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Ethics Committee  
Cabinet Member for Policing and Equalities  
Council

21 January 2021  
8 March, 2021  
16 March 2021

**Name of Cabinet Member: N/A Ethics Committee**

**Director Approving Submission of the report:** Director of Law and Governance

**Ward(s) affected: None**

**Title: New Code of Conduct for Elected and Co-opted Members**

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**Is this a key decision?**

No - The decision whether to adopt a new Code of Conduct is reserved to Council

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**Executive Summary:**

The Local Government Association (LGA) has published a new Model Code of Conduct for Members which follows on from a consultation held in the Summer of 2020. The LGA has produced the new Model Code of Conduct on the recommendation of the Committee on Standards in Public Life in its report on local authority standards published in January 2019. The Ethics Committee made representations to the LGA on the wording of the proposed Code.

This report asks the Committee to consider the new Model Code of Conduct with a view to the Council adopting the Code, either in whole or with modifications. As any new Code will need to be included in the Council's Constitution, any views of the Committee will be reported to the Constitutional Advisory Panel, the Cabinet Member for Policing and Equalities and full Council when those bodies consider the matter.

**Recommendations:**

Ethics Committee is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Constitutional Advisory Panel

The Constitutional Advisory Panel is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Cabinet Member for Policing and Equalities

The Cabinet Member for Policing and Equalities is requested to:

- 1) Consider the recommendations from Ethics Committee and the Constitutional Advisory Panel
- 2) Approve the Model Code of Conduct; and
- 3) Recommend that the Council adopt the Model Code of Conduct

Council is requested to:

- 1) Adopt the Model Code of Conduct, either in whole or with modifications with effect from the start of the 2021/22 Municipal Year

**List of Appendices included:** LGA Model Code of Conduct

**Background papers:** None

**Other useful documents:** None

**Has it been or will it be considered by Scrutiny?** No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

Yes – this report will be considered by:

- Constitution Advisory Panel on 17 February, 2021
- Cabinet Member for Policing and Equalities Date 8 March 2021

**Will this report go to Council?**

Yes – 16 March 2021

## **Report title: New Code of Conduct for Elected and Co-opted Members**

### **1. Context**

- 1.1 In January 2019, the Committee on Standards in Public Life produced a report into ethical standards in local government. One of the Committee's recommendations was that a new code of conduct for Councillors should be produced which would operate nationally and across all tiers of local government.
- 1.2 The Local Government Association (LGA) produced a draft Model Code of Conduct which was the subject of extensive consultation during the summer of 2020. The Council, through Ethics Committee, contributed to that consultation. The final Model Code of Conduct was published in December 2020.

### **2. Options considered and recommended proposal**

- 2.1 The Model Code of Conduct is attached to this report at the Appendix.
- 2.2 The Council's current Code of Conduct for Elected and Co-opted Members was adopted by the Council in 2012. While there have been some amendments to it, it has remained largely the same since then. The publication of the new Model Code gives a good opportunity to consider moving from its current Code to the new one.
- 2.3 The main points of the Model Code of Conduct are:
  - (a) The Code explicitly applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor. The current Code only applies where a Councillor is acting in their official capacity.
  - (b) The Code gives examples of what amounts to treating others with respect but also how to deal with disrespectful behaviour from others. The term "respect" is favoured over "civility".
  - (c) Definitions of bullying and harassment are included and there is an express requirement to promote equalities and to not discriminate unlawfully.
  - (d) Councillors must not bring their role or local authority into disrepute
  - (e) Councillors must agree to undertake any Code of Conduct training provided, co-operate with a Code of Conduct investigation, not intimidate any person involved in any investigation and comply with any sanctions imposed.
  - (f) There is an obligation to register any gifts or hospitality regardless of value which could give rise to real or substantive personal gain
  - (g) Gifts or hospitality of £50 or more in value must be registered as must any that have been refused.
  - (h) In addition to the statutory Disclosable Pecuniary Interests, there is a requirement to register membership of any body exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes includes the influence of public opinion. This only applies to bodies to which the Councillor has been appointed by the Council and mirrors those memberships that were required to be registered under the 2007 national Code of Conduct. Under the current Code of Conduct members are required to declare membership of any body whose rules of membership could be regarded as suggesting a degree of loyalty to that organisation. This is regardless of whether the appointment is made through the Council or a private matter.

2.4 The Model Code includes three Appendices:

- (a) Appendix A: The Seven Principles of Public Life (Nolan Principles)
- (b) Appendix B: The Registration and Declaration of Interests
- (c) Appendix C: The Committee on Standards in Public Life (including the 15 Best Practice recommendations)

2.5 Members are asked to consider the Model Code of Conduct and whether they wish to recommend its adoption by the Council, either as drafted or with modifications. In particular:

- (a) Whether the threshold for the registration of gifts and hospitality should be set at £50 (it is currently £25)
- (b) Whether the Council should extend the obligation to declare membership of outside bodies to include those which currently must be declared (see paragraph 2.3(h) above).
- (c) Whether the Council's Code should include Appendix C, which sets out the Best Practice Recommendations of the Committee on Standards in Public Life.

## **2.6 Recommendations:**

Ethics Committee is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Constitutional Advisory Panel

The Constitutional Advisory Panel is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Cabinet Member for Policing and Equalities

The Cabinet Member for Policing and Equalities is requested to:

- 1) Consider the recommendations from Ethics Committee and the Constitutional Advisory Panel
- 2) Approve the Model Code of Conduct; and
- 3) Recommend that the Council adopt the Model Code of Conduct

Council is requested to:

- 1) Adopt the Model Code of Conduct, either in whole or with modifications with effect from the start of the 2021/22 Municipal Year

## **3. Results of consultation undertaken**

3.1 The Model Code of Conduct has been widely consulted on by the LGA in summer 2020.

## **4. Timetable for implementing this decision**

4.1 It is proposed that the new Code of Conduct will take effect at the beginning of the new municipal year in May 2021.

## **5. Comments from Director of Finance and Director of Law and Governance**

### **5.1 Financial implications**

There are no specific financial implications arising from the recommendations within this report.

## 5.2 Legal implications

There are no specific legal implications arising from this report. However, there is an expectation that all local authorities will consider the adoption of the new national Code of Conduct. The adoption of the Code will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

## 6. Other implications

### 6.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?

Not applicable

### 6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report. Having an up to date, comprehensive Code of Conduct will help members to understand their responsibility to uphold high ethical standards and in turn to reduce the risk of reputational damage to the Council.

### 6.3 What is the impact on the organisation?

The new Code of Conduct will apply to all members and co-opted members. The new Code will need to be publicised and members will require guidance/training.

### 6.4 Equality Impact Assessment (EIA)

There are no public sector equality duties which are of relevance at this stage.

### 6.5 Implications for (or impact on) climate change and the environment

None

### 6.6 Implications for partner organisations?

None

## Report author(s):

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Finance: Graham Clark	Lead Accountant	Finance	11/01/21	11/01/21
Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	11/01/21	13/01/21
Councillor S Walsh	Chair of Ethics Committee		12/01/21	21/01/21