

## **FURTHER REPORT TO STANDARDS COMMITTEE ON THE LGA CODE OF CONDUCT**

REPORT OF: Solicitor & Head of Regulatory Services  
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Wards Affected: All  
Key Decision No  
Report to: Standards Committee  
Monday 22<sup>nd</sup> November 2021

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### **Purpose of Report**

1. To consider the recommended Code of Conduct by the Local Government Association (LGA) for Councils at all levels to adopt.
2. The Committee considered this in January 2021 and wondered whether another clause relating to Members misusing Social Media should be included.
3. Since then, the proposed Code of Conduct has been updated, the County Council have updated their existing Code of Conduct and comprehensive guidance has been issued to sit with the LGA code.

### **Recommendations**

4. **That the Standards Committee advise Council at Mid Sussex and the Town and Parish Councils in the Mid Sussex District area to adopt the LGA Model Code of Conduct at Appendix 1.**

### **Background**

5. The Committee on Standards in Public Life reported in January 2019. They recommended a review of the existing members Code of conduct in the light of legal changes they recommended to the standards regime. The legislation has not been forthcoming to date but the LGA were charged with reviewing the Code of Conduct in the expectation most councils would adopt it so that the same Code applied across England at all levels of local government.
6. At your meeting on the 18<sup>th</sup> January 2021, the LGA Code of Conduct was considered. It was felt by some Members it did not say enough about the misuse of Social Media. At page 3 of the Code of Conduct, it indicates that it applies to face to face meetings, to online or telephone meetings, in written communications, in verbal communications, in non-verbal communications and in electronic and Social Media communication posts, statements and comments. Social Media is therefore included in this recommended Code of Conduct
7. Chichester District Council, Worthing Borough Council ,Adur District Council and Horsham District Council are minded to adopt the LGA Code of Conduct unamended save as to grammar. The updated version of this Code of Conduct is found at Appendix 1 and the published guidance to this Code of Conduct is at Appendix 3.

8. The County Council have adopted a revised Code of Conduct to take account of developments in the past 5 years which is at Appendix 2. This would need amendment to apply to Mid Sussex and is an update of the existing Code of Conduct. Social media is not specifically mentioned but as we know the Code can be used to deal with social media complaints within the existing legal framework which limits the application to Council business and the activities of Members when acting as councillors.
9. The addition to the LGA Code that was put forward at the meeting on the 18<sup>th</sup> January 2021 was as follows:-

“6.2 I undertake not to abuse or use any Social Media either private Social Media or Local Authority Social Media. I undertake to be honest and truthful when using all Social Media, not to mispresent known facts and figures, and not to abuse or bully addressees. Social Media is defined as any electronically delivered messaging or communication system.”
10. While it is unlikely that a Member would be able to persuade a Sub-Committee that the Social Media was put out in a private capacity, if this clause did apply to private Social Media then it would go beyond what is legal for a Code of Conduct under the Localism Act 2011. The extent of the application of the Code of Conduct may be changed by future legislation, but, at the moment, the 2011 Act applies only to Council business and when a councillor is acting as such. The amendment would be susceptible to legal challenge as going beyond the scope of the provisions in the Localism Act 2011.
11. There are advantages in going with the LGA Code of Conduct so that we are able to directly consider any case results from other Councils and we have the guidance at Appendix 3 . The LGA would also consider beneficial updates to the Code of Conduct in the light of future legislation or learning from case work across the country.
12. The West Sussex County Council updated Code of Conduct at Appendix 2 is an alternative and has the advantage of the same Code of Conduct being advocated at County, District and Parish level in Mid Sussex and I understand Crawley Borough Council are minded to go down that route. We would however lose out on the learning across the Country the LGA code provides.

### **Financial Implications**

13. If the District Council did get in a dispute about whether the Code of Conduct applied, it would be a High Court matter and a significant cost to the District Council.

### **Risk Management Implications**

14. If we amend the LGA Code of Conduct with an additional clause we do not have the backing of the LGA who have been assisted in drawing up the Code of Conduct by many experts.

### **Equality and customer service implications**

15. There are no additional implications by having a new Code of Conduct. Training on the new Code will need to be arranged for District and in Parish Councils where it is adopted.