

Civility in public life and the review of the model code of conduct

There are growing concerns about the impact an increasing level of public intimidation and toxicity of debate is having on our country's democratic processes, particularly at a local level. Responding to these concerns, the LGA is leading on 'civility in public life' and this report sets out our programme of work.

Civility in public life

Background

One of the most pressing concerns facing those in public office at the moment is the increasing incidents of public intimidation and abuse. These attacks risk the personal safety of our members, undermine local democracy and decision-making, and can put off prospective candidates from standing. Intimidation and physical threats of violence against councillors are a real and growing concern in every area of the country. Whilst debate and having different views is all part of a healthy democracy; abuse, public intimidation and threats are designed to undermine democratic decision making by generating fear in those who represent it.

Intimidation, abuse and harassment of councillors is a crime, as it would be towards any member of the public. However, reports from LGA members indicate that there is not a consistent response from the police across the country and that there is confusion about reporting, support, the legislation, and the broader impacts for our society and democracy. We need a wider discussion with our citizens on how they involve themselves in public debate. We collectively need to be clear that abuse, harassment, intimidation and violence is not the way for anyone to engage in modern-day politics.

Concern has also been raised about incidents of intimidation within councils, involving councillors as well as officers. If we expect decent standards of behaviour from members of the public when they engage with councillors, then good standards of behaviour need to be modelled within the council.

Purpose

The purpose of the programme is:

- to address the intimidation of local government members and officers
- to address standards of public discourse
- to address standards of political discourse and behaviour in public office
- to provide support and advice to councils and councillors

Objectives

The LGA's objectives in embarking on this programme of work are:

- to articulate what local government believes are good standards for anyone engaging in public and political discourse and debate, and what is needed to achieve these standards
- to show leadership at a local, national, UK-wide and international level in good standards of political debate, engagement and decision-making, demonstrating the positive impact it can have
- to understand the scale and impact of intimidation and abuse behaviour our membership is experiencing
- to challenge the 'new-norms' of intimidation, abuse, threats and aggressive behaviour by many engaging in political and public discourse
- to demonstrate the impact that intimidation and abusive behaviour in our political system and from the general public has on our democratic system, and recommendations for achieving positive debate and public engagement in local decision-making
- to support its member councils in addressing intimidation and abuse
- to enhance the reputation of local government and local politicians, and encourage more people to become councillors by addressing the issues of intimidation and abuse
- to support all democratically elected local representatives in delivering their best on behalf of their local communities
- to build on the good practice that already exists within member councils

LGA Leadership

The LGA will provide leadership through:

- engaging in positive political discourse
- challenging poor political discourse
- the application of consistent and high standards for all public office
- emphasising the benefits of becoming a councillor, encouraging prospective candidates to stand for public office and encouraging a diversity in candidates
- demonstrating the positive outcomes that can be achieved through civil and respectful debate, discussion and decision-making within and between political parties
- accepting and promoting a council duty of care for the wellbeing, safety and security of councillors
- facilitating a pan-UK local government response

The programme of work

The LGA will focus on three elements – prevention, support and challenge:

Prevention

- improvement support and guidance for our member authorities, building on our existing improvement and leadership programmes and the guide for councillors on handling intimidation
- desktop research into the prevalence, impact, good practice and international action on the intimidation of those in public office

Support and intervention

- the development of policy and legislative proposals with partners, government and stakeholders that address intimidation and standards of public discourse, particularly with a view to gaining a more consistent and robust response from the police and Crown Prosecution Service (CPS). This includes the proposal for a new criminal offence for intimidating a person in public office and engagement with Police Crime Commissioners (PCCs)
- exploring the potential for an informal council ‘duty of care’ towards its councillors as good practice
- a revision of the local government model code of conduct with a view to promoting it as standard for all in public office

Challenge

- the development of a pan-UK commitment and public statement for discussion at the UK Forum for the leaders of all the UK local government associations taking place in November 2019
- exploring opportunities for a public and political-facing campaign

Oversight

- a small member-led steering group will oversee the LGA civility in public life work programme to provide ongoing insight and commentary

The review of the model code of conduct

Introduction

The LGA is reviewing and updating the member model code of conduct. The member model code of conduct is suggested national good practice, and councils can adopt this code, or adopt their own local code.

Why is the model code of conduct being reviewed?

The LGA is undertaking a review of the member model code of conduct in response to the recommendations made by the Committee on Standards in Public Life, but also in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement.

The LGA aims to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It will set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.

Objectives

The LGA's objectives in reviewing the model code of conduct are to:

- articulate what local government believes are good standards for all in public office
- show leadership in good standards of conduct for those in public office, both elected and as employees
- achieve consensus between the stakeholders affected by local government conduct
- support its member councils and partners in achieving good standards of conduct
- produce a code that is fit for purpose, useful and held in high regard
- enhance the reputation of local government and local politicians
- support the good running of councils
- support all democratically elected local representatives to deliver their best on behalf of their local communities
- build on the good practice that already exists within member councils

Why the LGA?

