

## **Proposed New Code of Conduct**

Report of the County Solicitor (Interim)

### Recommendation:

That the Committee be asked to endorse the revised Code of Conduct, attached, and recommend its adoption to the Council.

### Summary

1. A proposed new Code of Conduct has been drafted for the attention of Members, based on discussion, debate and decision at the November 2021 meeting of the Committee. The proposed new Code (attached) includes all those additional elements requested by the Committee and aims to strengthen the current Code by inclusion and consideration of issues such as introductory statements, clearer definitions, application of the Code, social media, strengthening harassment definitions, gifts and hospitality and compliance with the Code and sanctions as well as declarations of interests.

### Introduction and Background

2. The Local Government Association (in September 2019) agreed to produce a new Code of Conduct as part of a wider programme on civility in public life.
3. The purpose of the new LGA Code of Conduct was to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. The LGA Code set out general principles of conduct expected of all Councillors and their specific obligations in relation to standards of conduct.
4. The Council responded to the Consultation on the new Code. Whilst many of the additions to the new Code were welcomed, for example the inclusion of social media and other electronic communications, the lack of sanctions was still a cause for concern, although it was acknowledged these require primary legislative changes. Many felt that the new Code missed an opportunity to strengthen current Standards regimes.
5. One of the overriding reasons for a new Code was for all Local Authorities to adopt it, ensuring consistency across many tiers of Local Government. However, conversations with colleagues and other District Councils showed

a mixed picture, with some proposing to adopt the new Code but with local tweaks and others in its entirety and others proposing to adopt parts of the new Local Government Association Code into their own Code which they feel is more robust than the new offering.

## LGA and Devon County Council Code Comparison

6. On the 4<sup>th</sup> November 2021, the Standards Committee discussed the Report of the County Solicitor which had analysed the content of the Local Government Association Model Code of Conduct and produced a comparison against the Council's current own Code of Conduct.
7. Members were asked to consider the various discussion points with a view to retaining the current Code or any suggested amendments.
8. Whilst the Council's Code was robust and had been updated over the last two years in line with national best practice and therefore covered most elements (and in some cases more) than the Local Government Association Model Code, there were some suggested additions to the Council's Code for consideration.
9. Members' comments for additions and changes to the Council's current Code of Conduct were as follows:
  - Joint statement - a supporting statement for the Council's Code should be produced, including reference to social media;
  - Definition of Councillor – the Council's Code should include a definition of 'Co-opted' (voting and non-voting co-opted members);
  - Purpose – the Council's Code should include an explanation as to the purpose of the Code;
  - Application of Code – the scope of the Council's Code should be widened to include issues such as social media;
  - (Section 1) Standards of Councillor conduct – the Council's Code should be expanded to include a definition of respect, to include the reference to the public and representatives of partner organisations and volunteers as well as respect towards Councillors;
  - (Section 2) Bullying, harassment and discrimination – include a reference to the Protection from Harassment Act in the Council's Code;
  - (Section 8) Complying with the Code of Conduct - the Council's Code should include a reference to the importance of Code of Conduct training and that Members endeavour to attend, particularly induction sessions;
  - (8) Complying with the Code of Conduct - the Council's Code should include reference to sanctions;
  - (10) Gifts and Hospitality – ensure a cross reference from the Code of Conduct to financial regulations and other advice on gifts and hospitality. This included retaining the current guideline of £25 as the threshold for when gifts have to be declared and also ensuring the

guidance places a duty on Members to declare a gift and / or hospitality that had been declined.

- Interests.....
  - ensure that unpaid directorships were included on the register of interests form (not currently explicit); and
  - that given the Council's Code was silent on the issue of the interests of family and / or friends, this should be strengthened;
- Members also noted that the guidance which accompanied the Model Code outlined that Members who received an allowance from another Authority and or body (e.g. Fire Authority) should declare it as a Disclosable Pecuniary Interest.

10. The Committee RESOLVED that (a) a revised Code of Conduct be brought back to the next meeting of the Committee, encompassing the issues raised above; and (b) that the Declaration of Interests form and general dispensation be amended to deal with the issue of allowances received from another public body in line with the delegated powers of the County Solicitor.

## Conclusion

11. The Committee is asked to endorse the new Code and recommend its adoption to the Council in order to strengthen Governance arrangements and application of the Code.

12. This Report has no specific equality, sustainability, legal or public health implications that have not already been assessed.

ANDREW YENDOLE

[Electoral Divisions: All]

### **Local Government Act 1972: List of Background Papers**

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<b><u>Background Paper</u></b>	<b><u>Date</u></b>	<b><u>File Reference</u></b>
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Nil