

Rother District Council

Report to:	Audit and Standards Committee
Date:	7 December 2020
Title:	Local Government Association – new Model Code of Conduct
Report of:	Lisa Cooper, Monitoring Officer
Purpose of Report:	To receive an update on the progression of the Local Government Associations' new Model Code of Conduct.
Officer	
Recommendation(s):	It be RESOLVED : That the report be noted and a further report be submitted to the March meeting with regard to the possible introduction of a proposed new Code of Conduct.

Introduction

1. As Members may recall, at the meeting held in July, the Committee agreed this Council's response to the Local Government Association's (LGA) consultation on a new model Code of Conduct (CoC). At that time, it was anticipated that a new model CoC would be published in time for consideration at this meeting.

Current Position

2. I understand from the LGA that the revised draft model CoC was considered at the LGA's Councillors' Forum on 22 October 2020 and that following this event, the draft would be reviewed in light of the discussion. A final model CoC was then to be prepared for submission to the LGA Board for approval on 3 December 2020 and then published.
3. Unfortunately, due to the timetable, inclusion on this Agenda was therefore not possible, as at the time of printing this Agenda, the LGA Board will not have met and agreed the final model CoC. It is therefore recommended that I alert all Members to the new model CoC as soon as it is published with a view to bringing a report forward to the Committee's March meeting.
4. As reported elsewhere on this Agenda, on the 4 November 2020, I attended the Annual Standards Conference where the progress of the draft model CoC was discussed. The headlines from the LGA consultation were discussed and these are set out as follows:

Headline issues

- Ensuring the presentation is clear and that the LGA use plain English. The LGA also need to be clear what is within the current legislative framework and what has been proposed by the Committee on Standards in Public Life.
- Civility is not a word universally used and could give rise to confusion. The recommendation is to use the word 'respect' instead.
- When a councillor is acting as a councillor and when they are acting in a private capacity. This has led to much debate, with a general conclusion

- that a councillor is acting as a councillor if they introduce the fact that they are a councillor into a discussion or dispute. The LGA will be exploring this further in the accompanying guidance for councillors.
- That the CoC should reflect the importance of the Equalities agenda.
 - The importance of social media and that there should be more emphasis in the CoC. This is particularly in light of the move to online meetings and online communication as the main tool of engagement with residents and officers.
 - A strong request for supporting guidance.
 - A strong discussion on the use of the first person (I) and the third person (councillors should). There are concerns that the use of the first person will make implementing the CoC more difficult and that the CoC would be less accessible to the general public. However, LGA leadership is keen to keep the first person, to emphasise that the CoC is a tool for councillors and that the CoC is for their use.
 - Reflections on gifts and hospitalities. There was a case made that it should not be an assumption that the role of councillor involves accepting gifts, as this could threaten the reputation of local government. It was emphasised that a distinction between gifts and expenses paid in kind as part of a councillor's role should be made. In order to protect the reputation of the Council, the case was made to assume a presumption against the general acceptance of gifts, but that where gifts are accepted, gifts of above £50 should be declared.
 - That there should be a specific obligation to cooperate with an investigation or process.
5. There were some issues brought up in the consultation that are outside the immediate scope of the revision of the CoC, but which the LGA will be reflecting on further. These include:
- A general reflection that there is a need for appropriate sanctions.
 - That being placed on the Sex Offenders Register should lead to automatic removal of a councillor.
6. The LGA has already made representation to the Government on these issues and will be using the review of the CoC as a mechanism for raising these issues again. As a result of the consultation, the LGA are planning to develop guidance for councillors to further explain the CoC and give working examples that will cover social media; when a councillor is considered to be acting as a councillor; who would be considered a family member or close associate; bullying and parish council specific issues.

Conclusion

7. The Committee is asked to note that a subsequent report will be made to the March meeting of the Committee following the launch of the new model CoC when consideration can be given to whether Rother District Council should adopt a new CoC.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Sustainability	No	Exempt from publication	No
Risk Management	No		

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Appendices:	None.
Relevant Previous Minutes:	AS20/15
Background Papers:	None.
Reference Documents:	LGA Consultation https://www.local.gov.uk/code-conduct-consultation-2020