

STANDARDS

DATE OF MEETING: 15 SEPTEMBER 2021

TITLE OF REPORT: UPDATED HART MEMBERS' CODE OF CONDUCT

Report of: Monitoring Officer

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to recommend updates to the Hart Members Code of Conduct and, to endorse the use of recently published LGA guidance that is aimed to help understanding and consistency of approach towards the Code.

2 OFFICER RECOMMENDATION

It be recommended to Council that it

- i) ADOPTS the draft revised Hart Members Code of Conduct (attached as Appendix 2); and
- ii) ENDORSES the use of recently published LGA guidance that is aimed to help understanding and consistency of approach towards the Code.

3 BACKGROUND

- 3.1 In November 2020 the Council adopted an updated Members' Code of Conduct (the Hart Code). It was recognised however, that the Hart Code would be revisited to accommodate appropriate elements of any Model Code of Conduct subsequently published by the Local Government Association (LGA).
- 3.2 The LGA published a revised [Model Code of Conduct](#)¹ (the Model Code) in January 2021 and updated it again in May 2021. More recently the LGA has published supporting [guidance](#)² (the guidance) aimed at aiding understanding and consistency of approach towards the Code.

4 MAIN ISSUES

- 4.1 The current Hart Code and the recently published Model Code are broadly aligned – they are drawn from the same source. There is, therefore, no necessity to carry out a full review of the Hart Code other than picking up from the Model Code some of the more useful wording/clarification changes.
- 4.2 However, there is one important addition in the Model Code. It has introduced the principle of Members' not bringing their role or the local authority into disrepute. The relevant Model Code extract including the associated guidance is attached as Appendix 1.

¹ <https://www.local.gov.uk/sites/default/files/documents/Local Government Association Model Councillor Code of Conduct 2020 WEB.pdf>

² <https://local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

- 4.3 This provision attracted significant support on the LGA’s consultation on the draft Model Code with the LGA commenting that the concept of ‘disrepute’ has been an area of keen discussion. It is recommended therefore, that the Hart Code is updated to include the Model Code’s approach to ‘disrepute’. It is also recommended that the LGA guidance on ‘disrepute’ is included in the advice Note attached to the adjusted Hart Code.
- 4.4 It is, however, important to recognise that this provision is solely about a councillor’s behaviour and the manner in which they act. It does not seek to preclude a Councillor from raising legitimate concerns about decisions, procedures, or processes of the Council. It is important for a councillor to be able to raise concerns about decisions, etc, in order to hold the Council to account.

5 LEGAL ISSUES

- 5.1 The proposed adjustment to the Hart Code raises no Legal or other corporate/financial issues

6 EQUALITIES

- 6.1 The proposed adjustment to the Hart Code raises no equalities issues.

7 ACTION

- 7.1 Subject to Committee’s comments the recommendations of this report will be forwarded to September’s Council for agreement.

Appendices

1. Extract from [Local Government Association Model Councillor Code of Conduct 2020](#) – bring your role or the authority into disrepute.
2. Draft Hart Members’ Code of Conduct 2021

Contact Details: daryl.phillips@hart.gov.uk

Background papers:

Hart Members’ Code of Conduct 2020

[Local Government Association Model Councillor Code of Conduct 2020](#)

[Guidance on Local Government Association Model Councillor Code of Conduct](#)