

## BRECKLAND DISTRICT COUNCIL

**Report of:** Rob Walker, Deputy Chief Executive & Monitoring Officer

**To:** Governance & Audit Committee – 2<sup>nd</sup> February 2023  
Full Council – 22<sup>nd</sup> February 2023

**Author:** Rory Ringer & Sarah Wolstenholme-Smy - Deputy Monitoring Officers

**Subject:** The Local Government Association Model Code of Conduct

**Purpose:** To adopt a revised Members' Code of Conduct based on the Local Government Association Model Code of Conduct.

### **Recommendation(s):**

- 1) Following a recommendation from Governance and Audit, Council adopts a revised Members Code of Conduct.
- 2) The new Code of Conduct will come into effect from 9<sup>th</sup> May 2023.
- 3) The Council's constitution be amended accordingly from 9<sup>th</sup> May 2023.

### **1.0 BACKGROUND**

- 1.1 The Localism Act 2011 contains the current legislative arrangements for elected Member standards of conduct within local authorities. There are a number of duties on Councils under Sections 27 and 28 of the Act to promote and maintain high standards of conduct by elected and co-opted members when acting in that capacity; to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; to have arrangements in place for the investigation of allegations and for the making of decisions on allegations. It is a matter for each Council to adopt a Code that is relevant to its circumstances and the Code must be adopted by Full Council.
- 1.2 All Codes of Conduct presently in place, whilst based on the Nolan Principles, vary widely from Council to Council. Some are very detailed and prescriptive, whilst others are extremely basic. This is further complicated in that a councillor who is a member of more than one local authority is likely to be subject to different Codes.
- 1.3 The Code is intended to be a concise document, written in the first person, to provide a clear code of behaviour expected. There are other sources of reference as to Councillors conduct which sit alongside the Code of Conduct, and which make reference and go into finer detail as to conduct expectations, in particular the Protocol on Member Officer Relations.
- 1.4 The Council's current arrangements were adopted by Full Council in March 2017.
- 1.5 Breckland Council's current Code is published in part 5 of its Constitution and is also available on the Council's website. (Appendix A)
- 1.6 Following a review of the ethical framework for members, the Committee on Standards in Public Life (CSPL) recommended that there should be a national model Code of Conduct,

but this should not be mandatory and could be adapted by individual authorities. This recommendation was passed to the LGA to progress and in 2020, the LGA released a draft Model Member Code of Conduct for consultation. There were extensive consultations on the draft which resulted in some changes and a finalised Model Code was released in May 2021.

## 2.0 LOCAL GOVERNMENT ASSOCIATION (LGA) MODEL COUNCILLOR CODE OF CONDUCT

2.1 The LGA Model Councillor code is attached (Appendix B)

2.2 The Model Code covers:

- Joint statement
- Introduction
- Definitions
- Purpose of the Code of Conduct
- General principles of councillor conduct
- Application of the Code of Conduct
- Standards of councillor conduct
- General Conduct: Respect; Bullying, harassment and discrimination; Impartiality of officers of the council; Confidentiality and access to information; Disrepute; Use of position; Use of local authority resources and facilities; Complying with the Code of Conduct; Protecting your reputation and the reputation of the local authority; Interests; Gifts and hospitality.
- Appendix A: The Seven Principles of Public Life
- Appendix B: Registering Interests

## 3.0 COMPARATIVE ANALYSIS OF THE LGA MODEL CODE OF CONDUCT.

3.1 Using the LGA Model Code of Conduct as a template, comparative analysis about the provisions of the LGA Model Code of Conduct with the Councils own Code of Conduct is set out below:

Heading	Model Code	Breckland Code
Joint Statement	Scene Setting – Information about the role of elected members and expectations of behaviour.	Not currently included
Introduction	Scene Setting – Information regarding the LGA Model Code	Not currently included
Definitions	Defines Councillor and co-opted member.	Not currently included,
Purpose of the code	Details the purpose and expected behaviours and how code is set out to protect the councillor and reputation of authority.	Not currently included,
General Principles of Councillor Conduct including	References the Nolan Principles and nine general	References the Nolan principles and less detail

