

**Manchester City Council
Report for Resolution**

Report to: Standards Committee – 3 November 2022

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

Report of: City Solicitor

Summary

To further consider the LGA Model Code of Conduct for Members

Recommendation

That the City Solicitor submit a report to a future meeting of the Committee with a recommendation as to whether LGA Model Code should be adopted.

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.

- Manchester City Council Code of Conduct for Members

- Report to Standards Committee - March 2019
- Report to Standards Committee - 18 March 2021
- Report to Standards Committee - 4 November 2021
- Report to Standards Committee - 16 June 2022
- LGA Model Councillor Code of Conduct – 3 Dec 2020. Updated 19/01/21 & 17/5/21
- LGA Guidance on the Model Councillor Code of Conduct – 8 July 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’.
- 1.2 The LGA approved its Model Councillor Code of Conduct on 3 December 2020 and approved updates on 19 January 2021 and 17 May 2021. Attached as Appendix 1 is the latest update of the Model Code that was approved by the LGA on 17 May 2021.
- 1.3 On 8 July 2021 the LGA published Guidance on the LGA Model Councillor Code of Conduct. That Guidance can be found at the following web address: www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct
- 1.4 Attached as Appendix 2 is the Manchester City Council Code of Conduct for Members. The other nine Greater Manchester local authorities adopted a similar code following the requirement in the Localism Act 2011 that all local authorities adopt a code of conduct for Members.

2 Previous Reports to the Standards Committee

- 2.1 The City Solicitor, in her March 2021 report to this committee, indicated that there were in her view a number of issues with the LGA Model 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.
- 2.2 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.
- 2.3 The City Solicitor, in her November 2021 report to this committee, recommended that because at that time the LGA code appeared to be in a state of flux, having been updated twice since its publication, that Manchester

should retain its current code of conduct for now. She further recommended that the central government response to CSPL recommendations and any legislative changes, for example in relation to sanctions (which may lead to further changes to the LGA model code) should be awaited before changing our code.

- 2.4 The Committee agreed with the City Solicitors recommendation and deferred consideration and recommendations regarding adoption of the LGA model code pending the receipt of the central government's response to the CSPL recommendations and any legislative changes.
- 2.5 On 16 June 2022 the Standards Committee considered a report of the City Solicitor in relation to the Government response to the CSPL's Review of Local Government Ethical Standards. The report informed Members that the central government response to the CSPL report was that did not accept the CSPL's recommendations in relation to introducing / repealing any legislation.

3 The Current Position

- 3.1 The GM Chief Legal Officers have met to discuss the LGA Model Councillor Code of Conduct in light of the central government's response to the CSPL report. They have not however made any recommendation as a group for the 10 GM local authorities. The view of the GM Chief Legal Officers is that individual Councils need to consider their own position in relation to the LGA Model Code.
- 3.2 The following GM local authorities have adopted the LGA Model Code:
- Tameside on 12 January 2021;
 - Oldham on 8 September 2021;
 - Trafford on 23 March 2022;
 - Stockport on 14 July 2022.
- 3.3 The following GM local authorities have not adopted the LGA Model Code:
- Bolton;
 - Bury;
 - Manchester;
 - Rochdale;
 - Salford;
 - Wigan
- 3.4 The Council's Monitoring Officer is considering the position regarding whether to recommend the adoption of the LGA Model Code.

4 Recommendation

The recommendation appears at the front of this report.