



Combined Authority Board

5 June 2024 - Ordinary Meeting

Title:	Adoption of the LGA Code of conduct
Report of:	Edwina Adefehinti, Director Legal and Governance and Monitoring Officer
Lead Member:	Cllr Edna Murphy- Governance
Public Report:	Yes
Key Decision:	No
Voting Arrangements:	Majority

Recommendations:

A	The CPCA Board is invited to consider the matters raised in this report and consider whether the Local Government Model Code of Conduct be adopted in full or part.
B	The CPCA Board is invited to consider whether the associated guidance on the Model Code of Conduct should be adopted in full or in part.
C	The CPCA Board is invited to consider whether the associated guidance on complaint handling should be adopted in full or in part
D	The CPCA Board is invited to consider the requests from the combined authority board member

Strategic Objective(s):

The report improves the CPCA's corporate governance framework and helps to protect the interests of the CPCA and promote best value.

1. Purpose

1.1	To place before the CPCA Board, the Local Government Association's ("LGA") Model Code of Conduct, plus supporting guidance, for the Committee to consider adoption of the Code in whole or in part along with the connected guidance.
1.2	For the CPCA Board to review the comments from the Combined Authority member

2. Proposal

2.1	For the CPCA Board to consider guidance, codes and procedures as are required to keep the ethical culture of the Authority under review.
2.2	For the CPCA Board to consider the present hearings process and determine whether changes are required and to keep the process under review.

2.3	<p>For the CPCA Board to consider</p> <ul style="list-style-type: none"> • whether the Model Code should be adopted in its entirety • Whether the Combined Authority's existing arrangements could be amended by including elements taken from the Model Code; • Timeframes for both adoption of a new code and guidance
2.4	For the CPCA Board to decide whether to accede to the comments of the Combined Authority Board member

3. Background

3.1	<p><u>Member Code of Conduct</u></p> <p>This report proposes that the Combined Authority adopts the LGA Model Code of Conduct. The current Member Code of Conduct appears to have been adopted and has been in force since inception of the CPCA.</p> <p>This CPCA Board is invited to consider the arrangements that should be in place for a Member Code of Conduct from June 2024. In forming a view about this, the CPCA Board should consider the current Member Code of Conduct as well as the Local Government Association Model Code of Conduct. Further detail about both the current Member Code of conduct and the LGA Model Code of conduct are set out below and in Appendices A and B.</p>
3.2	<p><u>The Current Member Code of Conduct</u></p> <p>The Current code complies with statutory requirements as it: -</p> <ul style="list-style-type: none"> • deals with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. • Is consistent with the Seven Principles of Public Life, also known as the Nolan Principles • includes provision for and requirements relating to registration and disclosure of pecuniary and non-pecuniary interests.
3.3	<p><u>The Local Government Association Model Code of Conduct</u></p> <p>The Local Government Association (LGA) has developed a Model Member Code of Conduct, in association with partners and after consultation with Public Sector organisations. A copy of the Model Code is attached at Appendix B. The Model Code is a template for Local Authorities to adopt in whole and/or with local amendments.</p> <p>The aim of the Model Code is to enhance the consistency and quality of local authority codes, in line with the recommendations of the Committee on Standards in Public Life in their review of Local Government Ethical standards.</p>
3.4	<p>Sitting behind the Model Code, the LGA has produced Guidance on the interpretation of the Code and on the handling of complaints.</p> <p>A suite of documents is attached to this report for Members' consideration, as follows:</p> <p><u>The CPCA's current Standards documents:</u></p> <ul style="list-style-type: none"> • Appendix A: The CPCA's current Members' Code of Conduct and complaints procedure • Appendix B: Hearing Procedure <p><u>The LGA's Model Code and Supporting Guidance:</u></p> <ul style="list-style-type: none"> • Appendix C: The LGA's Model Code of Conduct • Appendix D: The LGA's Guidance on the Model Code of Conduct • Appendix E: The LGA's guidance on Complaint Handling <p>Members are invited to consider to what extent they wish to adopt the Model Code of Conduct and supporting guidance.</p>
3.5	<p><u>Legal and Constitutional matters</u></p> <p>The Combined Authority Board is required to adopt a Member Code of Conduct under s.27 of the</p>

