



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	OVERVIEW AND SCRUTINY COMMITTEE ACTING AS THE CORPORATE GOVERNANCE STANDARDS COMMITTEE
DATE:	20 JANUARY 2022
REPORT OF THE:	HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER SIMON COPLEY
TITLE OF REPORT:	MODEL CODE OF CONDUCT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report presents the Local Government Association (LGA) Model Code of Conduct for Councillors and seeks approval to adopt this as Ryedale District Council's Code of Conduct for Councillors.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended to Council that the Local Government Association (LGA) Model Code of Conduct for Councillors be adopted as Ryedale District Council's Code of Conduct for Councillors, subject to minor amendments to replace gender-specific language (e.g. 'him/her') with gender neutral language (e.g. 'their') and to add socio-economic group to the list of characteristics to be protected in the 'Equalities' section.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 The LGA's aim was to make the Code relatively short and easy to read rather than an overly-complex legal document as it needed to be accessible to councillors, officers, and the public alike. Supporting guidance was also requested to help understand some of the key provisions in greater depth with examples and case illustrations. This supporting guidance aims to help understanding and consistency of approach towards the Code.
- 3.2 The LGA states that the Code together with the guidance have been designed to protect the democratic role of councillors, encourage good conduct, and safeguard the public's trust and confidence in the role of the councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected, to be

mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the Code. It is also there to protect councillors, the public, local authority officers and the reputation of local government.

- 3.3 Standards issues continue to be a significant concern for the Council, as illustrated both by the numbers of formal complaints received and ongoing informal feedback from Members, officers and members of the public. Appendix 4 provides a summary of complaints over the past year, though it should be noted that parish and town councils have their own Codes of Conduct. A disproportionate amount of officer time is required to deal with standards issues and complaints, particularly following meetings of Full Council, and adoption of the Model Code would be extremely helpful in supporting the Council to deal with this more effectively.
- 3.4 Elected Member approval is required for adoption of a new Code of Conduct. The Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee has a constitutional role advising the Council on the adoption or revision of the Members Code of Conduct, and Full Council approval is required as this involves changing the Constitution itself. The support of elected Members for this new Code is essential to effectively tackling standards issues.

4.0 SIGNIFICANT RISKS

- 4.1 The main risk around adopting a new Code of Conduct for Councillors is that the change results in confusion amongst councillors, officers and members of the public around the required standards of conduct. However given that the Model Code is clearer and easier to use and understand than the current Code, it could in fact mitigate the risk of confusion. Learning and development has taken place to support understanding of the Model Code, so that an informed decision can be made on its adoption and implementation.
- 4.2 Poor standards of conduct and / or the perception of poor standards resulting from a lack of clarity in the Code of Conduct can result in reputational damage, complaints, legal challenge, financial penalties and costs, and poor Member / Officer relations.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 In December 2020, the LGA developed and published a Model Councillor Code of Conduct in association with key partners and following extensive consultation with the sector. This was in response to the recommendation of the Committee of Standards in Public Life Local Government Ethical Standards 2019. The Code was part of their work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance, and their civility in public life programme. An updated version of the Model Code was published in July 2021, along with the guidance referenced above.
- 5.2 The Code is a template for Local Authorities to adopt in whole and or with amendments to take into account local circumstances. All councils are required to have a local Councillor Code of Conduct.
- 5.3 The LGA will undertake an annual review of this Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in

legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code.

REPORT

6.0 REPORT DETAILS

- 6.1 The Council's current Member Code of Conduct took effect from 1 July 2012. There is a consensus of opinion that it is a confusing document, overly complex and unclear to understand, and this significantly hampers efforts to provide a clear message as to expected standards of conduct and to deal with complaints fairly and effectively when they arise.
- 6.2 The Council needs to adopt a proactive approach to promoting high standards of conduct, with the endorsement of the Council's Overview and Scrutiny Committee acting as the Corporate Governance Standards Committee. Regular learning and development sessions have been provided around standards matters, Code of Conduct and Member / Officer relations. These have included exploration of the benefits offered by adopting the Model Code and it has been the intention to bring this forward for consideration once the Model Code had been reviewed and updated and supporting guidance produced.
- 6.3 Further learning and development sessions have been held in October 2021 to ensure that all councillors have a thorough understanding of the provisions of the Model Code prior to considering it for adoption. Adoption of the Code makes training on standards mandatory for all elected Members, through the clause that "*I undertake Code of Conduct training provided by my local authority*".
- 6.4 Appendix 3 of this report provides a summary of training sessions held and attendance levels at them.
- 6.5 The Model Code is attached as Appendix 1 of this report and a brief summary of the main differences between it and the current Code is attached as Appendix 2.
- 6.6 The plans for local government reorganisation in North Yorkshire add a further incentive to move to a uniform and easily understood set of standards for councillors. A number of other councils in the area have adopted the Model Code, or intend to do so, including the County Council, and Harrogate and Scarborough Borough Councils.
- 6.7 Adoption of the Model Code is strongly recommended for the reasons outlined in detail in section 3 above, namely to provide a clear and strong set of standards for councillors, for their use and understanding and to clearly communicate expected behaviours to other interested parties, such as residents and Council officers.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
There are no financial implications arising directly from the adoption of the Model Code. Financial penalties and costs may be incurred as a result of poor standards of conduct and a lack of clarity around required standards.
 - b) Legal
There are no legal implications arising directly from the adoption of the Model

Code. Legal challenges may occur as a result of poor standards of conduct and a lack of clarity around required standards. The Member Code of Conduct forms a section of Part 5 of the Council's Constitution and this will be replaced with the new Model Code if adopted.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)

There are no other implications arising directly from the adoption of the Model Code. The Model Code includes an explicit requirement for councillors that "*I promote equalities and do not discriminate unlawfully against any person*" and that "*I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority*". Equalities issues and difficulties with Member / Officer relations may occur as a result of poor standards of conduct and a lack of clarity around required standards. The recent staff survey results have highlighted the need for good Member / Officer relations. An equalities impact assessment has been undertaken, which shows a positive impact if the Model Code is adopted and recommends minor amendments to replace gender-specific language (e.g. 'him/her') with gender neutral language (e.g. 'their') and to add socio-economic group to the list of characteristics to be protected in the 'Equalities' section.

8.0 NEXT STEPS

- 8.1 If the Model Code is adopted, this will be published as part of the Council's Constitution and a new Register of Interests form will be made available for completion in line with its requirements.

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Background Papers:

Ryedale District Council's current Member Code of Conduct
LGA Guidance on the new Model Code of Conduct

Background Papers are available for inspection at:

www.ryedale.gov.uk

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>