Nolan Principles	principles specifically for the role of Councillor that supplement the Nolan Principles.	generally
Application of the Code	<p>Reference to misuse of position</p> <p>The Model Code indicates that it applies to all forms of communication and interaction.</p> <p>Examples included.</p>	<p>One line at the beginning of the code advising that ‘In accordance with the Localism Act provision, when acting in this capacity all councillors must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority’</p> <p>No mention of electronic or social media at all or specifically any forms of communication or interaction.</p>
Standards of Councillor Conduct	<p>Much greater detail than the current code, including providing explanations behind the reasons for the obligations, including providing examples.</p> <p>Includes ‘new’ areas not mentioned in the current code, including,</p> <p>(2) Bullying, harassment and discrimination.</p> <p>(5) Disrepute</p> <p>(7) Use of local authority resources and facilities</p> <p>(8) Complying with the Code of Conduct</p>	<p>Basic detail given, no mention of bullying, harassment, or discrimination</p> <p>Doesn’t mention disrepute specifically but does very generally refer to behaving in accordance with any requirements contained within the authorities’ protocols etc</p> <p>No mention of Use of local authority resources and facilities specifically (this is currently mentioned in our Member/Officer Protocol) but generally captured as above.</p> <p>No mention of complying with the Code of Conduct re undertaking training and co-operating with investigations etc</p>
<p>Appendix B Member Interests</p> <p>Note _ the requirements upon disclosure of a Disclosable Pecuniary Interest is the same as contained under the Councils Standing Orders – ie you should not discuss, vote or remain in the room</p>	<p>Gives greater detail as to the need to register and disclose interests.</p> <p>Mentions sensitive interest.</p> <p>Lists land and property</p>	<p>No mention of sensitive interests</p> <p>In the table just lists Land – does not include ‘and property’</p>

unless a dispensation has been granted		
Non-Registerable Interests	Much more detailed explanation	Less detailed explanation
Gifts and Hospitality	<p>The general threshold for registration of gifts or hospitality with a value of at least £50.</p> <p>The Model Code includes provision about not accepting gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence.</p> <p>The Model Code requires the Registration of any significant gift or hospitality offered but refused.</p>	The financial threshold for registering a gift/hospitality is currently £100

#### 4.0 CONSIDERATIONS ABOUT WHETHER TO ADOPT OR NOT

It should be noted that there is no compulsion to adopt the Model Code of Conduct in its entirety or at all.

#### 4.1 Reasons in Favour

- a) The Model Code of Conduct is the product of an extensive independent review informed by experienced external consultants and is helpful in presenting an up-to-date version of the code of conduct.
- b) The format of the Model Code of Conduct is largely consistent with the model that has been used by this Council for a number of years.
- c) While many of the provisions and concepts are similar to those in the Councils current Code of Conduct and will be familiar, the wording has been updated and may be easier to follow.
- d) The LGA will be reviewing the Code of Conduct on a periodic basis. This may be helpful to the Council in aligning any future review that we do of our Code of Conduct to changes being recommended by the LGA.
- e) The LGA has produced guidance to assist local authorities with the interpretation of the Model Code of Conduct. The guidance is likely to be more directly relevant if we have adopted the wording of the LGA Model Code of Conduct. They will also produce periodic updated guidance and training material.
- f) The other Norfolk Councils are moving to adopt the LGA Model Code of Conduct, and it is likely to be beneficial for members and officers to work against

the backdrop of aligned codes of conduct when dealing with regional and cross boundary issues.

#### **4.2 Reasons not to adopt.**

- a) Nationally, not all Councils are adopting the LGA Model Code of Conduct and there is no requirement to do so.
- b) The current Code of Conduct is operational and deals with all of the areas that are addressed by the LGA Model Code of Conduct.
- c) Aside of the work undertaken by the LGA, there is no pressing need to make changes to the Code of Conduct.

#### **5.0 CONCLUSION**

- 5.1 The LGA Model Code of Conduct is well set out and reasonably straightforward to follow. It benefits from being the product of an up-to-date comprehensive review of this area.
- 5.2 It will give this Council a more up to date code of conduct in language that is hopefully easier to follow than the current version.
- 5.3 It is helpful to have the support of the LGA in this area generally and if adopted the Council would benefit from having aligned our Code of Conduct. As the LGA produces further guidance or recommended changes we will be better placed to consider and take this on board locally.
- 5.4 It will also mean that there is consistency of approach across the Norfolk Councils.

#### **6.0 OPTIONS**

- 6.1 Agree the adoption of a revised Members Code of Conduct based on the Local Government Association Model Code of Conduct and recommend to Council.
- 6.2 Agree the adoption of a revised Members Code of Conduct based on the Local Government Association Model Code of Conduct with local modifications and recommend to Council.
- 6.3 Do nothing and continue with the current arrangements.

#### **7.0 IMPLICATIONS**

##### **7.1 Constitution & Legal**

- 7.1.1 It is a legal requirement under section 27(2) of the Localism Act 2011 for the Council to adopt a Code of Conduct dealing with the conduct expected of members of the Council.

Any changes to the Code of Conduct will need to be approved by a meeting of Council and as it comprises part of the Councils Constitution, the Constitution will need to be updated to reflect any changes made.

##### **7.2 Financial**

No direct additional costs

## **8.0 WARDS/COMMUNITIES AFFECTED**

### 8.1 All wards

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Background papers:-

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**Lead Contact Officer**                      **Rory Ringer/Sarah Wolstenholme-Smy**  
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**Key Decision:**                                  **No**

**Exempt Decision:**                              **No**

**This report refers to a Mandatory Service**

**Appendices attached to this report:**

Appendix A - Breckland Council Code of Conduct  
Appendix B – Local Government Association (LGA) Model Code of Conduct