

## ADOPTION OF A NEW CODE OF CONDUCT

**Summary:** Following the introduction of a new Model Code of Conduct by the Local Government Association in December 2020, Members are asked to consider whether they wish to continue with the Council's current Code of Conduct, or whether they consider that the template Model Code provided by the LGA would strengthen the code on Member behaviour, and if so, whether it should be adopted as a whole or with amendment.

**Options considered:**

1. No action – preserve the status quo and continue with the Code of Conduct presently in situ.
2. Adopt the Model Code of Conduct in total
3. Adopt the Model Code of Conduct, with amendment

**Conclusions:** That Members consider adopting the LGA Model Code of Conduct.

**Recommendations:** **To recommend to Full Council that the Model Code of Conduct be adopted.**

**Reasons for Recommendations:** To comply with the Localism Act 2011 and to strengthen and improve the current Code of Conduct requirements presently in place.

### LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

*(Papers relied on to write the report, which do not contain exempt information and which are not published elsewhere)*

The LGA Model Code of Conduct [Model Councillor Code of Conduct 2020 \(local.gov.uk\)](https://www.local.gov.uk)

Cabinet Member(s) All      Ward(s) affected All

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## 1. Introduction

### 1.1 Requirement to have a Code of Conduct

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.

### 1.2 Variation in Codes of Conduct locally and nationally

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.

### 1.3 **Addressing Standards**

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. 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.

### 1.4 **The Code of Conduct presently in place**

North Norfolk District Council does have a Code of Conduct at present and so is compliant, but areas have been identified where the Code could be improved or strengthened. The Model Code of Conduct has been developed by the Local Government Association following consultation and is designed as a template for councils to adopt in whole or with such local amendments as a particular council sees fit.

## 2. **Adoption of a new Code**

### 2.1 **Implementing a new Code of Conduct**

The Constitution Working Party discussed the new Model Code of Conduct in February and March 2021. The CWP generally held positive views of the new Model Code and were keen to see a Norfolk-wide consensus of it following further discussions with other Norfolk councils. It is understood that, due to the different priorities of some other Norfolk councils, that councils are at a different stage of implementation or consideration of the new Model Code, with at least one Council having already implemented an amended version of it. It may be that, in light of this information, this Council wishes to proceed with a decision as to whether or not to adopt a new Code of Conduct for its Members without delay. This would not negate some future discussion between Norfolk Councils at a later stage.

### 2.2 **New Model Code**

The Model Code of Conduct has been considered by the Constitution Working Party. Its content covers general behaviour, as well as use of local authority resources, participation in training and registration and disclosure of interests. The Local Government Ethical Standards report also included Best Practice recommendations, some of which could be considered to add further detail to the Model Code now, or at some future time.

### 2.3 **Other supporting protocols**

The Model Code of Conduct sets out the standards expected of councillors. It is intended to be a concise document, written in the first person, to provide a clear code of behaviour expected. It would be possible to add more detail or examples within any code adopted by this Council. However, Members are reminded that there are other sources of reference as to their 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* which is currently being updated, and which outlines responsibilities of both officer and Members when interacting.

### **3 Corporate Plan Objectives**

#### **3.1 Customer Focus**

Ensuring that the Council's democratic process runs as transparently and as effectively as possible, building on the corporate plan objective of focussing on the customer and putting them at the heart of what we do

### **4. Medium Term Financial Strategy**

No specific impact identified

### **5. Financial and Resource Implications**

There are no specific costs associated with the proposals set out in this report

### **6. Legal Implications**

The Localism Act 2011 requires the Council to have a Code of Conduct dealing with Member standards

### **7. Risks**

There is a reputational risk where there is not a sufficiently robust Code of Conduct in place governing Member conduct.

### **8. Sustainability**

There are no specific sustainability issues identified

### **9. Climate / Carbon impact**

There are no specific climate or carbon impact issues identified

### **10. Equality and Diversity**

The Code deals with treating others fairly and with respect

### **11. Section 17 Crime and Disorder considerations**

No specific issues identified

### **12. Conclusion and Recommendations**

Members are requested to consider the view of the Constitution Working Party in its general support of the Model Code. As there does not appear to be an option for Norfolk-wide consensus at the present time, Members may wish to proceed to a decision now. Following review of the Model Code, and consideration of the views of the CWP, if Members support the adoption of the New Model Code to strengthen the current ethical standards position of the council, it may wish to make the following recommendation to Full Council:

- (i) To make a recommendation to Full Council that the Model Code of Conduct be adopted.