

## Wiltshire Council

### Standards Committee

12 January 2022

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## Code of Conduct Review

### Background

1. In accordance with the Localism Act 2011 all councils are required to have a local Member Code of Conduct. Although there is no national Code, bodies such as the LGA have produced model Codes for adoption by councils.
2. On 30 January 2019 the Committee on Standards in Public Life published a report on Local Government Ethical Standards, following a consultation in 2018. This included many recommendations which would require legislative changes. The government has not yet responded to the Committee's report.
3. The first recommendation of the 30 January 2019 report was that the LGA should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. This was approved following a consultation in December 2020.
4. The Standards Committee received a report on the publication of the LGA Model Code at its meeting on 4 February 2021.
5. Due to the local elections taking place in May 2021 the Committee resolved to refer the Model Code to the Constitution Focus Group to review and make comments and recommendations as appropriate.

### Main Considerations

6. The Model Code was considerably more detailed than the previous version adopted by the council, with sections on application of the Code, respect, examples of specific behaviours, further detail on use of resources and confidentiality, registration of interests and other changes.
7. The Focus Group met on 27 October 2021 to consider the Draft Code, which is attached in Full at **Appendix A**. An extract of the notes from the meeting of the Focus Group are included at **Appendix B**.
8. In summary, the Focus Group did not recommend adopting the Draft Code. Some Members considered the current light touch Code to be appropriate and operating well within the new procedures approved by the Committee and Council for assessment and determination of complaints. The impact on towns and parishes, many of whom had adopted the Wiltshire Code, was also considered.
9. Others had concerns regarding the effectiveness of the current standards regime but considered that this was primarily a result of a lack of effective sanctioning, rather

than a result of the detail of the Codes themselves. Any ability to enforce sanctions for breaches of a Code would require a legislative change. This was a recommendation of the Committee on Standards in Public Life, but to date the government had not responded to the proposal.

10. The Focus Group did recommend one minor alteration. The existing Code of Conduct for Wiltshire Council includes as an appendix the council's 'Behaviour's Framework' as a matter Members should 'have regard to'. The Behaviour's Framework was a document focused on expected staff behaviour. At its meeting on 3 June 2020 the Staffing Policy agreed the replacement of the framework with an 'EPIC values' statement, removing all references to behaviour. The Focus Group therefore agreed that the reference should be updated accordingly.
11. As this is a minor change to correct an error within the Constitution, as the referenced document is inaccurate, it is considered that the change could be made by the Monitoring Officer under Article 15.3.2 of the Constitution.
12. Alternatively, the Standards Committee may suggest adoption of the Model Code, or amendment of the existing Code, and recommend that course of action to Full Council.

### **Proposal**

13. The Standards Committee is asked to consider the recommendation of the Constitution Focus Group for the Monitoring Officer to amend the Code of Conduct as detailed under Paragraph 10.

### **Perry Holmes, Director of Legal and Governance (and Monitoring Officer)**

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30 December 2021

### **Appendices**

Appendix A – Approved LGA Model Code of Conduct

Appendix B – Notes of the Constitution Focus Group Meeting 27 October 2021

### **Background Papers**

[LGA Model Code of Conduct Consultation Analysis](#)

[LLG Explanatory Note on the Model Code](#)

[Standards Meeting 4 February 2021](#)

[Wiltshire Council Code of Conduct](#)