

ARUN DISTRICT COUNCIL

REPORT TO THE STANDARDS COMMITTEE ON 24 SEPTEMBER 2020

PART A : REPORT

SUBJECT: Local Government Association Model Member Code of Conduct

REPORT AUTHOR: Nigel Lynn, Chief Executive
DATE: August 2020
EXTN: 01903 737600

EXECUTIVE SUMMARY:

The Local Government Association has produced a New Model Member Code of Conduct. It is open to the Council to adopt this Code of Conduct in whole, or with amendments. Alternatively, the Council can amend its existing Member Code of Conduct.

RECOMMENDATIONS:

The Committee is asked to recommend to Full Council that:

- 1) The Local Government Association New Model Member Code of Conduct be adopted; and
- 2) The Acting Monitoring Officer make consequential changes to the Constitution

1. BACKGROUND:

- 1.1 All Councils are required to have a local Member Code of Conduct.
- 1.2 On 20 February 2020, Standards Committee resolved that the Group Head of Council Advice & Monitoring Officer produce a revised draft of the Members Code of Conduct. Due to COVID-19, other priorities took precedence. Subsequently, 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. In discussion between the Interim Monitoring Officer and Chairman of Standards Committee, it was agreed that New Code be brought before Standards Committee.

- 1.3 The LGA are to consider consultation responses and will then produce a final draft of the New Code, which will be reviewed by the LGA's Executive Advisory Board, before being presented to the next LGA General Assembly, in the Autumn of 2020.
- 1.4 Provided the New Code is published prior to the Standards Committee meeting on 24 September 2020, a link to the New Code will be circulated to members of the Committee. However, if the New Code is not available, then this item will be deferred to a subsequent meeting.
- 1.5 The LGA have produced the New Code, as recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards. 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.
- 1.6 The LGA have sought to address issues arising through more communication taking place remotely and online between Members and residents, particularly through social media. It has acknowledged there may be more difficult and heated discussions as some seek to express the fear, frustration and heightened emotions they are experiencing at this time. However, abuse, threatening and intimidatory communications continue to be unacceptable, and the New Code seeks to address this.
- 1.7 The New Code has been designed to protect Members' democratic role, encourage good conduct and safeguard the public's trust in local government.
- 1.8 The New Code applies when a Member acts, or claims or gives the impression that they are acting, as a Member. This applies to all forms of communication and interaction, including social media.
- 1.9 The New Code has been developed in line with the seven principles of public life:
 1. selflessness;
 2. integrity;
 3. objectivity;
 4. accountability;
 5. openness;
 6. honesty;
 7. leadership.
- 1.10 The New Code (consultation version) sets out the specific obligations of general conduct that should be followed:
 - a) Treating other councillors and members of the public with civility.
 - b) Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.
 - c) Not bullying or harassing any person.
 - d) Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.
 - e) Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have

received the consent of a person authorised to give it or I am required by law to do so.

- f) Not preventing anyone getting information that they are entitled to by law.
- g) Not bringing my role or council into disrepute.
- h) Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.
- i) Not misusing council resources.
- j) Registering and declaring my interests.
- k) Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.
- l) Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

1.11 If the New Code is adopted, consequential changes will be required to the Constitution, including:

- Part 8 Section 1 paragraph 1.1, last sentence that states the dates when the Code of Conduct was adopted, to be updated;
- Part 8 Section 2 paragraph 2 General Conduct, this will need amending to reflect the general conduct obligations as set out in the New Code.

2. PROPOSALS

The Standards Committee recommends to Full Council that:

The Local Government Association New Model Member Code of Conduct be adopted; and

The Monitoring Officer make consequential changes to the Constitution

3. OPTIONS:

- 1) Recommend to Full Council the adoption of the Local Government Association New Model Member Code of Conduct; or
- 2) Recommend to Full Council the adoption of the Local Government Association New Model Code of Conduct with amendments; or
- 3) Reject the Local Government Association New Model Code of Conduct; and resolve that the Acting Monitoring Officer produces a revised draft of the Members' Code of Conduct for consideration at a future Standards Committee

4. CONSULTATION:

Legal

Section 27(1) of the Localism Act 2011 (the Act) provides the authority must promote and maintain high standards of conduct by Members of the authority.

Section 27(2) of the Act provides the authority must adopt a code of conduct that is expected of Members when acting that capacity.

Section 28 of the Act provides the authority must adopt a Code of Conduct consistent with the seven principles of public life.

Section 28(5) of the Act provides that an authority may revise its existing code of conduct or adopt a code of conduct to replace its existing code.

| Has consultation been undertaken with: | YES | NO |
|---|-----|----|
| Relevant Town/Parish Council | | |
| Relevant District Ward Councillors | | |
| Other groups/persons (please specify) | | |
| 5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below) | YES | NO |
| Financial | | |
| Legal | Y | |
| Human Rights/Equality Impact Assessment | | |
| Community Safety including Section 17 of Crime & Disorder Act | | |
| Sustainability | | |
| Asset Management/Property/Land | | |
| Technology | | |
| Other (please explain) | | |

6. IMPLICATIONS:

Adopting the New Code will provide clear expectations on Members as to their conduct and will manage public expectations.

7. REASON FOR THE DECISION:

A Member Code of Conduct is required by Section 27 of the Localism Act 2011.

The Code of Conduct requires updating to reflect increased means of communication between Members and the public, including through social media.

8. BACKGROUND PAPERS:

Local Government Association Model Member Code of Conduct 8 June 2020 (consultation version) <https://www.local.gov.uk/local-government-association-model-member-code-conduct-consultation>

Committee on Standards in Public Life publication: Local Government Ethical Standards (January 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF