

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 18 March 2021

Subject: Local Government Association (LGA) Model Code of Conduct for Members

Report of: City Solicitor

Summary

To update the Committee on the publication of the LGA Model Code of Conduct for Members

Recommendations

- 1 To note the report.
 2. To support discussions by the Greater Manchester Chief Legal Officers on implementation of the LGA Model Code.
 3. That there be a further report to the November meeting of this Committee on the position.
-

Wards Affected – all

Financial Consequences – Revenue None

Financial Consequences – Capital None

Contact Officers:

Name: Fiona Ledden
Position: City Solicitor
Telephone: 0161 234 3087
Email: fiona.ledden@manchester.gov.uk

Name: Poornima Karkera
Position: Head of Governance Legal Services.
Telephone: 0161 234 3719
E-mail: p.karkera@manchester.gov.uk

Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy, please contact one of the contact officers above.

Report to Standards Committee March 2019

1.0 Introduction

- 1.1 Members will recall that, as reported to this Committee in March 2019, the Committee on Standards in Public Life (“the CSPL”) published its report on its review of local government ethical standards on 30 January 2019. This report focuses on recommendation 1- ‘that the Local Government Association (‘LGA’) should create an updated code of conduct in consultation with representative bodies of councillors and officers of all tiers of local government’.

1.0 Background

- 1.2 The new LGA Model Code is attached as Appendix 1 to this report. For ease of reference our Code of Conduct for Members is attached as Appendix 2. The Manchester code was drafted in collaboration with the other 9 Councils in Greater Manchester.

2.0 Comments on the LGA Model Code.

- 2.1 The City Solicitor is of the view that in general the new LGA Model code is well set out and relatively straightforward to follow. It is probably fair to say that the draft code has had a lukewarm response from some Monitoring Officers who have indicated they do not propose to adopt it as published as they prefer their own code.
- 2.1 Key points to note from the Standards Section of the LGA model code include that it:
- aims to clarify when the code will apply
 - introduces the concept of treating other Councillors, members of the public, staff and representatives of partner organisations with ‘respect’ whilst acknowledging the need to be able to engage in debate in a civil manner.
 - makes it a requirement to comply with any sanction imposed following a finding that the code has been breached. At present as members will be aware sanctions for breach of the Members Code of Conduct are very limited. The CSPL recommended the Government change the law to allow Local Authorities the power to suspend councillors, without allowances, for up to six months (exercisable only where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction). As indicated above the government has yet to respond to this proposal.
 - Sets the threshold for registration of Gifts and hospitality at £50 (the threshold in our code is £100 although some GM Councils retained the original £25 threshold).
- 2.2 Appendix B of the LGA Model Code sets out the requirements in relation to registration and declaration of Interests. Whist on the face of it the LGA Code

simplifies the rules the code there are a number of issues in relation to this part of the LGA Model code:

- arguably does not explicitly deal with declaration on interests outside of formal Council Committee meetings e.g. consultation with members or member decision making and
- Departs from narrower wording in s 31 of the Localism Act 2011 (which relates to Disclosable pecuniary interests) and introduces a distinction between things that "directly relate" to an interest and things that "affect" an interest. This is probably because it assumes the change to the law recommended by the CSPL report to repeal s 31 of the Localism Act 2011 but until such time as s31 is repealed departing from (narrowing) the wording currently in the Localism Act is not recommended given the criminal sanctions for failure to disclose a DPI .

3.0 Next Steps.

3.1 There are benefits in constancy of approach across Greater Manchester Councils. If the stronger sanctions recommended by the CSPL were to be introduced and if the majority of Councils in England were to adopt the model code then there would be additional advantages in our Council adopting the LGA model code (subject to the changes mentioned in paragraph 2.2 above) as is, so as to benefit from any developing practice / case law around the LGA model code.

3.2 It is therefore proposed that Chief Legal Officers in Greater Manchester are requested to discuss the adoption of the LGA model code (either as is or with minor amendments) throughout Greater Manchester and that the outcome of these discussions be reported to this Committee's November meeting.

4.0 Recommendations

The recommendations appear at the front of this report.