



**Name of meeting: Standards Committee**

**Date: 15<sup>th</sup> September 2021**

**Title of report: Local Government Association (LGA) Model Code of Conduct**

**Purpose of report:**

To seek recommendations from Standards Committee about proposals in relation to the LGA Model Code of Conduct.

<b>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?</b>	No
<b>Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)</u>?</b>	No
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	No
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance?</b>  <b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Yes – Rachel Spencer-Henshall – 7<sup>th</sup> September</b>  <b>Yes – Eamonn Croston</b>  <b>Yes – Julie Muscroft</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Paul Davies</b>

**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 seek the views of members on proposals in respect of the LGA Model Code of Conduct and ask them to make recommendations as appropriate.
- 1.2 Copies of both the current Kirklees members' Code of Conduct and the LGA Model Code of Conduct are at Appendix A

## **2. Information required to take a decision**

### **2.1 LGA Model Code of Conduct**

- 2.1.1 The LGA published its final Model Code of Conduct in December 2020, following a period of consultation that began in June 2020. A copy is at Appendix A.
- 2.1.2 The LGA's Model Code is based on the best practice recommendations made by the CSPL and since publication of the CSPL report in early 2019 this committee has been looking at the various recommendations and implementing those that could be done on a voluntary basis. The Council made some changes to its Code of Conduct in 2019 as a result of the recommendations. As a result there is in reality not a great deal of difference now between the current Kirklees code and the LGA Model Code.
- 2.1.3 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. There are some parts of the current Kirklees code that are not covered by the LGA model code, particularly around 'other' interests and exemptions.
- 2.1.4 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. WYCA has adopted the code.
- 2.1.5 Kirklees has 3 options with regards to the model code:
  - 1) adopt the code in full;
  - 2) adopt parts of the code;
  - 3) retain its own code.
- 2.1.6 Option 1 has a number of advantages, including:
  - i) The LGA has also undertaken to prepare and deliver training on the Model Code. The LGA has already published a guidance document on

the Model Code. There would be potential cost savings involved if the LGA training was available to members.

ii) The LGA has committed to an annual review of the Model Code, which is in line with the CSPL recommendation. This would reduce the onus on Kirklees to review their code and also the need to engage in wider consultation.

iii) we would be in line with WYCA, which would be a potential advantage for any Kirklees members who are also WYCA members, as there would be a single code.

iv) depending on personal preference the fact that it is framed in the first person may be considered an advantage.

#### 2.1.7 Disadvantages of option 1 include:

i) Lack of control of the content of the code of conduct and the possibility that it may not be flexible enough to meet local needs.

ii) Less detail in certain areas than the current Kirklees code, so could be a step backwards and may cause more issues in those areas. The key example of this is the treatment of 'other' interests and how these should be declared and addressed at any meetings.

iii) Councillors and members of the public will need to familiarise themselves with a new code.

#### 2.1.8 Option 2 has a number of advantages, including:

i) Kirklees will still retain a level of control over the content of the code.

ii) Councillors and members of the public should be clearer about 'other interests'.

iii) Hospitality limits can be set locally.

iv) The code can be tailored to fit local, rather than national, needs.

#### 2.1.9 Disadvantages of option 2 include:

i) we may be less able to rely on any LGA provided training. There would be a need to tailor some parts to cover any differences

ii) if the code differs significantly, we may not be able to rely on the LGA reviews and consultations and may have to undertake our own

#### 2.1.10 Option 3 has a number of advantages, including:

i) Councillors and members of the public will not need to familiarise themselves with a new code

ii) Kirklees will retain full control over the contents of the code

2.1.11 Disadvantages of option 3 include:

i) we could not take advantage of any training provided by or guidance issued by the LGA.

ii) we would still be obliged to review and consult on the code

iii) we may be out of step with other WYLAW authorities and WYCA, and our local Town and Parish Councils if they choose to adopt the LGA code (NALC are in favour of Town and Parish Councils adopting the LGA Code)

### **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**

In the event that the Committee decide that they wish to change the current code of conduct the proposals will be referred to Corporate Governance and Audit committee for consideration before being referred to a meeting of Council

## **5. Officer recommendations and reasons**

Members are asked to:

5.1 consider the report and agree one of the following:

5.1.1 Adopt the LGA model Code of Conduct in full;

5.1.2 Reject the LGA model Code of Conduct and retain the existing code;

5.1.3 Adopt a modified version of the LGA code of Conduct that addresses issues highlighted;

5.2 And, depending upon the outcome of members discussion, make recommendations to the Corporate Governance and Audit committee to consider any changes before referring the proposal to Council for consideration

## **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

LGA Guidance on Model Code

Report to Standards Committee 29<sup>th</sup> March 2021

[Code of Conduct](#)

Kirklees DPI form

## **9. Service Director responsible**

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## Appendix A

LGA Model Code of Conduct

Kirklees Council Code of Conduct

LGA Guidance on Model Code of Conduct

Kirklees DPI form