

Report to	Standards committee 17 November 2020	Item
Report of	Director of resources	6
Subject	The Local Government Association draft code of member conduct.	

Purpose

To consider the Local Government Association draft code of member conduct.

Recommendation

To identify relevant amendments to the members code of conduct.

Corporate and service priorities

The report helps to meet the corporate priority healthy organisation.

Financial implications

To be funded from existing budget.

Ward/s: All Wards

Cabinet member: Councillor Kendrick - Resources

Contact officers

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Background documents

None

Background

Norwich City Council has a code of conduct for its members based on the model code of conduct introduced in 2012. Whilst it has been slightly amended since its introduction it largely remains as originally drafted. It's in the Constitution at Appendix 13, see attached.

In 2019 the Committee on Standards in Public Life produced recommendations on the local government ethical standards including the model code of conduct. The Local Government Association (LGA) has reviewed the existing model code of conduct and incorporated the recommendations of the Committee into a draft code. A consultation on the draft member code of conduct ran from 8 June to 17 August.

The consultation aimed to take into account the view of officers and members.

The draft code was circulated to all members of the standards committee, the independent person, group leaders and the corporate leadership team. The monitoring officer received responses and acted on these in the response to the consultation.

Draft appendices in the new draft code

The appendices to the consultation reflect a code similar to that which Norwich City Council currently have in place. This is around the 7 principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. There is reference to registering interests, declaring interests and a distinction between pecuniary and other interests.

The new code sets out the minimum obligations required by a member relating to their conduct. These apply when members are acting in their capacity as a councillor. The standards in public life committee would like this to be extended to also include when a member appears to be acting in such capacity or gives the impression that they are doing so, however, this would require legislative changes. The monitoring officer would support such legislative changes. Previously some matters referred to the monitoring officer around member behaviour have not been able to be pursued as the conduct was deemed to be when the member acted in their private capacity.

The new code lists commitments that the member will commit to:

- Acting with civility;
- Not bully or harass;
- Not compromise the impartiality of officers;
- Not disclose confidential information, or prevent someone from getting access to information that they are entitled to by law;
- Not to bring the role or the council into disrepute;
- Not to use their position improperly;
- Not to misuse council resources;
- To register all interests;
- Not accept significant gifts or hospitality.

Some aspects of the code are very similar to the existing code, although the language is clearer and written in plain English to help a wider audience consider it.

The code introduces the term civility. This replaces “treating others with respect”. This is the area that the monitoring officer receives the most complaints about. It sets out clearly who it applies to and identifies the civility that members can expect from others.

Bullying and harassment is a new addition to the code. The definition is clear. There have been few complaints relating to this. All the other commitments are similar to those in the existing code.

The draft code recognises that there are recommendations made by the committee for the Standards in Public Life and may be part of a future Government consultation. This is around the area of sanctions and appeals.

Feedback from members and the Independent person was generally positive and welcome, some stating that it is clearer, some identifying that it needs some more guidance notes, and some disagreement as to whether it goes far enough, for example in the area of gifts and hospitality which one member believes should always be referred to the monitoring officer. There is now the mention of social media, including publicly accessible social media.

The monitoring officer collated the comments and put these forward in the response to the consultation.

The monitoring officer felt the draft consultation was progress, and would be keen to support it and adopt a similar code at NCC. There are still some shortfalls which would require legislative change, around the area of sanctions, appearing to act in your public capacity and a clearer position on social media would be helpful.