

Rother District Council

Report to:	Audit and Standards Committee
Date:	20 March 2023
Title:	Proposed Code of Conduct
Report of:	Lorna Ford, Monitoring Officer
Ward(s):	-
Purpose of Report:	To consider whether or not to recommend to Council that the Local Government Association's Model Code of Conduct be adopted as this Council's Code of Conduct from the new civic year.
Officer Recommendation(s):	Recommendation to COUNCIL: That the proposed draft Code of Conduct at Appendix 1 be approved and adopted.

Introduction

1. At the Committee's last meeting held in December, it was agreed to convene a small informal working group to consider and review again the Local Government Association's (LGA's) model Code of Conduct (CoC) with a view to recommending formal adoption from the new civic year. Councillors Mrs Barnes, Courtel and Thomas were nominated to the working group, which, due other priority work, is only due to meet with the Monitoring Officer and Deputy Monitoring Officer on Friday 17 March (after publication of this Agenda) and a verbal update of their recommendations will be made at the meeting.
2. The proposed CoC is attached at Appendix 1.

Background

3. As reported to Members in June 2019, one of the outcomes of the Committee on Standards in Public Life's (CSPL) report into local government ethical standards was a recommendation that an updated model CoC be created to provide consistency across England and reflect the common expectations of the public, regardless of geography or tier. ([CSPL Report Into Local Government Ethical Standards](#))
4. The LGA was therefore tasked with creating an updated model CoC, in consultation with representative bodies of councillors and officers of all tiers of local government. This Council responded to the LGA's consultation on the draft CoC in July 2020. The outcome of the consultation was considered by Members in December 2020 with a more detailed report in March 2021, following the publication of the new CoC by the LGA; detailed guidance was further released in July 2021.
5. At that time, in order to maintain consistency across the Districts and Boroughs, it was agreed to retain the Council's current CoC and not adopt the LGA's new

model CoC. The Government's response to the CSPL's review into ethical standards and recommendations was also awaited which might have resulted in further legislative change and meaningful sanctions.

6. In June 2022, officers reported on the Government's response to the CSPL's report which overall, resulted in no fundamental changes to the current decentralised approach and available sanctions for Members who have been found to have breached the CoC for the foreseeable future. The Audit and Standards Committee also requested that consideration be given to social media being incorporated into the Council's current CoC at that time.
7. An informal meeting of the whole Committee was held on 17 November 2022 to consider the options for discussion at the December meeting. At that time, it was agreed that in the short term, a simple amendment be made to the Council's existing CoC by replicating the text from the LGA's model CoC to incorporate social media; this was subsequently approved and adopted by full Council in December 2022.

Considerations

8. The LGA's model CoC and accompanying guidance is considered by officers to be far easier to read and interpret than our current CoC. The LGA has also provided a very helpful training package that has already been used by officers to deliver CoC training to the parish and town councils across the district; several parish and towns have also adopted the LGA's model CoC.
9. In terms of consistency of approach with our neighbouring district, borough and county councils, whilst this is helpful to the relatively small number of twin-tatters, it would be far more advantageous for Rother District Council (RDC) to be closer aligned with its parish and town councils, given that RDC has a duty under the Localism Act to manage complaints against elected parish and town councillors under their respective CoCs. Should the Council adopt the LGA's model CoC, the parish and town councils across the district, who have not done so, will be encouraged to do likewise.
10. Part 8, Complying with the Code of Conduct, is a welcome addition within the model CoC which is absent (in the main) from the Council's existing CoC. This includes an undertaking for Members to participate in CoC training, co-operate with any CoC investigations and/or determinations and comply with any sanction imposed following a finding that a Member has breached the CoC.
11. In the main, the Council's comments in response to the LGA's consultation in July 2020 were also taken on board, as follows:
 - Application / Capacity – the Council supported the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media. This is in the model CoC.
 - The use of personal tense was supported (I will) – this is how the CoC is drafted.
 - Bullying and harassment – all protected characteristics are included.
 - Civility was replaced with respect; the words "or excessive" were removed.
 - Social Media is included within the model CoC.

- The requirement to declare interests is in the main body of the model CoC.
 - Gifts and Hospitality – supported stance that no gifts ought to be accepted, irrespective of estimated value.
12. Members may wish to consider the value of gifts, if accepted, that should be registered. The LGA’s draft CoC initially suggested £25, however, this was revised upwards to £50. This Council has previously considered that £50 was too high and that £25 should be the figure. Members will need to consider whether a threshold of £25 will entail frequent declarations and whether this is a realistic level.

Risk Management

13. 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. The Council’s current CoC formed part the ethical framework brought in by the Local Government Act 2000 which became operational in May 2002, with some revision as a result of the Localism Act 2011. It is therefore significantly out of date, cumbersome and hard to interpret for Members, public and officers alike.

Conclusion

14. The Committee is asked to consider whether to recommend that Council adopts the LGA’s model CoC, attached at Appendix 1, in light of any comments made by the informal working group, following their meeting on 17 March 2023.
15. Members are reminded that they can recommend to Council that the LGA’s model CoC be approved and adopted, with or without amendment, or make no recommendation to Council at this time.

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
Risk Management	Yes	Exempt from publication	No

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Appendices:	Appendix 1 – Model Code of Conduct
Relevant previous Minutes:	AS20/15 AS20/33 AS20/44 AS22/08 AS22/36