

Audit, Risk and Governance Committee
Meeting to be held on Monday, 25 April 2022

Electoral Division affected: None;

Code of Conduct - Review

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Executive Summary

The Audit Risk and Governance Committee is asked to consider the outcome of a review of the Code of Conduct for Councillors undertaken by the Political Governance Working Group.

Recommendation

The Committee is asked to agree that:

- i) The County Council's existing code of conduct for councillor be retained; and
- ii) Full Council be recommended to approve that the threshold at which councillors must declare gifts and hospitality offered or received in their role as councillors be increased from £25 to £50.

Background and Advice

In January 2021, the Audit Risk and Governance Committee requested that Full Council ask the Political Governance Working Group to review the County Council's Code of Conduct, following the publication of a model Code by the Local Government Association. This request was approved by Full Council.

The Political Governance Working Group have carried out this review and have recommended that the current Code of Conduct is retained, but that there is an increase to the threshold for the declaration of gifts and hospitality from £25 to £50.

Review of the Code of Conduct

The Political Governance Working Group met between November 2021 and February 2022. The Group considered the council's existing Code of Conduct for Members ("the existing code") and the model code of conduct produced by the Local Government Association ("the LGA model code").

The Working Group also considered information on other councils' positions on the LGA model code.

The key findings of the group were:

- There was not considered to be a pressing need for reform – in general, there was a high degree of conformity with the code and relatively few complaints.
- Whilst the structures and layouts of the existing code and the LGA model code were substantially different, the content was not – both codes covered the same issues and emphasised the same behaviours.
- One of the intended benefits of the LGA model code was that it would be adopted universally by councils and the issue of different councils operating different codes would be overcome. However, the Group received evidence that there had not been widespread adoption of the LGA model code by those councils which had considered it. Additionally, a number of councils had adopted parts of the LGA model code, or had adapted or amended the LGA model code, meaning the possible benefit of consistency was not likely to be forthcoming.
- The issue of sanctions for councillors who breach the code of conduct was not a matter covered by either the existing code or the LGA model code. The issue remains that the current legislation gives no legal force to any sanctions (other than the fact of sanction itself). The Working Group acknowledged the role of political groups in enforcing and upholding standards.
- Overall, it was felt that, whilst there were no objections to the LGA model code, nor were there any pressing reasons to change the council's existing code. As the existing code was well understood by councillors and there was a high level of compliance, the Working Group recommended that the existing code should be retained.
- The Working Group noted that the LGA model code proposed that the threshold at which councillors should declare gifts and hospitality offered or received in their role as councillors should be £50. The existing code sets the figure at £25, where it has been for at least 20 years. It was agreed that it would be appropriate to raise the threshold to £50. This amendment could be achieved within the terms of the existing code.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

The council is required by statute to operate a Code of Conduct.

