

Update Report on the Model Code of Conduct

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The following is an update to provide information on the new Model Code of Conduct and the possible adoption of it by North Norfolk District Council.

Legislative Context

1. Under the Localism Act 2011, Local Authorities are required to have a Code of Conduct. This is a Code based on the Nolan Principles setting a standard of behaviour expected by elected and co-opted members of the three tiers of councils. There are obligations and requirements which if breached may be acted upon. It is designed to protect democracy and encourage good conduct and public trust.

Present Position

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. It can sometimes be confusing to establish whether a particular behaviour breaches a specific code. 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. There has also been some criticism of the Standards regime that it is not sufficiently robust with regard to sanctions.

Addressing Standards

3. In January 2019 the Committee on Standards in Public Life published its report "Local Government Ethical Standards: A review by the Committee on Standards on Public Life". This report made a number of recommendations: one of which was the introduction of an updated model code of conduct.

New Model Code of Conduct

4. On 23 December 2020 the Local Government Association ("LGA") published the new Model Code of Conduct. Councils may now consider whether they would like to adopt this new Model Code, which has been developed following a period of consultation. It is a significant publication being the first major revision of a model Code of Conduct for very many years.

Constitution Working Party

5. On 4 February 2021, the Constitution Working Party discussed the new Model Code of Conduct following an update at that meeting. The CWP was informed that Monitoring Officers of Norfolk Councils (County/District/Borough) had met, in January 2021, to discuss the possibility of consensus, by Norfolk Councils, for the adoption of the new Model Code (possibly with like amendments) countywide. If consensus can be achieved, it may be possible for one Code to be adopted by all County, District, Borough, Town and Parish Councils in Norfolk. Members were asked to review the Model Code of Conduct to consider any parts of it that they would like to consider further. Members of the CWP generally held positive views of the new Model Code, though considered there may be scope for clearer paragraph layout. CWP Members were keen to see a Norfolk-wide consensus of the new code following further discussions with other Norfolk councils.
6. Members of the Standards Committee are requested to consider the views of the Constitution Working Party, and in particular the general support to adopt the Model Code of Conduct, possibly with some amendment. This would be subject to further engagement with Members and discussions between Monitoring Officers of Norfolk Councils, who will seek to reach a consensus. If an agreement is possible, a single Norfolk Code could be adopted by all three tiers of council in Norfolk. Members are informed that discussions with other Councils are continuing, and the views of their respective Members are being sought.