

North East Derbyshire District Council

Standards Committee

24 February 2021

The Local Government Association Model Code of Conduct

Report of the Joint Head of Corporate Governance & Monitoring Officer

This report is public

Purpose of the Report

- As Members are aware, the Local Government Association consulted upon a model Members' Code of Conduct last year. This had been produced following the Committee for Standards in Public Life's review and report upon ethical Standards.
- The Committee looked at the draft and responded to the consultation. The draft itself was close to the District's Code with some additions. Unfortunately this is not the case with the Codes of Conduct adopted by the Parish Councils in the District.

1 Report Details

- 1.1 Attached to the report is the Local Government Association Model Code of Conduct (Appendix 1).
- 1.2 The stated purpose of the Code of Conduct is to protect Councillors by modelling the behaviour expected of Councillors, providing a personal check and balance and setting out the type of conduct that could lead to action being taken against Councillors.
- 1.3 It is also to protect the public, Councillors, Officers and the reputation of local government.
- 1.4 The changes include that the Code of Conduct will apply when you are acting as a Councillor which may include when
 - You misuse your position as a Councillor
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor.
- 1.5 This clearly is seeking to extend the applicability of the Code of Conduct and is understandable. As many Members have said to me, they are Councillors 24/7. This is the way many of the public see it too. The public have great difficulty understanding that what they see as wrongful behaviour doesn't come under the Code because it happened outside of the Councillor duties.
- 1.6 The Code covers all types of contact including (presumably post Covid 19) face to face meetings, emails, telephone and social media. The latter is the source of many

complaints. There is guidance in the Constitution on Social Media already. With the change in applicability the advice and the careful use of social media becomes even more important.

- 1.7 As can be seen the model places a lot more emphasising on bullying and bringing the Council into disrepute. It also requires Councillors to undertake Code of Conduct training provided by the Council, to cooperate with any investigation and/or determination, not to intimidate witnesses in such investigations/hearings and to comply with any sanction imposed at a hearing. This has been a problem in some Councils. This would allow a second breach to be dealt with, the evidence of the refusal being clear. This would not require the cooperation of the Councillor.
- 1.8 In terms of adopting the new Code of Conduct, I propose to discuss the model with Members at this meeting and then to draft a version for North East Derbyshire District Council for the Standards Committee in 26th April. The Committee could then recommend adoption to the Annual Meeting of the Council in May. In addition all Parish and Town Councils could be informed at that point that a new Code of Conduct is being recommended to be adopted by the Council.
- 1.9 The other issue is training for all Members and Parish and Town Councils.
- 1.10 For District Councillors, a mid-term induction programme is being organised for May. This would be in the period after the Annual Meeting. This will include Code of Conduct training and will also be virtual as well as face to face if possible.
- 1.11 For Parish and Town Councils, a programme will be developed involving the Parish Council Liaison Meeting.
- 1.12 In addition, it should be noted that the Local Government Association is offering training.

2 Conclusions and Reasons for Recommendation

- 2.1 That Members should discuss the model code and any changes and additions they would wish to see to assist the Monitoring Officer with drafting.
- 2.2 That the Monitoring Officer present a North East Derrbyshire District Council draft Members Code of Conduct for discussion at Standards Committee on 26th April in order that a draft can be recommended from Standards Committee to the Annual Meeting of Council for adoption. It is undoubtedly good practice to adopt the mode albeit with the Council's own modifications.

3 Consultation and Equality Impact

- 3.1 At this stage, the consultation is with the Standards Committee.
- 3.2 Equalities issues have been dealt with in the model Code.

4 Alternative Options and Reasons for Rejection

- 4.1 To keep the current Code. This would be not to follow good practice and is not therefore recommended.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None

5.2 Legal Implications including Data Protection

5.2.1 The Council is required to adopt a Code of Conduct by law. Up to now this can be any Code the Council chooses. However a model Code from the Local Government Association represents good practice and should be adopted.

5.3 Human Resources Implications

5.3.1 It is part of the role of the Monitoring Officer as defined in the legislation to provide you with advice on your Code of Conduct.

6 Recommendations

6.1 That Members consider the model Code of Conduct and make recommendations to the Monitoring Officer for changes or inclusions

6.2 That the Monitoring Officer provide a draft North East Derbyshire District Council Members Code of Conduct to the Standards Committee on 26th April.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Not applicable. This is a Standards Committee responsibility.
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	All indirectly

8 Document Information

Appendix No	Title
1	Local Government Association Model Code of Conduct
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
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