

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 4 November 2021

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

Report of: City Solicitor

Summary

To consider the LGA Model Code of Conduct for Members

Recommendation

The Committee are asked to:

1. Defer consideration and recommendations regarding adoption of the LGA model code pending the receipt of central government's response the Committee on Standards in Public Life recommendations and any legislative changes
 2. Request a further report on this to its next meeting if the response is available and that this be added to the Committee's workplan
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Wards Affected – all

Financial Consequences – Revenue None

Financial Consequences – Capital None

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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

Report to Standards Committee 18 March 2021

1 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’. The Government has yet to comment on the CSPL recommendations including relating to strengthening sanctions for the breach of the code.
- 1.2 The City Solicitor in her March 2021 report indicated that there were in her view a number of issues with the LGA Code in particular it was noted that it departed from narrower wording in s 31 of the Localism Act 2011 (which relates to Disclosable Pecuniary Interests (DPI’s)) and introduced a distinction between things that "directly relate" to an interest and things that "affect" an interest. She took the view that this was probably because it assumed 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 was repealed departing from (narrower) the wording currently in the Localism Act would not be recommended given the criminal sanctions for failure to disclose a DPI. A copy of Manchester’s Code of Conduct for Members is at Appendix 1
- 1.3 The March 2021 report to this Committee also highlighted benefits in consistency of approach across Greater Manchester Councils in the event that stronger sanctions were to be made available for breach of the code and agreed that Chief Legal Officers in Greater Manchester be 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.

2 Background

- 2.1 A number of GM Chief Legal Officers met in June 2021. The view at that time was that it would be worth waiting for the LGA’s proposed Guidance on the Code before considering the matter further.
- 2.2 The Guidance was issued by the LGA in July 2021 and a further meeting of GM Chief Legal officers took place in September. It became apparent in the interim that since its issue the LGA code had been updated twice by the LGA to clarify issues that were not fully covered in the earlier versions. Whilst the current version does pick up some of the issues referred to above it retains the wording departing from the legislation as set out at paragraph 1.2 above. The latest version of the LGA code is attached at Appendix 2.

- 2.3 The LGA contacted Monitoring Officers in relation to its original proposal to review the Code on an annual basis querying whether it is too early to review the code this year for the following reasons:
- It has not yet been well embedded
 - Some councils have only just considered it
 - It would be better to review it shortly before the May 2022 London Local Government elections, so that it can be considered at the annual general meeting for adopted in full/part/not at all at the annual meeting of councils
 - Wait for central government response to CSPL recommendation if this is likely to be published by the end of 2021.
- 2.4 Whilst 2 Councils within Greater Manchester have already adopted the LGA model code the view of other Chief Legal Officers seemed to be that individual Councils would need to consider their positions in more detail.
- 2.5 It is the view of the Monitoring officer for the reasons highlighted above and because the LGA code appears to be in a state of flux that Manchester should retain its current code of conduct for now. It is recommended that the central government response to CSPL recommendations and any legislative changes eg in relation to sanctions (which may lead to further changes to the LGA model code) should be awaited before changing our code. The Government's response is apparently expected by the end of this year. Hopefully by then the position will be clearer.

3. Recommendation

The recommendation appears at the front of this report.