

**CONSULTATION ON DRAFT MODEL CODE OF CONDUCT**

*To:* **Constitution and Ethics Committee**

*Meeting Date:* **30th June 2020**

*From:* **Director of Governance and Legal Services and  
Monitoring Officer**

*Electoral division(s):* **All**

*Purpose:* **The Committee is asked to consider whether it wishes to submit a response to the consultation on the draft model code of conduct on behalf of the Council.**

*Recommendation:* **The Committee is asked to:**

- a) Note and comment on submissions from Members relating to the draft model code of conduct;**
- b) Consider whether it wishes to submit a response to the consultation on behalf of the Council; and if so**
- c) Authorise the Monitoring Officer to prepare a response in consultation with the Committee.**

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## 1.0 BACKGROUND

- 1.1 At its meeting on 1st October 2019, the Committee considered amendments to the Social Media Code as requested by Full Council. At that meeting, Members were informed that the Local Government Association (LGA) was in the process of developing a national guidance for social media and that the Committee might therefore wish to consider deferring a decision to change the Social Media Code until such guidance had been published. It was agreed unanimously to:
- a) Withdraw the County Council's Social Media Code;
  - b) Consult with a Member representative from each district council, along with their Monitoring Officers, to develop a countywide approach to social media guidance;
  - c) Request an update on the process from the Monitoring Officer at the Committee meeting on 21st November 2019; and
  - d) Request the Monitoring Officer to present a new County Council social media guidance at a future Committee meeting.
- 1.2 On 14th January 2020, the Committee received a report on the work the LGA was undertaking regarding civility in public life and its model code of conduct. At the meeting, the Monitoring Officer informed Members that, as requested by the Committee at its meeting on 1st October 2019, she had consulted Monitoring Officers across the County regarding the development of a County-wide approach to social media guidance. Due to the ongoing review of the national model code of conduct, it had been decided to await guidance from the publication of the new model code of conduct at the LGA annual conference in July 2020 before establishing a local approach.
- 1.3 The LGA wrote to all Councils on 18th February 2020 to provide an update on progress with updating the Model Code of Conduct commencing with the background to the review. The Committee on Standards in Public Life had published a report on 30 January 2019 recommending that *"The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government in consultation with representatives following the recommendations of the Committee of Standards in Public Life report published on 30 January 2019"*.
- 1.4 It was reported that the Board of the LGA, at its meeting on 11 September 2019, had considered and agreed to commence a review of the Code ahead of central government's response to the recommendations of the report. This work was part of a wider programme of work on civility in public life and 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. If the code was completed before any government response Local Authorities would be able to adopt the Code. Some of the recommendations in the report, for example the power to suspend councillors (recommendation 16), required legislation which meant that provisions could not be included in the Code.

- 1.5 The first stage of the review was the gathering of views and good practice examples. A series of workshops with national representative bodies (Monitoring and Democratic Services officers and elected members from the main parties), to review what worked and develop some broad principles was held on 17; 20 and 21 January 2020. At the workshops there were mutual concerns expressed by members and officers about the current codes, inconsistencies in application, lack of guidance and sanctions. The LGA set out the next stages of the review process, and confirmed that the draft consultation code would be sent to local authorities following the LGA board meeting for comment.
- 1.7 The LGA then wrote to Councils again on 20th March 2020 to confirm that the LGA Board had considered the draft consultation Model Code on 12th March 2020 and had authorised officers to commence a nine week consultation process commencing 19th March 2020. Consultation questions prepared with the assistance of its consultants Hoey' Ainscough were published on its website. It had planned to have regional workshops as part of the consultation exercise. However due to current government advice on gatherings it had asked its consultants to help it develop discussion of the Code via webinars.
- 1.8 In response to this, the Monitoring Officer asked Democratic Services to consult Members on the draft consultation Model Code. The responses are attached at **Appendix 1**.

## 2. MAIN ISSUES

- 2.1. On 9th June 2020, the LGA wrote to the Council to confirm that it had launched the consultation on the Code on its website <https://www.local.gov.uk/code-conduct-consultation-2020> on 8th June 2020. The draft Code is attached at **Appendix 2**, the Consultation at **Appendix 3**.
- 2.2 The consultation on the draft member code of conduct will run for 10 weeks from Monday 8th June until Monday 17th August. It is hoped this will provide officers and members with enough time to reflect on the draft model member code of conduct and provide the LGA with feedback whilst they continue to respond to the COVID-19 crisis. To facilitate the consultation an online consultation questionnaire has been produced for both members and officers. The LGA is happy to receive narrative responses from councils or stakeholder groups via email [ModelCode@local.gov.uk](mailto:ModelCode@local.gov.uk)
- 2.3 The Committee is asked to consider whether it wishes to send a collective response on behalf of the Council. This does not prevent both members and officers responding individually.

Source Documents	Location
Local Government Ethical Standards Report	<a href="https://www.gov.uk/government/publications/local-government-ethical-standards-report">https://www.gov.uk/government/publications/local-government-ethical-standards-report</a>
LGA Board Meeting – 11 September 2019	<a href="https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=548&amp;MId=4344">https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=548&amp;MId=4344</a>
LGA Board – 12 March 2020	<a href="https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=153&amp;MId=4197">https://lga.moderngov.co.uk/ieListDocuments.aspx?CId=153&amp;MId=4197</a>