brought back to this committee.
- 4.2.2 Part of the more detailed work will look at the issues highlighted in parts 2.2.9 and 10 that have been brought up by the survey responses.

5 Officer recommendations and reasons

Members are asked to:

- 5.1 Note the large number of responses to the survey and thank those who took the time to contribute to that survey.
- 5.2 Consider the report and comment on its contents (as applicable).

6 Cabinet Portfolio Holder's recommendations

N/A

7 Contact officer

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8 Background Papers and History of Decisions

LGA Model Code of Conduct
CSPL report
previous reports to Standards Committee

9 Service Director responsible

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