

Report to: Audit & Governance Committee Meeting – 11  
December 2024

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<b>Report Summary</b>	
<b>Report Title</b>	Conduct and Public Service
<b>Purpose of Report</b>	To consider implementation of the Full Council resolution ‘Conduct and Public Service’ made on 15 October 2024
<b>Recommendations</b>	<p>That the following are considered by Members of Audit &amp; Governance Committee at an informal workshop, and that proposals are presented at the earliest opportunity to Committee for formal consideration: -</p> <ol style="list-style-type: none"> <li>1. Whether to align the Council’s Code of Conduct exactly with the Local Government Association Model Code</li> <li>2. Whether the Council can adopt any recommendations or good practice from the Local Government Association’s Civility in Public Life report and Debate not Hate Campaign</li> <li>3. Review and Update the Council’s Social Media Protocol for Members, taking into account Local Government Association guidance</li> </ol>
<b>Reason for Recommendation</b>	To identify practical measures the Council could adopt to address poor conduct my Members where it arises.

## **1.0 Background**

1.1 On 15 October 2024 the Full Council passed a resolution requesting that the Audit & Governance Committee review the Code of Conduct and the LGA’s Civility in Public Life programme, with a view to identifying practical measures the Council could adopt to address poor conduct by members where it arises. This included a request for clear and robust guidance around member behaviour on social media, and to consider if necessary, the Council making representations to Government and the Local

Government Association for proposed changes and stiffer sanctions. The complete motion is included at **Appendix 1** of this report.

- 1.2 Since this resolution was passed, Government has announced (24 October 2024) that it will consult on the local government standards regime so that councils have the powers they need to suspend councillors who break their codes of conduct. The Council's Monitoring Officer has already attended a Local Government Association focus group to consider how changes to the regime might work in practice. Further updates will be brought to Committee when available; timescales are not yet known.

## **2.0 Proposal/Options Considered**

- 2.1 The Council adopted the Local Government Association's Model Code of Conduct in July 2021, subject to minor local variation. It is proposed to undertake a review, and consider whether it is now appropriate to align the Council's Code of Conduct exactly with the Model Code. The additions and/or deletions that would be required are set out in **Appendix 2** to this report.
- 2.2 The Local Government Association has published extensive resources in relation to its Civility in Public Life report and Debate not Hate Campaign. It is proposed to undertake a review of these materials and consider whether the Council can adopt any recommendations or good practice.
- 2.3 The Council's Constitution includes a Social Media Protocol for Members. This has not been reviewed and updated for some time. It is proposed to do this, taking into account the latest Local Government Association guidance.
- 2.4 The proposal is for all Members of Committee to be invited to an informal workshop to consider the Conduct and Public Service resolution, before proposals are presented formally to Committee. The workshop could also consider if any further amendments or additions can be made to the Arrangements for dealing with Code of Conduct Complaints regarding Councillors, which were updated and approved by this Committee on 25 September 2024.

## **3.0 Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Local Government Association Civility in Public Life - <https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-resources-councillors>

Local Government Association Debate not Hate Campaign -  
<https://www.local.gov.uk/about/campaigns/debate-not-hate>

Local Government Association Social media guidance for Councillors -  
<https://www.local.gov.uk/our-support/communications-and-community-engagement/social-media-guidance-councillors>

The Council's Constitution is published on its website - <https://www.newark-sherwooddc.gov.uk/constitution/> (Code of Conduct for Members page F1, Social Media Protocol for Members page F23)

Full Council motion 15 October 2024 – item 11 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=139&MId=1026>

Audit and Governance Committee report 25 September 2024 – item 9 -  
<https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=298&MId=986>

Full Council report 13 July 2021 – item 24 - <https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=139&MId=564>

## **Appendix 1**

### **Conduct and Public Service Motion**

In accordance with the Rule No. 3.4.3, Councillor R Cozens will move and Councillor P Peacock, will second a motion to the following effect:

“Earlier this year the Local Government Information Unit published findings showing that less than half of people in England trusted their local councillors to act in their best interests. Trust in national Government is even lower. Only 25% of people reported that they trusted national Government to act in their interests.

The purpose of this motion is to encourage us to take a good hard look at ourselves and how we are perceived by others.

This matters for all sorts of reasons. We are collectively the employer to over 700 people, the vast majority live and vote in our District. There is a requirement to promote and maintain high standards of behaviour and conduct throughout the entire Council. This is as well as upholding the Members’ Code of Conduct.

In our roles as Councillors we are closely observed, here and online. People expect us to set a good example and be role models for the Council’s values. The public also observe us, perhaps only a small selection here, but plenty online and in the newspaper. When they observe poor behaviour, it reflects badly on us and on public service more generally. It can also have a detrimental effect on the mental health and wellbeing of members, employees and relatives.

There is no place for the increasing toxicity and intimidation that prevails in public debate, particularly online and in social media. It is a real deterrent for the next generation of councillors and creates a risk for the future of representative democracy.

It is the case that the vast majority of councillors work very hard, for little reward and recognition, with the utmost dignity, integrity and compassion.

My proposal therefore is:

That Full Council requests the Audit & Governance Committee to review the Code of Conduct and the LGA’s Civility in Public Life programme, with a view to identifying practical measures the Council could adopt to address poor conduct by members where it arises. This includes a request for clear and robust guidance around member behaviour on social media. If necessary, the Council shall make representations to Government and the Local Government Association for proposed changes and stiffer sanctions.”

## Appendix 2

Below is a comparison of the main differences between the Council's adopted Code of Conduct and the LGA's Model Code of Conduct. Additional wording found in the Model Code can be found in red and there is the strikethrough of the additional wording in the Council's Code

### Application of the Code of Conduct

5.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

5.2 This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- ✓ you misuse your position as a councillor
- ✓ Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- ✓ 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.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

## 7. General Conduct

[...]

### 2. Bullying, Harassment and Discrimination

As a councillor you should:

- 2.1 not bully any person.
- 2.2 not harass any person.
- 2.3 promote equalities and do not discriminate unlawfully against any person.

### Non participation in case of disclosable pecuniary interest

[...]

- [5.] Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests (*Personal Interests*)

5. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business as soon as the interest becomes apparent. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which **affects** :
- your own financial interest or well-being;
  - a financial interest or well-being of a friend, relative, close associate; or
  - a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2 in those you need to disclose under Disclosable Pecuniary Interests as set out in Table 1
- you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.
8. Where a matter (referred to in paragraph [7] above) **affects you** the financial interest or well-being:
- to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;

- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

[9.] Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. <del>{Any unpaid directorship.}</del>
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.  This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council  (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

<b>Land and Property</b>	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.</p>
<b>Corporate Tenancies</b>	<p>Any tenancy where (to the councillor's knowledge):</p> <ul style="list-style-type: none"> <li>(a) the landlord is the council; and</li> <li>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</li> </ul>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where:</p> <ul style="list-style-type: none"> <li>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li> </ul> </li> </ul>

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.



**Table 2: Other Registerable Interest**

**You must register as an Other Registrable Interest:**

- a) any unpaid directorships;
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management.