	<p>Localism Act 2011 and the Code must comply with the requirements of s.28 of the Localism Act 2011. The current Member code of Conduct is one of the Codes and Protocols in Part 16 of the Constitution. Audit and Governance committee is responsible for advising the Combined Authority Board on the adoption and operation of the Member Code of Conduct and for making recommendations for change. The Monitoring Officer can confirm that at the March Audit & Governance committee meeting, the committee recommended that the LGA Model code of conduct and associated documents should be adopted in its entirety.</p>
3.6	<p><u>Committee on Standards in Public Life</u></p> <p>On 30 January 2019, the Committee on Standards in Public Life (CSPL) produced a report on Local Government Ethical Standards. The report found that there is considerable variation in the length, quality and clarity of local authority Codes of Conduct. CSPL made various formal and best practice recommendations intended to improve local government ethical standards and improve public confidence in the arrangements. The Government responded to these recommendations in March 2022 (links below under Background Papers).</p> <p>The first recommendation was that the Local Government Association should create an updated Model Code of Conduct, in consultation with representative bodies of members and officers of all tiers of local government.</p> <p>The Localism Act 2011 states that relevant authorities must promote and maintain high standards of conduct by members and co-opted members. It requires these authorities to adopt a Code of Conduct for their Members. It is for individual local authorities to set their own local code.</p> <p>The Committee on Standards in Public Life also made recommendations in relation to best practice. These can be found in the link- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF</p> <p>There are 15 recommendations:</p> <ol style="list-style-type: none"> 1. Include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, 2. Provisions requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors. 3. Review of code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. 4. Publish a clear and straightforward public interest test against which allegations are filtered. 5. Have access to at least two Independent Persons. 6. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial. 7. Have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes. 8. Procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation. 9. Provisions requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors. 10. Review of code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. 11. Publish a clear and straightforward public interest test against which allegations are filtered. 12. Have access to at least two Independent Persons. 13. An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment 14. Have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for

investigations and outcomes.

15. Procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

The current Code and updated procedure for dealing with complaints mostly complies with the recommendations from the Committee on Standards in Public Life. However, the current Code does not contain the principle of civility.

Furthermore, whilst it is customary to review the Code of Conduct in advance of the next local elections, the Code of Conduct is not currently reviewed on an annual basis. Members may wish to consider this when deciding how best to proceed.

The Model Code of Conduct is the first recommendation in the Ethical Standards report and the Government has noted the production of the Model Code in its response to the report, whilst highlighting that it remains a local decision on whether to adopt it or not.

The intention is that the updated Model Code of Conduct establishes a consistent benchmark that local authorities can amend or add to as they see fit to reflect local circumstances and priorities.

3.7 Comments from Combined Authority Board member:

“Clearly, if the CPCA adopts the LGA model Code of Conduct and the complaints handling guidelines, the Constitution will need to be reviewed to ensure the documents are consistent.

I advocate that this paragraph of the Constitution needs review: “16.8.5.3 is the complaint politically motivated, vexatious or tit for tat?”

Personally, I don’t agree with the test of “is the complaint politically motivated”. For me, it is not the motivation of the complainant that should ever be under scrutiny, but the behaviour of the individual being complained about.

Taking it to the extreme, if the politically motivated test remains there could be a case where a complaint is thrown out because it is deemed to be “politically motivated” even though an actual breach of the Code had taken place. That would clearly be wrong and I think it should be removed.

I would appreciate if this could be reflected in the Board papers as discussed.”

3.2 Local Benchmarking

From a brief review of other neighbouring and Combined Authorities’ Member Codes of Conduct:

Authority	Status
Cambridge City Council	Reviewing whether they adopt
Cambridge County Council	Looking to adopt
East Cambridgeshire District Council	Reviewing whether to adopt
Fenland District Council	Not adopted
Huntingdonshire District Council	Adopted
Peterborough City Council	Not adopted
South Cambridgeshire Council	Adopted
Greater Manchester Combined Authority	Reviewing whether to adopt
West Midlands Combined Authority	Adopted
South Yorkshire Combined Authority	Not adopted
West Yorkshire Combined Authority	Not adopted
West Of England Combined Authority	Looking to adopt
Greater London City Council	Not adopted
Liverpool City Region	Not adopted
Northeast Combined Authority	Not adopted
Tees Valley Combined Authority	Not adopted
East Midlands Combined Authority	Not adopted, Recently established
York and North Yorkshire	Not adopted Recently established

3.8 Alternative options considered:

	The options available for the Committee's consideration are to make no changes to the Combined Authority's current Codes and procedures, adopt some or all of the LGA's Model Code and/or guidance or to introduce other changes to the Code of Conduct not covered by the LGA's Model Code.
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4. Appendices

4.1	Appendix A. Current Member Code of Conduct and complaints procedure
4.2	Appendix B. Hearing Procedure
4.3	Appendix C. The LGA's Model Code of Conduct
4.4	Appendix D. The LGA's Guidance on the Model Code of Conduct
4.5	Appendix E. The LGA's guidance on Complaint Handling
4.6	Appendix F. LGA 2023 survey showing 63% of Councils have adopted the mode code of conduct for members
4.7	Appendix G. Audit & Governance Committee Terms of Refence

5. Implications

Financial Implications

5.1	The Combined Authority already has access to two Independent Persons so there is no additional direct financial implications in the adoption of the LGA recommendations.
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Legal Implications

5.2	<p>Under the Constitution Audit & Governance committee has the responsibility:</p> <ul style="list-style-type: none"> • for ensuring the Combined Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members • for assisting the Members and Co-opted Members to observe the Code of Conduct and • for implementing the obligation to ensure high standards of conduct amongst Members <p>This responsibility includes advising on the Members' Code of Conduct and associated guidance. Changes to the Code of Conduct and the Constitution are.</p> <p>However, reserved to the Combined Authority Board and any recommendation for changes to the Code of Conduct, which forms part of the Constitution, would need to be made to the Combined Authority Board. The CPCA Board makes the final decision on changes to the constitution.</p> <p>The Members' Code of Conduct is set out in the constitution. The CPCA's arrangements in Chapter 16 of the constitution, under which complaints about Member conduct are investigated and decided to comply with the relevant provisions of the Localism Act 2011. All complaints are dealt with in consultation with one of the CPCA's Independent Persons.</p> <p>Considering best practice and implementing improvements will help maintain sound corporate governance and the integrity of local authority decision making.</p> <p>Under the Localism Act 2011 all Local Authorities must adopt a code of conduct dealing with the conduct that is expected of Members and co-opted Members when that are acting in that capacity. There is no national prescribed version of a code in England and no obligation to adopt a particular model.</p> <p>The Code must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Local Authorities must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests.</p> <p>The Combined Authority will publicise its adoption, revision or replacement of a Code of Conduct in such manner as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area. This will be on the Combined Authority's</p>
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	<p>website.</p> <p>Chapter 16 of the Combined Authority's constitution requires the Monitoring Officer to consider as part of the decision process, at Paragraph 16.8.5.3 whether the complaint is politically motivated, vexatious or tit for tat?</p>
Public Health Implications	
5.3	None
Environmental & Climate Change Implications	
5.4	None
Other Significant Implications	
5.5	None
Background Papers	
5.6	Local Government Ethical Standards A Review by the Committee on Standards in Public Life ("the Ethical Standards report") January 2019
5.7	Government's response to the Ethical Standards report