

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 23 September 2020
Report for: Information
Report of: Corporate Director of Governance & Community Strategy

Report Title

LGA Model Code of Conduct.

Summary

The LGA released a draft Model Code of Conduct for Members in May 2020 (Appendix 1). The Model was created in consultation with selected Local Authorities, Professional Associations, and Consultants. This report looks at the draft Model Code of Conduct for Members in comparison to Trafford's current Code of Conduct for Members and highlights the main differences between them.

Recommendations

The Standards Committee are asked to;

- a) To note the report

Contact person for access to background papers and further information:

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Background Papers: None

Implications

Relationship to Policy Framework/Corporate Priorities	Council's Constitution, Members' Code of Conduct and related policies and procedures.
Financial	None
Legal Implications:	None
Equality/Diversity Implications	None
Sustainability Implications	None
Staffing/E-Government/Asset Management Implications	None
Risk Management Implications	None
Health and Safety Implications	None

1.0 Background

- 1.1 The Committee on Standards in Public Life conducted a review of Local Government Ethical Standards in 2018 and the subsequent report was published in January 2019. One of the recommendations of the report was that a new national code of conduct for members was to be created by the LGA for all local Authorities to use as a basis for their own code.
- 1.3 In May 2020 the LGA released their draft Model Code of Conduct for Members (Appendix 1) which had been developed in consultation with selected Local Authorities, Professional Associations, and Consultants. The LGA will be releasing an updated draft before the end of 2020.

2.0 Differences between the draft Model Code of Conduct for Members and Trafford's Code

- 2.1 The Draft Model Code of Conduct for Members and Trafford's current code both take a rule based approach. A rules based code is preferred when a document is to be public facing as it clearly sets out what the public can expect from Elected Members.
- 2.2 The content of the Draft Model Code of Conduct is very similar to Trafford's code of conduct with the differences being mainly in the level of description and the number of examples/definitions provided. Trafford's Code of Conduct goes into more detail in defining specific actions that a councillor should or should not do whereas the draft Model Code of Conduct for Members states each of the 12 rules in a simple fashion and then provides a short paragraph explaining the purpose of the rule for interpretation. As would be expected this has greatly shortened the Code of Conduct with the draft Model Code of Conduct for Members being essentially three pages long compared to Trafford's Code of Conduct which is twelve pages in length (although this is largely because the Code includes a long section in relation to Members' interests and because the procedure for dealing with alleged breaches of the code is also included).
- 2.3 As indicated above, the main difference is one of style and Members may feel that the proposed Code is simpler to understand. The definitions and examples within the draft Model Code of Conduct for Members are not as exhaustive as those laid out within Trafford's code. However the Model Code of Conduct for

Members represents the minimum that Local Authorities will be expected to adopt and each Local Authority will then be able to tailor the code to make it fit for purpose in their area.

2.4 The draft Model Code of Conduct for Members details Councillors' responsibilities for declarations of gifts and hospitality and sets the minimum value at £25. Trafford's policy around gifts and hospitality is covered in a separate part of the Constitution to the Code of Conduct and the minimum value for declarations is set at £100. It was recommended by the Committee for Standards in Public Life that the Government set a national rule of £50 or £100 from a single source over the course of a year but that is still awaiting action from Government.

2.5 The draft Model Code of Conduct for Members also includes a short description of a proposed internal resolution procedure. It includes details of proposed sanctions in relation to breaches, which is not something currently included in the Trafford code.

3.0 Next Steps

3.1 The LGA is to create a second Model Code of Conduct for Members. It is expected that the updated version will be released before the end of 2020. When the final version has been released Trafford will consider the updated version of the Model Code as part of its annual review of the Code of Conduct in March 2021.

4.0 Recommendations

4.1 The Standards Committee are asked to;

a) To note the report