



Audit and Standards Committee Report

Report of: Monitoring Officer

Date: 18th February 2021

Subject: Model Code of Conduct and Code of Conduct Training for Members

Author of Report: Sarah Cottam/Abby Brownsword

Summary: To consider the LGA Model Code of Conduct and compare with Sheffield City Council's Members Code of Conduct. The purpose of the report is to compare this model code with our recently adopted Code to see if the Committee wish to update it with anything further to reflect the Model Code.

Recommendations:

Members to compare the model code with the Council's current Member's Code of Conduct.

Members to identify any changes needed to the Council's current Code.

Members to note the commissioning of Code related training for the organisation

Background Papers:

1. LGA Model Code of Conduct (Appendix 1)
 2. Current Sheffield City Council Member Code of Conduct (Appendix 2)
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Category of Report: OPEN

Statutory and Council Policy Checklist

Financial Implications
NO - Cleared by: Dave Phillips
Legal Implications
YES/NO - Cleared by: Gillian Duckworth
Equality of Opportunity Implications
YES/NO - Cleared by:
Tackling Health Inequalities Implications
NO
Human rights Implications
NO:
Environmental and Sustainability implications
NO
Economic impact
NO
Community safety implications
NO
Human resources implications
NO
Property implications
NO
Area(s) affected
None
Relevant Cabinet Portfolio Member
Councillor Terry Fox, Cabinet Member for Finance, Resources and Governance
Is the item a matter which is reserved for approval by the City Council?
NO
Press release
NO

REPORT TITLE

1.0 INTRODUCTION

- 1.1 The LGA has published a new Model Code of Conduct for councils to consider using.
- 1.2 The model code strengthens the best practise around bullying and harassment and use of social media.

2.0 BACKGROUND

- 2.1 On 26th September 2019, an Ethical Standards Workshop was held to look at whether the Authority was meeting the best practice and what needed to be done in the areas that did not meet best practice.
- 2.2 Invited to the workshop were all members of the Audit and Standards Committee, including the Independent Co-opted Member and Parish Council representatives. Also invited were the Council's two Independent Members. There were seven attendees present at the workshop.
- 2.3 Officers had assessed the 15 areas of best practice against the current practice of the Council and put them into a 'traffic light' system. Following this, recommendations were made to the Members Code of Conduct and subsequently approved by full Council in January 2021.

3.0 MAIN BODY OF THE REPORT

Including Legal, Financial and all other relevant implications (if any)

3.1 LGA Model Code of Conduct

- 3.1.1 The LGA approved and issued a model code on 3rd December 2020, following a consultation process with Councils around the country, Sheffield City Council contributed to this consultation. The LGA advised that the Code and consultation responses would be published on their website in due course. Their next step would be to prepare guidance requested during the consultation exercises to assist with the code.
- 3.1.2 The Code of Conduct approved by Full Council in January 2021 met the best practice established by the Committee on Standards in Public Life on which the LGA has based its model code. It added a definition of bullying and harassment and a section on the use of social media. It also reduced the amount at which a Member has to declare gifts and hospitality to £10, which is in line with the officers code.

- 3.1.3 The LGA model code is written in easy to understand language in the first person.
- 3.1.4 The Council's Independent Members have viewed the model code and made the following comments:
- If an expert has produced model guidance feels right to accept it.
 - There is an inconsistency where the guidance sometimes relates to Councillors and co-opted members and sometimes just Councillors.
 - The Monitoring Officer has the authority to instigate a consideration of a potential breach. Whilst this is detailed elsewhere it would be helpful if explicit in the "Application of the Code" section.
 - Whilst there is a separate document relating to use of social media it would surely strengthen the guidance if the key elements were incorporated into the main Code. Crucially, members sign the Code and not the separate use of social media guidance.
 - There is a separate additional code for members of the Planning Committee. If so, does the revised model impact on that code?
- 3.1.5 Under Section 1, the General Obligation Section of the current code is brief and sets out what is expected of Members. The Model Code looks at each section in detail and provides an explanation of each obligation for the avoidance of doubt.
- 3.1.6 Section 2 of the current code deals with interests, declarations and gifts and hospitality. These are included under the general obligations of the Model Code and interests and declarations are supported by an appendix to the Model Code which includes a definition of the types of interest.
- 3.1.7 The Model Code suggests a limit on Gifts and Hospitality of £50. The current code has reduced this amount to £10, in line with officers, following suggestions made by Members at the Ethical Standards Workshop.
- 3.1.8 The current code has a section on the Equality Duty, this is included briefly under the Bullying and Harassment section of the Model Code.
- 3.1.9 The Council's current code contains information on Bias which the Model Code does not consider.
- 3.1.10 The LGA Model Code is attached at Appendix 1 and the existing Member Code of Conduct is attached at Appendix 2.

3.2 Code of Conduct Training for Members

- 3.2.1 At the last meeting of the Audit and Standards Committee, the issue of

training for Members on the Code of Conduct was raised.

- 3.2.2 A programme of learning for Members is being commissioned that will consider learning from other Local Authorities and external organisations and will support Members understanding of the legal framework, the Code of Conduct and the Monitoring Officer role in the organisation. It will also consider the different roles of Members i.e. part of the Council but also ward representatives and members of political groups and Member/officer relationships This training will also made available for senior officers.

4.0 RECOMMENDATIONS

- 4.1 Members to compare the model code with the Council's current Member's Code of Conduct.
- 4.2 Members to identify any changes needed to the Council's current Code.
- 4.3 Members to note the commissioning of Code related training for the organisation

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