



**ST HELENS**  
BOROUGH COUNCIL

## Standards Committee

**18 January 2022**

<b>Report Title:</b>	<b>Amendments to the Code of Conduct for Elected &amp; Co-Opted Members</b>
<b>Cabinet Portfolio</b>	Finance & Governance
<b>Cabinet Member</b>	Councillor Martin Bond
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	All
<b>Report of</b>	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk
<b>Contact Officer</b>	Joanne Griffiths Democratic Services Manager joannegriffiths@sthelens.gov.uk 01744 673219

<b>Borough priorities</b>	Ensure children and young people have a positive start in life	
	Promote good health, independence, and care across our communities	
	Create safe and strong communities and neighbourhoods for all	
	Support a strong, thriving, inclusive and well-connected local economy	
	Create green and vibrant places that reflect our heritage and culture	
	Be a responsible Council	X

## 1. Summary

- 1.1 To outline the changes to the Local Government Association (“LGA”) Model Code of Conduct for Members and recommend corresponding amendments to the Council’s adopted Code of Conduct for Elected & Co-Opted Members.

## 2. Recommendations for Decision

- 2.1 **Standards Committee is recommended to:**

**Consider the proposed changes and recommend to Council to endorse updating the Council’s adopted Code of Conduct for Elected & Co-Opted Members in accordance with the revised LGA Model Code of Conduct for Members.**

## 3. Purpose of this Report

- 3.1 To recommend amendments to the Council’s Code of Conduct for Elected & Co-Opted Members.

## 4. Background /Reasons for the recommendations

- 4.1 The LGA undertook a review of the Member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life (“CSPL”). The CSPL found there was considerable variation in the length, quality and clarity of codes of conduct across local authorities. The LGA was tasked to develop a code that benchmarks a standard for all in public office and for those engaged in public discourse and debate. It aimed to set out the duties and expectations of persons in public office. The expectation is that all Councils should adopt it as minimum but provision for additional local variations is permitted.
- 4.2 A shared version of the model Code was proposed for consideration by each of the Liverpool City Region local authorities and joint authorities to adopt for consistency when members are appointed to those bodies.
- 4.3 A modified version of the LGA Model Code (“Merseyside Model Code”) was considered by Standards Committee at its meeting on 2 June 2021 and adopted by the Council at its meeting on 21 July 2021.

- 4.4 The LGA subsequently issued amendments to the model Code, which are highlighted in red text in Appendix 1. The majority of the changes made to the LGA Model Code have been made to correct typographical errors. However, a significant change has been made to the prejudicial interest test, which in the Merseyside Model Code and original LGA Model Code is applied to 'your interests'. The revised drafting properly expands the scope of the test to include other interests and those of family and associates.
- 4.5 The first two categories of interest in the Code are Disclosable Pecuniary Interests (DPI) and Other Registrable Interests (ORI), which must be recorded on members' public register of interests, except in limited circumstances.
- 4.6 The third category of Non-Registrable Interests (NRI) do not need to be recorded on the register but will need to be declared as and when they arise. This means an interest may arise not just from interests already on an elected member's register of interests. Councillors are not expected to have to register the interests of their relative or close associates (except for DPI's) but under the Code members are expected to declare them as and when relevant business occurs which affects their finances or wellbeing. There will also be times when, although the interest does not personally involve a member, it may involve a relative or close associate. Members are not expected to register every interest of those people on their register of interests, but they will need to declare them at meetings as and when they arise (referred to as 'non-registrable interests').
- 4.7 The Code says members should not participate in the relevant business in two circumstances:
- a. When a matter directly relates to that interest; or
  - b. When a matter affects that interest to a greater extent than it affects the majority of inhabitants and:
    - a reasonable member of the public would thereby believe that your view of the public interest would be affected.
- 4.8 The following wording "Any unpaid directorship" was set out in Table 1 (DPI's) of the original version of the Code. It was a Committee on Standards in Public Life recommendation but has not been legislated for so should not be in the 'criminal' chart. It has been added as a new ORI instead to (a) in Table 2 in the Code.
- 4.9 The proposed amendments seek to provide clarification for members on the operation of the Code and are therefore recommended for approval.
- 4.10 The Liverpool City Region local authorities and joint authorities are each in the process of considering the amendments to ensure a consistent approach.

#### **4 Community Impact Assessment**

4.6 N/A

#### **5 Consideration of Alternatives**

6.6 Not to agree the proposed amendments would risk the Council's current Code of Conduct for Elected & Co-Opted Members not keeping up with best practice set out in the LGA Model Code. Also, it would not achieve the desired aim of a consistent approach across the Liverpool City Region.

## **6 Conclusions**

- 6.6 In accordance with the Council's statutory duty to promote and maintain standards of conduct, members are recommended to approve the proposed amendments to the model Code adopted by Council in July 2021.

## **7 Implications**

### 7.6.1 Legal Implications

- 7.6.2 Under the Localism Act 2011, each local authority has a duty to adopt a code of conduct dealing with the conduct that is expected of members and co-opted members, when they are acting in that capacity. The code must be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests. There is no national prescribed version of a code in England and no obligation to adopt a particular model. The member model code of conduct is suggested national good practice, and councils can adopt this revised code, or adopt their own local code.

### 7.6.3 Community Impact Assessment (CIA) Implications

### 7.6.4 Social Value

None

### 7.6.5 Sustainability and Environment

None

### 7.6.6 Health and Wellbeing

None

### 7.6.7 Equality and Human Rights

None

### 7.6.8 Customers and Resident

None

### 7.6.9 Asset and Property

None

### 7.6.10 Staffing and Human Resource

None

### 7.6.11 Risks

None

7.6.12 Finance

None

7.6.13 Policy Framework Implications

None

**8 Background papers**

8.6 Council Report – 21 July 2021

8.7 CSPL Review of Ethical Standards in Local Government Report, January 2019:  
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

9.3 LGA Guidance on Model Code of Conduct for Members

**9 Appendices**

Appendix 1 – Council’s current Code of Conduct for Elected & Co-Opted Members with proposed amendments in red text (to follow)