



REPORT of MONITORING OFFICER

to
JOINT STANDARDS COMMITTEE
8 FEBRUARY 2022

ADOPTION OF NEW CODE OF CONDUCT FOR MEMBERS

1. PURPOSE OF THE REPORT

- 1.1 To present to the Committee the new Model Code of Conduct for Members and the accompanying Guidance with a view to making a recommendation to Council

2. RECOMMENDATION

To the Council:

That it adopts the Model Code of Conduct at **APPENDIX 1**, (version of May 2021) to take effect by 1 November 2022 unless brought into effect prior by the Monitoring Officer depending on when Essex County Council bring into effect the New Code of Conduct.

3. SUMMARY OF KEY ISSUES

- 3.1 The Council has a Code of Conduct that it adopted in its revised form in April 2016.
- 3.2 In January 2019, the Committee on Standards in Public Life published a report which recommended creating an updated model code of conduct, by the Local Government Association (LGA) in consultation with representative bodies of councillors and officers of all tiers of local government. In June 2020 the (LGA conducted a consultation to gather views on its draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information team via an online questionnaire and by email. Over 1600 written responses to the consultation were received by the LGA. In addition, workshops of Members and Monitoring Officers took place to discuss the approach and content of the revised Code. The Model Code of Conduct for Councillors was approved by the LGA on 3 December 2020 and made available to all Local Authorities shortly thereafter. Some Councils, including all Essex Councils, were of the view that the Model Code could be clearer and as result revisions were made in May 2021 by the LGA. The Monitoring Officers within Essex are now generally satisfied and believe that the new Code of Conduct builds on the conduct required in the previous Code back in 2012.
- 3.3 The purpose of the Model Code of Conduct is to assist Councillors in modelling the behaviour that is expected of them, to provide and to set out the type of conduct that could lead to action being taken against them. It also aims to protect the public, Councillors, Local Authority Officers and the reputation of Local Government. It sets out general principles of conduct expected of all Councillors and the specific obligations in relation to standards of conduct. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and Local Government. The Model Code of Conduct covers the following areas:

- Respect;
- Bullying, harassment and discrimination;
- Impartiality of officers of the Council;
- Confidentiality and access to information;
- Disrepute;
- Use of position;
- Use of Local Authority resources and facilities;
- Complying with the Code of Conduct;
- Protecting your reputation and the reputation of the Local ;
- Interests;
- Gifts and hospitality.

3.4 The new Model Code now contains provisions covering the following matters;

- The Code has been written in the first person, to make it more personal to individual Councillors;
- There are provisions within the Code on the use of social media, including confidentiality;
- Accompanying guidance with examples has been produced (see **APPENDIX 2**);
- In relation to declaration of interests there are three categories, namely, Disclosable Pecuniary Interests; other Registrable Interests and Non- Registrable Interests. This strengthens those areas of declaration that have been seen to be too weak. Notably, the new Code is explicit about declaration of interests that not only affect spouses, civil partners or co-habitees but also relatives or close associates;
- The duty to comply with any sanction imposed.

3.5 The LGA plan to 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.

4. CONCLUSION

4.1 Some Councils within Essex are now in the process of adopting the new Code This will help County Councillors who are dual hatted to operate to one Code that is identical.

4.2 The new Model Code is an improvement on the old one especially as there is now detailed guidance which will aid all members and monitoring officers to interpret the Code consistently.

5. IMPACT ON STRATEGIC THEMES

5.1 None

6. IMPLICATIONS

- (i) **Impact on Customers** – Develops the standards expected of members
- (ii) **Impact on Equalities** – Emphasises the importance of member responsibility to ensure those with protected characteristics are protected from discrimination
- (iii) **Impact on Risk** – None
- (iv) **Impact on Resources (financial)** – None
- (v) **Impact on Resources (human)** – None
- (vi) **Impact on the Environment** – None
- (vii) **Impact on Strengthening Communities** - None

Background Papers: None

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