

Wiltshire Council

Standards Committee

20 April 2022

Report of the Local Government Association (LGA) Model Code of Conduct Working Group

Purpose

1. To present the recommendations of the Working Group regarding the council's Code of Conduct for Councillors.

Background

2. At its meeting on 12 January 2022, the Standards Committee considered the recommendations of the Constitution Focus Group regarding amendments to the Code of Conduct. The Focus Group did not recommend the adoption of the LGA Model Code of Conduct but agreed that the Behaviours Framework should be replaced by the council's more current Epic Values document to better reflect the position of the Staffing Policy Committee.
3. Following discussion by the Standards Committee, it was resolved to ask the Monitoring Officer, supported by a Working Group of Members and Officers, to carry out a review of the LGA Model Code and present their findings to the next meeting of the Standards Committee.

Methodology

4. The Working Group met on 2 and 22 March 2022 and comprised the following membership:

Gordon Ball
Cllr Allison Bucknell
Joanne Cetti
Cllr Ruth Hopkinson (Chair)
Cllr Mike Sankey

5. The Working Group considered and compared the current Wiltshire Council (WC) and LGA Model codes of conduct, along with their accompanying guidance.

6. It was noted that the LGA developed its Model Councillor Code of Conduct in association with key partners and after consultation with the sector, as part of its work on supporting local government to aspire to high standards of leadership and performance. The LGA Model Code is intended as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it remains fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA has also produced an adaptable Councillor Code of Conduct training resource for council officers to use to deliver training in their own authority and is due to launch Code of Conduct e-learning in April 2022.

Conclusions

7. Following a detailed comparison of the two codes, the Working Group propose the adoption of an **amended** LGA Model Code of Conduct, attached at **Appendix A**.
8. The proposed Code is different from the original LGA Model Code in the following respects:
- It is more succinct, with much of the explanatory detailed contained within the Code's accompanying guidance.
 - It **retains** two requirements that are included in the current WC Code but **not** in the LGA Model Code (for clarity, these are in **red**). These sections relate to not placing oneself under financial or other obligation to other parties, and decision-making.
 - The proposed code also retains some sections of the current WC Code's Guidance, which were not included in the LGA Code (these are also in **red**).
9. The Working Group concluded that the amended LGA code proposed offers the following advantages over the current WC Code:

Benefits of proposed LGA Model Code over current WC Code	Impact
<p>Sets out expected behaviours in greater detail, including the following additional sections:</p> <ul style="list-style-type: none"> • Respect • Bullying and harassment • Impartiality • Disclosure and use of information • Disrepute • Abiding by the Code of Conduct • Gifts and hospitality 	<p>Provides more clarity for councillors and the public on what is/isn't considered acceptable conduct</p> <p>Provides more clarity for those assessing alleged breaches of the Code</p> <p>By being more prescriptive, demonstrates the council's full commitment to standards in public life</p>

Benefits of proposed LGA Model Code over current WC Code	Impact
	Although some of the bulleted sections are mentioned in the current WC Code's guidance, guidance is not enforceable
Uses the phrasing "I will..." rather than "I must..."	Encourages greater personal ownership of the Code, as opposed to a code that is imposed by others
<p>The Guidance states that the Code applies to all forms of communication and interaction, including:</p> <ul style="list-style-type: none"> • at face-to-face meetings • at online or telephone meetings • in written communication • in verbal communication • in non-verbal communication • in electronic and social media communication, posts, statements and comments. 	Provides greater clarity on when the Code may apply, particularly applicable in the context of the number of complaints now received about conduct on social media
<p>Regarding Registers of Interest:</p> <ul style="list-style-type: none"> • defines 'sensitive' interests • states that you must leave the room in some circumstances • includes guidance re interests specifically for Cabinet members 	Provides greater clarity on handling interests
Regarding Gifts and Hospitality, requires that gifts not accepted must also be declared	Provides greater transparency regarding Gifts and Hospitality

Proposal

10. To recommend the Code of Conduct provided at **Appendix A** for adoption by Full Council.
11. To recommend that, if adopted by the council, the proposed Code be promoted as part of a countywide campaign to raise awareness and understanding of councillor conduct matters amongst all local councils.

Cllr Ruth Hopkinson, Chair of the LGA Model Code of Conduct Working Group

Report author: Henry Powell, Democracy and Complaints Manager,
complaints@wiltshire.gov.uk

Appendices

Appendix A Proposed Code of Conduct for Wiltshire Council