

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

Local Government Association (LGA) Draft Code of Conduct update

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To update the Committee on progress following the ending of the LGAs consultation exercise on its draft Code of Conduct and related issues.

2. BACKGROUND INFORMATION

- 2.1 At its last meeting the Committee received a report on the LGAs draft Code of Conduct with a summary of the key components and differences with the Council's current Code of Conduct. The Committee formulated a formal response to the LGAs consultation exercise which was submitted to the LGA on 21 July 2020.
- 2.2 At the Committee's request a copy of its response was shared with all town and parish councils along with a reminder for town and parish councils to participate and submit their own representations prior to closure of the consultation period on 17 August 2020.
- 2.3 The LGA has recently confirmed that it intends to consider the results of the consultation exercise and produce a final draft Code of Conduct for review by its Executive Advisory Board before being presented to the LGA General Assembly this autumn.
- 2.4 One of the rather surprising proposals included by the LGA in its draft Code of Conduct was that Authorities should have in place an appropriate appeals process to enable members to appeal allegations and decisions; no mention is made though over whether complainants should be afforded equivalent rights. This Council's standards arrangements do not include a right of appeal for either members or complainants and at its last meeting the Committee requested the Monitoring Officer consider this particular aspect and report back to the Committee.

- 2.6 Under the Localism Act 2011 there is no strict requirement that Authorities include an appeal process within their standards arrangements. Moreover, guidance at the time encouraged Authorities to adopt a 'light and proportionate touch' in developing their standards arrangements.
- 2.7 Accordingly, research undertaken by the Monitoring Officer indicates that very few Authorities do have an appeals process in their standards arrangements and those that do only allow appeals to be brought on limited grounds such as procedural failing, irrationality or new evidence coming to light that might have a significant bearing on the case.
- 2.8 At this stage it is not known whether, following the consultation exercise, the LGA will carry-forward into its final Code of Conduct the requirement to have in place an appropriate appeals process.
- 2.9 It is proposed that further work on the introduction of an appeals process be deferred until such time as the LGA produces its final Code of Conduct with accompanying guidance whereupon the position may be reviewed thereafter by the Committee.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are effectively two options open to the Committee: either to continue exploring the introduction of an appeals process or defer this work until the LGA produces its final Code of Conduct.

4. ANALYSIS OF OPTIONS

- 4.1 To continue with work on an appeals process would appear to be premature given that there is currently no statutory requirement and the LGA has yet to settle its final Code of Conduct.
- 4.2 To defer this work until such time as the LGA has issued its final Code of Conduct would mean that any review would be undertaken with some certainty of the LGAs position and any accompanying guidance.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

- 5.1 There are no direct resource implications associated with consideration of this report.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

- 6.1 There are no other relevant implications.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 An Integrated Impact Assessment is not required for this report.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 No conflicts of interest have been identified or declared.

9. RECOMMENDATIONS

9.1 That the Committee notes the contents of this report and endorses the proposal to defer further work on developing an appeals process until such time as the LGA has produced its final Code of Conduct.

MONITORING OFFICER

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Background Papers used in the preparation of this report

Report to the Standards Committee, dated 29 June 2020
Local Government Association Model Member Code of Conduct - Consultation