The LGA is well placed to lead on the review and renewal of the model code of conduct because, as set out in the articles of association of the Local Government Association, the LGA's objects are:

- to support, promote and improve local government in England and Wales
- to represent, wherever possible by consensus, the interests of Member Authorities to national governments, to Parliament, to political parties, to European and other international institutions and to other bodies, and to negotiate on behalf of local government
- to formulate policies to support the improvement and development of local governance, effective management in local authorities and the enhancement of local democracy in England, Wales and elsewhere
- to provide forums for discussion of matters of common interest and/or concern to Member Authorities, including groups of Member Authorities, and a means by which **joint views may be formulated and expressed**

- to endeavour to give democratically elected local representatives from different political groups the opportunity to contribute to the Association's work and to the development of policies which represent, as far as possible, **consensus between the political groups and between groups of Member Authorities**
- to support all democratically elected local representatives of Member Authorities

The LGA also has the responsibility to speak for all Member Authorities in matters of local government in general or which concern all Member Authorities. In this way, the LGA is well placed to bring together the different stakeholders under the umbrella of local government to achieve understanding and consensus, which will be vital for the adoption and success of any reviewed and renewed code of conduct. It will be important to understand, respect and bring together the range of views on the code of conduct if it is to be successful.

How will the LGA review the model code of conduct?

The LGA aims to work collaboratively with a range of officer and member stakeholders in a spirit of co-production. As such, the LGA will engage with the representative organisations and also with officers and members across the country.

The LGA will gather evidence and opinion on what is needed in an updated and fit-for-purpose code, including considering the review into local government ethical standards undertaken by the Committee on Standards in Public Life and the evidence submitted to the review. The LGA will research the existing local bespoke codes currently used by councils across the country and will work with elected members and officers to consider and evaluate good practice.

The LGA will seek to identify good practice codes from the range of tiers of government, other sectors, and organisations that address important issues for local government and public office.

The LGA will hold a workshop with members, officers and representative organisations during this period as part of the broader LGA Civility in Politics work. This workshop will also present an opportunity for an exchange of ideas, developing an understanding of the different stakeholders' views with the aim of co-production, collaboration and consensus. From this exercise a collection of suggested propositions for inclusion in the final model code will be presented to the LGA Leadership Board. Following the outcome of the Leadership Board consideration, a draft model code will be prepared for consultation.

The form of consultation will need further discussion and will be determined by how the model code develops. The LGA will use its existing methods of research, communication and engagement with its membership, partners and stakeholders. This could include conferences, round tables, regional meetings, online forums, etc, with the aim of achieving as wide a sector engagement as is possible. It is proposed that the consultation period should be a minimum of 8 weeks.

The outcome of the consultation and a draft final model code will be presented to the LGA Leadership Board for final discussion and approval. It is recommended that Leadership Board put forward the final model code, as part of its broader work on Civility in Politics, to the LGA General Assembly, held at the LGA annual conference in July, for adoption.

How will a final renewed code of conduct be agreed?

The structures of the LGA mean that the final sign-off of the code on behalf of the LGA and its member authorities will be the responsibility of the LGA's Board of Directors / Leadership Board, which they will do on behalf of all member authorities in local government. The LGA will also seek, in a spirit of consensus and collaboration, for NALC, CCN, DCN, SOLACE, Lawyers in Local Government, Cifpa, the Association of Democratic Services Officers, the Society of Local Councils Clerks, Monitoring Officers Network, and MHCLG to also endorse the revised model code of conduct. This is not an exhaustive or exclusive list. It is also proposed to take the updated model code of conduct to LGA General Assembly at the July 2020 annual conference.

Developing consensus in the development and adoption of a renewed model code of conduct

For the model code of conduct to have traction with the sector, it will need to address the expectations, views, opinions and experiences of members and officers, recognise the value of good political discourse and how trust in local government is affected by conduct. The LGA's organisational structures mean that agreement is on behalf of local government, rather than a single interest group within the local government structure and family.

Members at the LGA have expressed their view that, as individuals whose behaviour is being modelled in the code of conduct, it is essential that they oversee and are fully involved in its development and can sign up to it. The LGA has championed the value of peer-to-peer review and support, and we will embrace those principles in the review of the code. It is in the interests of the LGA and all elected members that the office of local councillor is imbued with trust and a high degree of ethics so that their role and decisions can be robustly defended. It is also important in the continued recruitment of future councillors.

Members at the LGA want to ensure that the code will be compatible with upholding the country's democratic principles and structures, and on-going political representation for their residents. They want to see an equal expectation of conduct between members and officers, between members, with the general public, and with others in public office such as Police Crime Commissioners and MPs, so that all are clear about the expected behaviour and the procedures should their behaviour fall short.

Members at the LGA also want to ensure that the code is not used as a tool that could remove members on grounds that may not follow natural justice or that it is abuse for personal or political gain by members, officers or the general public. The code needs to provide safeguards for both members and officers.

We want to achieve a shift in attitudes that sees the code of conduct as a tool to support members in achieving good standards in public office, rather than a tool that simply penalises poor behaviour. The code should be a way of supporting members who have been subjected to poor behaviour by members and/or staff and/or the general public.

It is also important that the impact on staff and the running of the council, should a member's behaviour fall short of what is expected of public office, is given due weight in any review, and that the code provides the tools to address such behaviour.

For the code to be successful we need to seek to build consensus, with the primary objective that the code articulates the standards that are expected for anyone in public office or working for the public.

For more information please email ModelCode@local.gov.uk