

Report to Standards Committee

17th March 2021

Sharon Evans, Monitoring Officer

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Model Councillor Code of Conduct

Executive Summary

A report to the Standards Committee following the Local Government Association publishing their Model Councillor Code of Conduct.

The Standards Committee to consider the new Model Councillor Code of Conduct and to decide whether to recommend to Full Council the adoption of the new code.

Recommendations

That the Standards Committee recommend to Full Council adoption of the Local Government Association “Model Councillor Code of Conduct 2020”

Reasons for Recommendations

The Local Government Association Code of Conduct will be a national model and will ultimately contain additional guidance, working examples and explanatory text. If adopted the Council will be applying current national best practice and will mean that the case law and guidance can be applied in a straightforward and simple manner.

The clarity of a national Code of Conduct model means that it can be well understood by the public and Councillors. The code addresses issues arising through more communication taking place remotely and through social media, which is currently where most problems arise.

The District Code of Conduct is likely to be adopted by Parish Councils allowing for more consistent approaches to conduct to be applied at each tier of government.

Background Papers

Part 5a of the Constitution – Existing Members Code of Conduct

Wards affected:

ALL

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Background Information

1 Introduction and Background

- 1.1 All Councils are required to have a local Member Code of Conduct and the current and existing Code for Horsham District Council is detailed within Part 5a of the Constitution.
- 1.2 The Local Government Association (LGA) produced a new Model Member Code of Conduct (New Code) which was put out for consultation between 8 June 2020 – 17 August 2020
- 1.3 The LGA considered all consultation responses and produced a final draft of the New Code, following review by the LGA's Executive Advisory Board; that model code is now finalised and published.

2 Relevant Council policy

- 2.1 Part 5a of the Constitution – Existing Members Code of Conduct

3 Details

- 3.1 The LGA have produced the New Code, which can be found at Appendix A, as recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards.
- 3.2 The LGA consulted stakeholders and examined good practice in local government and other professions. The LGA intends to create additional guidance, working examples and explanatory text in due course to include recommendations on related procedures but also taking into account whether additional sanctions recommended by the Committee on Standards in Public Life are generated by the Government – this requires further legislation and the New Code does not provide for these additional sanctions at this time.
- 3.3 The LGA have sought to address issues arising through more communication taking place remotely and online between Members and residents, particularly through social media. This has been a particular issue in some of our Parish Councils and abuse and threatening communications continue to be unacceptable, and the New Code seeks to specifically address this sadly growing issue, particularly during current times.
- 3.4 The New Code has been designed to “protect Members’ democratic role, encourage good conduct and safeguard the public’s trust in local government.” It focuses upon setting high standards and expecting demonstrable good conduct but also looks to ensure that Councillors can themselves undertake their role without being intimidated or bullied. This acknowledgement of the relationship between members and the public is a significant change in approach.

- 3.5 The New Code applies when a Member acts, or claims or gives the impression that they are acting, as a Member. This code now expressly applies to all forms of communication and interaction, including social media.
- 3.6 The New Code has been developed – as with the previous Code - in line with the seven principles of public life: 1. selflessness; 2. integrity; 3. objectivity; 4. accountability; 5. openness; 6. honesty; 7. Leadership. The New Code sets out the specific obligations of general conduct that should be followed. A comparison document has been prepared between Horsham District Council's current and existing Code of Conduct and the New Code and can be seen at Appendix B.
- 3.7 If the New Code is adopted by the Council and ultimately by Parish Councils it will be a uniform approach using national standards of conduct in accordance with good practice. It will allow for more consistent approaches to be applied in relation to conduct without the need to clarify or interpret individual wording of each Council's own Code of Conduct.

4 Next Steps

- 4.1 If the New Code is adopted, consequential changes will be required to the Constitution, to ensure that the Constitution refers to the correct Code and to maintain consistency of use of terms and similar issues.

5 Outcome of Consultations

- 5.1 The Code was the subject of national consultation by the LGA and members provided detailed comments and observations which was reported to the LGA, via the Monitoring Officer. It is fair to say that members were not impressed with the initial draft of the Code, but it is considered that vast improvements have been made to the original draft.
- 5.2 This report has been shared with the Independent Persons and the Parish Representatives.

6 Other Courses of Action Considered but Rejected

- 6.1 The Committee could decide not to recommend the adoption of the new Model Code, or decide to make recommendations for adaptions to the new Model Code, or indeed to adapt the existing Code. However, any difference to the national Model will have impacts upon clarity and comparability to cases of Councils which do adopt the national Model. It is likely that some amendments to any adopted code will be required when further legislation in this area is created by Parliament. No date for government linked legislation is set, but it has been signposted as coming for some time in response to the report of the Committee on Standards in Public Life.

7 Resource Consequences

- 7.1 It is considered that dealing with standards complaints in the future against a national model code with relevant guidance, working examples, explanatory text and relevant case law will enable complaints to be dealt with quicker, easier and

more efficiently. This applies more if the Parishes follow and also adopt the New Code. This may decrease what is currently an ever-increasing burden on the Monitoring Officer and Legal Departments time in dealing with standards complaints.

8 Legal Considerations and Implications

- 8.1 There is a duty to have a Code of Conduct within the Localism Act 2011 and adoption of the New Code will comply with that duty.

9 Risk Assessment

- 9.1 Following recommendations by the Committee on Standards in Public Life's report into Local Government Ethical Standards and an attempt to establish national standards and best practice. If the Council did not adopt the New Code, we may distance ourselves from others in how we deal with standards complaints and matters. This may potentially increase the risk of challenges in the future.

10 Procurement implications

- 10.1 There are no procurement implications stemming from this recommendation.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There is no detrimental impact on any group, a full Equalities Impact Assessment is not needed.

12 Environmental Implications

- 12.1 There are no environmental implications from this recommendation.

13 Other Considerations

- 13.1 There are no GDPR, Data Protection or Crime & Disorder consequences foreseen from this recommendation.

APPENDICES TO REPORT

APPENDIX A – Local Government Association – Model Councillor Code of Conduct 2020

APPENDIX B – Comparison between existing Code & New Model Code of Conduct

