

## Rother District Council

**Report to:** Audit and Standards Committee

**Date:** 5 December 2022

**Title:** Code of Conduct

**Report of:** Lorna Ford, Monitoring Officer

**Purpose of Report:** To consider 1) a minor amendment to the Council's existing Code of Conduct to incorporate Social Media and 2) whether or not the Council looks to adopt the Local Government Association's Model Code of Conduct.

### Officer

**Recommendation(s):** **Recommendation to COUNCIL:** That:

- 1) the Council's existing Code of Conduct be amended by the inclusion of a new paragraph 2 (4) as shown at paragraph 4 of the report; AND

**RESOLVED:** That:

- 2) the Audit and Standards Committee establish an informal working group, and appoint Members thereto, to consider the Local Government Association's model Code of Conduct with a view to recommending formal adoption in the new civic year.

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## Introduction and Background

1. At the June meeting, the Committee considered the Government's response to the Committee on Standards in Public Life's (CSPL) recommendations resulting from their review of local government ethical standards. At that time it was noted that, whilst the Government had agreed to look at a number of issues as a result of the recommendations, overall, it seemed that there would be no fundamental changes to the current decentralised approach and available sanctions for Members who had been found to have breached the Code of Conduct (CoC) for the foreseeable future.
2. As part of the Committee's consideration at that time, it was resolved that a working group be established to consider an amendment to the Council's existing CoC to incorporate the use of social media, as well as Member training in the use of social media and when the code may be engaged. A working group was not established at the meeting and an informal meeting of the Committee was held on 17 November to consider the options for formal discussion and ratification at this meeting.
3. The Council had previously responded to the Local Government Association's consultation on their model CoC in July 2020 (formulated as a result of the CSPL review) and considered in March 2021 whether to adopt the new Code, which had been launched in December 2020. At that time it was agreed that, in order to maintain consistency across the other East Sussex authorities, the Council's existing CoC be retained.

4. The Council's existing CoC dates back to the original nationally provided CoC that all local authorities were required to adopt, subsequently amended by provisions brought in by the Localism Act 2011, but broadly the same.
5. The Monitoring Officer and Deputy Monitoring Officer have provided training on the LGA's model CoC to the parish and town councils across the district (reported elsewhere on this agenda), and now is considered a good time to reconsider this Council's position with regard to its adoption.

### **Proposed Social Media Amendment**

6. Whilst a complaint against a Councillor for inappropriate use of social media can currently be brought under the Council's existing CoC, it is not explicitly mentioned, as in the LGA's model CoC. It is therefore proposed that in the short term, a simple amendment is made by replicating the text from the LGA's CoC into the Council's existing CoC, under Part 2, Scope, as follows:

#### **Scope**

2. (4) The Code applies to all forms of communication and interaction, including:
  - at face-to-face meetings
  - at online or telephone meetings
  - in written communication
  - in verbal communication
  - in non-verbal communication
  - in electronic and social media communication, posts, statements and comments.

### **LGA Model Code of Conduct**

7. The LGA's model CoC is modern, well written, and easy to understand, with worked examples and excellent guidance. A training pack provided by the LGA has proved a useful tool for the MO and DMO in delivering the training with the parish and town councils, which has been well received.
8. Whilst the proposed amendment to the Council's existing CoC is supported in the short term, it is recommended that the Committee consider again whether the Council should adopt the LGA's model CoC. To this end, it is recommended that the Committee establishes an informal working group to consider and review again the LGA's model CoC with a view to recommending formal adoption in the new civic year (May 2023).
9. Should Members agree to undertake this review, consideration will be given to the comments previously made by the Council to the LGA's consultation and any amendments / tweaks can be recommended to the model for approval and adoption by the Council.

### **Risk Management**

10. Failure to regularly review the Council's Code of Conduct may result in a CoC that does not reflect new trends and expected levels of conduct.

## Conclusion

11. The Committee is asked to consider the proposed interim amendment to the Council's existing CoC and to agree to review again, whether or not the Council adopts the LGA's model CoC.

<b>Other Implications</b>	<b>Applies?</b>	<b>Other Implications</b>	<b>Applies?</b>
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	None.
Relevant Previous Minutes:	AS20/15 AS22/08
Background Papers:	LGA Model Code of Conduct
Reference Documents:	None.