



To be submitted to the Council at its meeting on xx September, 2020

## **STANDARDS AND ADJUDICATION COMMITTEE**

**13<sup>th</sup> August 2020**

### **Present:**

Councillor K. Swinburn (in the Chair)

Councillors Bramley, Cairns, Fenty (substitute for Brookes), Green (substitute for Rogers), Walker and Watson

### **Officers in attendance:**

- Eve Richardson-Smith (Deputy Monitoring Officer)
- Robert Close (Scrutiny and Committee Support Officer)

### **SA.1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brookes and Goodwin.

### **SA.2 DECLARATIONS OF INTEREST**

There were no declarations of interest received in respect of any item on the agenda for this meeting.

### **SA.3 DRAFT MODEL CODE OF CONDUCT**

The committee considered a report which sought their views on a Draft Model Code of Conduct for Elected Members, currently the subject of consultation by the Local Government Association.

Ms Richardson-Smith explained that local authority local standards arrangements came into effect on 1<sup>st</sup> July 2012 before improvements were made in 2019 following a report by the Committee for Standards in Public Life (CSPL). This report included a recommendation that the Local Government Association (LGA) should create an updated model Code of Conduct. The LGA had drafted an updated model subject to formal consultation until 17<sup>th</sup> August 2020. She understood that the LGA sought that this model act as a contract between Elected Members and the local

authority and was intended to be a focused rules approach, promoting a vision of positive behaviour. It was expected all local government authorities, including Town & Parish Councils, would adopt this Code, giving it consistency nationwide. In addition, guidance would be published alongside the Code of Conduct.

The committee sought a further summary of the difference between the updated and existing code of conduct models. Ms Richardson-Smith explained that generally, there weren't too many changes. She noted that personal and prejudicial interests weren't reflected the same way as they were in the current model. The previous model only mentioned Disclosable Pecuniary Interests (DPIs), however, North East Lincolnshire Council took the decision to include personal and prejudicial interests within their Code of Conduct. The new proposed model didn't include personal and prejudicial interests whatsoever as there was no reference to them within legislation. In addition, she noted the inclusion of the term 'civility' within the new model, intended to encompass all behaviours, but may not be as a well-known term to members of the public.

The ambiguity of when members were acting in an official capacity when using social media was raised by the committee. Ms Richardson-Smith explained that social media was an evolving consideration and guidance would be published separately. Although, the law was still clear that expected behaviours only applied when members were acting in their official capacities.

Contradictions within the Code of Conduct were a concern of the committee. Ms Richardson-Smith concurred that points within the Code of Conduct needed to be clearer and agreed to pass on this comment to the LGA.

There were concerns by the committee that the Code of Conduct was preventing them from offering their knowledge and experience because of interests they may have in external organisations. Ms Richardson-Smith explained that the Code of Conduct was not envisaged to prevent members from offering their expertise, but to protect and safeguard them and the Local Authority in terms of decision-making and/or any accusations of abuse of process, bias or pre-determination. She stressed that if a member did have an interest, they should work with officers to find a way to be involved without infringing on the Code of Conduct.

The committee suggested involving town and parish councils in the consultation. Although Ms Richardson-Smith appreciated the benefit of such consultation, she noted the imminent consultation deadline. It was agreed that town and parish councils would be provided the model Code of Conduct and given the opportunity to submit comments to the LGA consultation. Ms Richardson-Smith confirmed that the Independent Person had been consulted and he had no further comments to make.

RESOLVED –

1. That authority be delegated to the Monitoring Officer, in consultation with the Chair of the Standards and Adjudication Committee, to submit this council's response to the LGA consultation on the Draft Model Code of Conduct for Elected Members.
2. That town and parish councils within North East Lincolnshire be provided the model Code of Conduct and given the opportunity to submit a response to the LGA consultation on the Draft Model Code of Conduct for Elected Members.

There being no further business, the Chair declared the meeting closed at 10.26 a.m.