

Meeting: Standards Committee

Date: 31 July 2020

Wards Affected: All

Report Title: Model Code of Conduct Briefing Paper

Is the decision a key decision? No

When does the decision need to be implemented? Before consultation closes on 17 August 2020

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Background

On 30 January 2020 the Committee on Standards in Public Life published a report on Local Government Ethical Standards: A Review by the Committee on Standards in Public Life (link to report provided below). The review made a number of recommendations, whilst the majority of the recommendations were for the Government to consider, the Local Government Association (LGA) was asked to act upon the following:

“The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government in consultation with representatives of following the recommendations of the Committee of Standards in Public Life report publishes on 30 January 2019”

The LGA has duly updated the model code of conduct and has forwarded a copy to us, with a consultation questionnaire for Members of the Standards Committee to comment or provide a view on.

How does the model Code of Conduct vary from our own? This is an update and given that our own Members Code of Conduct was based upon the original model Code of Conduct our code is not too dissimilar.

The updated model code attempts to square off the use of social media, the Committee on Standards in Public Life have recommended to Government that councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches. The Council in the past have received complaints about comments members have made on social media, such an amendment would result in an automatic assumption that you were acting in your capacity as an elected member regardless of whether the social media account was set up as a personal account or not. As a councillor this would need you to remain mindful of what you are commenting on or posting on social media even when addressing family and friends as it is publically available. Could you run two accounts? A personal account with stricter access settings and a publically

accessible councillor account? Are you happy with an assumption that on social media you are always acting in your capacity as a councillor?

The updated model introduces a new term 'Civility' however the issues covered by this term are not necessarily new but an in-depth explanation has been provided. The LGA have stated:

Civility

- 1. Treating other councillors and members of the public with civility.*
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.*

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

Does the term civility and subsequent explanation concur with the level of behaviour you would expect of an elected member? Where do you draw the line between political debate and drawing officers into politics?

The model code not only sets out the expectation of members to treat others with civility, the code goes further and recognises that members should have the same expectation to be treated in a civil manner by the public and recognises that you are within your right to close down abusive or offensive conversations, report such issues to the Council or social media providers if the content is online. Whilst officers would argue members have always been entitled to do just this it has never been set out in the Members Code of Conduct before.

Do you think the explanation of civility strengthens an area of the member code of conduct which simply says 'you must treat others with courtesy and respect'?

Sanctions

The model code of conduct refers to an 'internal resolution procedure', this recommendation is covered by the Local Protocol for the Assessment and Determination of Breaches of the Members Code of Conduct. The protocol sets how a complaint will be dealt with, however the model code goes a little further and sets out potential sanctions which escalate in nature depending on the nature of the complaint. The Council have previously used some of the sanctions listed however having a range identified is helpful. There are two possible sanctions that are relatively new and we have historically perceived as not within the gift of the

Monitoring Officer or Standards Committee as they are appointments made by political groups:

- Where of a serious nature, a bar on chairing advisory or special committees for up to two months
- Where of a serious nature, a bar on attending committees for up to two months

Do Members believe these are sanctions that the Standards Committee should impose or should it be a recommendation to a group leader, albeit this would only be feasible if the subject member was part of a group? Do these sanctions for complaints of a serious nature provide Standards with some of the 'teeth' that was available under the old regime?

General Comments

The above are the main revisions to the proposed model code of conduct and as a Council we would not be obliged to adopt it but the model would be held up as best practice and would provide consistency across the whole of local government.

What are your views on the language of the code overall, is it easier to read and understand than our code (less legal speak), do you think the public would understand it better?

Reference documents:

Local Government Ethical Standards: A Review by the Committee on Standards in Public Life:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF