

AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 4 October 2023
REPORT OF:	The Clerk
SUBJECT:	Adoption of LGA Cllr Model Code of Conduct

1. SUMMARY

- At an extraordinary meeting on 25 April 2023, Avon Fire Authority accepted all 12 recommendations of an independent governance review, which included Recommendation 8 that the current Members' Code of Conduct should be updated to fully reflect the LGA Model Councillor Code of Conduct and associated Guidance.
- Three of the four unitary authorities have already adopted the LGA Model Councillor Code of Conduct, two with small amendments, as briefed to Members at a Member Briefing on 7 July.
- On 20 September 2023 the Audit Governance and Oversight Committee (AGOC) reviewed the Code (with a minor addition) at **Appendix 1** and separate Arrangements for dealing with complaints at **Appendix 2** (which includes 2 Annexes, a Complaint Form and Procedure for hearing of the AGOC sub-committee) and recommended those for adoption by Avon Fire Authority.

2. RECOMMENDATIONS

2.1 The Fire Authority is asked to:

- a) Adopt as Avon Fire Authority's new 'Members' Code of Conduct' the LGA Model Councillor Code of Conduct, with a minor addition, at **Appendix 1**.
- b) Adopt as Avon Fire Authority's new 'Arrangements for dealing with complaints' at **Appendix 2** with two annexes, a complaint form and Procedure for hearing of the AGOC sub-committee.
- c) Note the Code of Conduct training already arranged in conjunction with Bath & North East Somerset (B&NES) on three dates: Monday 30

October (in person), Friday 10 November (in person) and Wednesday 15 November (on-line), to accommodate all Members.

3. BACKGROUND

- 3.1 Avon Fire Authority commissioned an Independent Governance Review and considered the final report at an extraordinary meeting on 25 April 2023. The Fire Authority accepted all 12 recommendations, which included Recommendation 8 that the current Members' Code of Conduct should be updated to fully reflect the LGA Model Councillor Code of Conduct and associated Guidance.
- 3.2 Three of the four unitary authorities (excluding Bristol City Council) have already adopted the LGA Model Councillor Code of Conduct, two with small amendments.
- 3.3 The Audit Governance and Oversight Committee reviewed the Code of Conduct and separate Arrangements at their meeting on 20 September 2023 and recommended adoption of both documents by the Fire Authority.

4. FINANCIAL IMPLICATIONS

- 4.1 This report has no financial implications

5. KEY CONSIDERATIONS

- 5.1 The LGA Model Councillor Code of Conduct 2020 (16 pages) was formally adopted by the LGA in December 2020. Since that date the Code has been updated twice on 19 January and 17 May 2021. The associated LGA Guidance explains that:

'The Code, together with the guidance, has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government.'

'The code is a template for Local Authorities to adopt in whole and/or with amendments to take into account local circumstances.'

- 5.2 The Code contains 'General Principles of councillor conduct' which reiterates that the 'Seven Principles of Public Life', known as the Nolan Principles (at Appendix A to the Code), should be upheld at all times. The provisions in the Code apply when 'acting in your capacity as a councillor' and applies to all forms of communication and interaction, including face-to-face meetings, online or telephone meetings, written and verbal communication, non-verbal communication and posts, statements and comments made in electronic and social media communication.

- 5.3 The Code sets out minimum standards of general conduct in sections 1-8 and requires registration and disclosure of interests in section 9. Section 10 deals with gifts and hospitality. Appendix B to the Code provides more detail regarding registering interests (pages 10-14 of the Code).
- 5.4 Both B&NES and South Gloucestershire councils have adopted the Code with minor amendments, one amendment made by both Councils required Members to consider the advice provided to them by the Chief Finance Officer and Monitoring Officer. That amendment is considered sensible, and the draft Code at **Appendix 1** includes additional wording at a new clause 8B entitled 'Consideration of Advice' for consideration by Members.
- 5.5 Avon Fire Authority's current Code of Conduct is only 2 ½ pages long and includes 'Arrangements for dealing with complaints' ("Arrangements") – that is now required as a stand-alone document and is at **Appendix 2** for approval by Members. The Arrangements include two Annexes, **Annex A** is the complaint form which complainants should complete and will be available on Avon Fire Authority's website and **Annex B** is the 'Procedure for hearing of Audit, Governance and Oversight Committee (AGOC) sub-committee'.
- 5.6 The LGA encourages training on the Model Councillor Code of Conduct. As Members have already adopted Recommendation 8 of the Independent Governance Review, it is anticipated that the Code will be adopted by the Fire Authority. Therefore, training has been provisionally booked in conjunction with B&NES (to share costs) on three dates: Monday 30 October (in person), Friday 10 November (in person) and Wednesday 15 November (on-line), to accommodate all Members.

6. RISKS

- 6.1 The current Fire Authority Code of Conduct is outdated and does not follow LGA's best practice. Adoption of the LGA Model Councillor Code of Conduct was recommended by a recent independent governance review. Adoption of the LGA Code should make it easier for Members to understand the conduct expected whilst acting in their capacity as councillor and should ensure good governance and public confidence.

7. LEGAL/POLICY IMPLICATIONS

- 7.1 The relevant law is set out in the Localism Act 2011. Section 27 imposes a duty on a relevant authority to promote and maintain high standards of conduct by Members and co-opted Members of the authority. Section 28 provides that the authority must secure that a code adopted by it is consistent with the Nolan Principles. Furthermore, the code must include provisions in respect of the

registration and disclosure of interests. A relevant authority may revise its existing code of conduct or adopt a new code of conduct to replace its existing code. The authority must also have in place 'arrangements' under which allegations can be investigated and under which decisions on allegations can be made.

8. BACKGROUND PAPERS

- a) Paper entitled 'Adoption of LGA Model Councillor Code of Conduct' to Audit Committee:
[Audit Governance and Oversight Committee published papers 20 Sep 23](#)
- b) Paper entitled 'Review of Avon Fire Authority's Governance Arrangements' to Avon Fire Authority at the following link:
[Papers extraordinary Avon Fire Authority meeting 25 April 2023](#)

9. APPENDICES

1. LGA Model Councillor Code of Conduct, with amendment.
2. Arrangements for dealing with complaints, including Annex A Complaint Form and Annex B 'Procedure for hearing of Audit, Governance and Oversight Committee (AGOC) sub-committee'.

10. REPORT CONTACT

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