

Report to Standards Committee

19th April 2021

By the Monitoring Officer

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Model Councillor Code of Conduct

Executive Summary

This report to the Standards Committee follows the Local Government Association's publication of their Model Councillor Code of Conduct (the New Code) and follows the previous Standards Committee where it was agreed to make minor amendments to the New Code.

The Standards Committee is asked to consider the minor amendments to the New Code and to decide whether to recommend to Full Council that it be adopted, as amended.

Recommendations

That the Standards Committee recommend to Full Council the adoption of the Local Government Association "Model Councillor Code of Conduct 2020" as amended.

Reasons for Recommendations

The Local Government Association's New Code 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 the New Code means that it can be well understood by the public and Councillors. The New Code addresses issues arising through more communication taking place remotely and through social media, which is currently where most problems arise.

The New Code 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

Previous report to Standards Committee - 17th March 2021 - Model Councillor Code of Conduct – Ref SC/25

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 Standards Committee previously considered the New Code and concluded that it was a vast improvement on the existing and current Code of Conduct and were minded to recommend to Full Council the adoption of the New Code.
- 3.2 There were concerns about some grammatical inaccuracies and wording and it was considered that some minor corrections and amendments were necessary before such a recommendation.
- 3.3 Draft amendments to the New Code have been completed and a tracked changed version of the New Code can be seen at Appendix A.

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 New 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.
- 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 Code, as amended, or decide to make further recommendations for adaptations to the New 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 New Code. 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 New 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 Department's 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 as amended