

STANDARDS AND ADJUDICATION COMMITTEE

DATE	14 th December 2022
REPORT OF	Monitoring Officer
SUBJECT	Code of Conduct
STATUS	Open

CONTRIBUTION TO OUR AIMS

Good governance arrangements and ethical standards contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

This report sets out the Local Government Association's Model Code of Conduct for Elected Members, which requires consideration and approval, as appropriate.

RECOMMENDATIONS

1. That the Model Code of Conduct is adopted by North East Lincolnshire Council, effective from 1st January 2023.
2. That any future minor amendments or changes to the Code of Conduct be delegated to the Monitoring Officer.
3. That all incidental and consequential amendments to the Constitution, arising from the adoption of the Code, or any future amendments or changes to the Code, are delegated to the Monitoring Officer.

REASONS FOR DECISION

To ensure that the Council's governance arrangements are up to date and fit for purpose.

1. BACKGROUND AND ISSUES

- 1.1 All Councils are required to have a local Councillor Code of Conduct. The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct.
- 1.2 The Council's local standards arrangements, as required by the Localism Act 2011, came into effect on 1st July 2012.
- 1.3 The Committee on Standards in Public Life (CSPL) published their report 'Local Government Ethical Standards' in January 2019, which set out a number of conclusions and recommendations to strengthen standards arrangements in local government. The report was considered by the Standards and Adjudication Committee at its meeting on 17th April 2019 and, as a result, some improvements were made to our local standards

arrangements following on from suggested best practice examples contained within the CSPL's report.

- 1.4 One of the CSPL's recommendations was that "The Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government." The LGA drafted an updated model of code of conduct, which was the subject of formal consultation, which North East Lincolnshire Council responded to. Further updates to the Code have since been made as a result of early feedback from those councils which first adopted the code.
- 1.5 The current version of the Model Member Code of Conduct is attached at Appendix 1.
- 1.6 According to the LGA, the Model Code of Conduct has been designed to protect Councillor's democratic role, encourage good conduct and safeguard the public's trust in local government.
- 1.7 The Model Code of Conduct is a template for councils to adopt in whole and/or with local amendments.
- 1.8 The aim was to make the code relatively short and easy to read rather than an overly complex legal document as it needed to be accessible to councillors, officers, and the public alike.
- 1.9 The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect councillors, the public, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The fundamental aim is to create and maintain public confidence in the role of councillor and local government.
- 1.10 The Code builds on the Seven Principles of Public Life, known as the Nolan Principles, with general principles developed specifically for the role of a councillor:
 - I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor
- 1.11 The Code applies when you are acting in your capacity as a councillor, which may include when you misuse your position as a councillor or your actions would give the impression to a reasonable member of the public with knowledge of all the facts you are acting as a councillor.

- 1.12 The code applies to all forms of communication and interaction, including all face-to-face meetings, at online or telephone meetings, in written and verbal or non-verbal communication and in electronic and social media communication, posts, statements and comments. Site visits are not explicitly mentioned as they are in our current code, which may be something councillors would wish to consider including.
- 1.13 The LGA has published supporting guidance which is aimed to help understanding and consistency of approach towards the code. It aims to help understand some of the key provisions in greater depth with examples and case illustrations. In particular, social media is a growing concern for Members and is an area well covered with references throughout and a specific section in relation to social media postings.
- 1.14 The LGA has committed to undertake an annual review of the Code and guidance to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation.
- 1.15 The Code of Conduct is broadly in line with our local arrangements and a number of concerns and issues raised as part of the consultation have been amended or resolved, which should reassure Members. Although terminology in terms of interests changes what is currently included in our code of conduct, the overall requirements have a similar effect.
- 1.16 It should be noted that there is a provision requiring councillors to comply with standards investigations.
- 1.17 If the new Code of Conduct is adopted, it will apply to all Members who have signed their declaration of acceptance of office. There is no requirement for Members to sign a revised Code. Training to all Members will be provided on the provisions of the new Code.
- 1.18 As principal authority, North East Lincolnshire Council will encourage Parish and Town Councils in our area to adopt the same code of conduct. This allows for a consistent approach and particularly reduces any potential problems for 'twin hatted' Members.

2. RISKS AND OPPORTUNITIES

The Code of Conduct provides an opportunity to promote the good governance and high standard of ethical behaviour in place in North East Lincolnshire. There is the risk of loss of credibility of the Council if these standards fall.

3. OTHER OPTIONS CONSIDERED

None.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

Setting high ethical standards is an important building block for councils in developing their community leadership role and achieving the Council's

objectives. Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

5. FINANCIAL CONSIDERATIONS

There are no direct financial considerations arising from the content, or adoption of, the Model Code of Conduct.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no direct climate change and environmental implications arising from the recommendations in this report.

7. FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendations in this report.

8. LEGAL IMPLICATIONS

As set out in the main body of the report.

In accordance with the Constitution, the recommendations will need to be formally adopted by Full Council on 16th December 2022.

9. HUMAN RESOURCES IMPLICATIONS

There are no human resources implications arising from the recommendations in this report.

10. WARD IMPLICATIONS

All wards are affected.

11. BACKGROUND PAPERS

Committee on Standards in Public Life report - <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

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