

Report title	Provisions in Member Code of Conduct relating to Member interaction with Press
Report author	Mario Leo
Department	Law and Governance
Exempt?	No
Exemption type	Not Applicable
Reasons for exemption	Not Applicable

<p>Purpose of Report</p> <p>For information</p>

<p>Synopsis of report:</p> <p>To provide information to this Committee on what provisions exist in the Member Code of Conduct relating to Member interaction with the Press following a request from the Constitution Member Working Party for such a report to be provided to this Committee.</p>
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1. Context and background of report

- 1.1 As Members will be aware the Council has a number of Member Working Parties. One such Working Party is the Constitution Member Working Party. At its meeting on 12th February 2024 the Working Party considered a revised Publicity and Media Handling Protocol.
- 1.2 During the consideration of the item, it was noted that Members are allowed to speak to the press freely as part of their democratically elected role. It was not the place of the Constitution MWP or the Publicity and Media Handling Protocol to restrict or regulate Members' interactions with the press.
- 1.3 The Constitution Member Working Party requested that the Member Code of Conduct be reviewed to give guidance on Member interactions with the press and a report be brought to this Committee on the matter.

2. Report and, where applicable, options considered and recommended

- 2.1 By way of background information, a code of standards for councillors, applying to England, Wales and had existed since 1975. The third report of the Committee on Standards in Public Life, published in 1997, investigated the operation of that code in some detail. It recommended that local authorities should adopt their own codes of conduct, but within a national framework, and therefore recommended the production of a model code of conduct. It recommended that local authorities should maintain

public registers of interests, but that failing to declare a pecuniary interest should no longer be a criminal offence. Local authorities should be required to establish standards committees, which should have the power to suspend councillors for up to three months.

- 2.2 Between 2000 and 2012, Standards for England (formerly the Standards Board) was responsible for drawing up an England-wide code of conduct for councillors, registering pecuniary interests, and dealing with allegations of breaches in the code of conduct. This included imposing sanctions on councillors, which could include suspending them from office. This regime was adjusted by the Local Government and Public Involvement in Health Act 2007, which introduced the option of resolving complaints locally.
- 2.3 The Localism Act 2011 abolished the Local Government Standards Board, which included the following measures:
 - Provision for the introduction of local codes of conduct and local responsibility for investigating alleged breaches of those codes. Local authorities were to establish a code, which was to be based on the seven 'Nolan principles' of public life (selflessness; integrity; objectivity; accountability; openness; honesty; leadership)⁵ and to specify sanctions for breaking it;
 - Requirements for the registration and disclosure of pecuniary and other interests;
 - Removal of the power to suspend councillors for breaches of a code of conduct;
 - The creation of a criminal offence of failing to comply with the statutory requirements for disclosure of pecuniary interests.
- 2.4 The Committee on Standards in Public Life (CSPL) undertook an investigation into local government ethical standards, which reported in January 2019. The report made a series of recommendations for changes to the English standards regime. Amongst these were that it recommended that the Local Government Association (LGA) should draft a new model code of local government conduct. This should cover matters such as social media use and bullying and harassment, which the report claimed are not adequately addressed by some authorities' codes of conduct.
- 2.5 Following the CSPL's recommendation, the LGA published a draft model code of conduct for consultation in June 2020, and finalised it in December 2020. Runnymede has adopted a Member Code of Conduct which follows the model code of conduct published by the LGA.
- 2.6 The Runnymede Member Code of Conduct sets out the standards of behaviour which are expected of elected Members e.g. treating people with respect, not bullying or harassing people, being impartial, not taking advantage of their position, not disclosing confidential information and not bring their authority or their role into disrepute and not to misuse Council resources. In addition to the specific obligations there is a series of general obligations to act with integrity and honesty, to act lawfully and lead by example.
- 2.7 Whilst discharging their role elected Members will have cause to interact with the press. There will be occasions when events occur which will mean that elected Members will be approached by the press and invited to make a comment e.g., a decision may be made by the Council which might be perceived as being

controversial. It is not the role of the Member Code of Conduct to contain express provisions outlining how elected Members should act when interacting with the press, rather elected Members should abide by the provisions contained within the Member Code of Conduct when interacting.

- 2.8 Clearly if when interacting with the press an elected Member was to breach the Member Code of Conduct then action could be taken against. Thus, the approach which was adopted by the LGA when drafting the model code was to frame it by setting out a series of principles which apply whenever an elected Member is acting in that capacity or giving the impression of acting in such a capacity.
- 2.9 To seek to introduce provisions into the Runnymede Member Code of Conduct which try to create a set of rules specifically related to when an elected Member is interacting with the press would cause confusion because they would merely be repeating the existing provisions. It is hoped that Members appreciate that the provisions of the Member Code of Conduct apply to them in such situations, in the same way that it applies to them in their social media interactions. Officers can either send a reminder to Members or pick the matter up when refresher training on the Member Code of Conduct is provided.

3. Policy framework implications

- 3.1 None identified.

4. Resource implications/Value for Money

- 4.1 None identified.

5. Legal implications

- 5.1 Legal implications have been set out in the body of the report.

6. Equality implications

- 6.1 There are none as the matters dealt with in this report do not propose to introduce a new policy or review any existing policy but merely provides information on an existing matter. The Runnymede Member Code of Conduct applies to all elected Members.

7. Environmental/Sustainability/Biodiversity implications

- 7.1 There are none associated with the matters dealt with in this report.

8. Risk Implications

- 8.1 There are none associated with the matters dealt with in this report. Clearly a failure on the part of elected members to comply with the Runnymede Member Code of Conduct carries risks but those are addressed by training provided to Members and the existence of a mechanism to regulate conduct.

9. Other implications

- 9.1 There are none.

10. Timetable for Implementation

10.1 No measures which require implementation as a result of the contents of this report are being proposed.

11. Conclusions

11.1 There exists at the present time a regime which sets standards for the type of behaviour expected by elected Members. Those standards will apply in a variety of setting e.g., when being present in Council meetings, when being in face-to-face meetings with residents, when using social media and, most importantly for the purposes of this report, when interacting with the press. There are no provisions which Officers could identify which could be added to the existing Member Code of Conduct which would add to the provisions which already exist. Clearly it is possible to remind Members that the provisions of the Member Code of Conduct apply to them in such situations and such a reminder can form part of any refresher training provided during the course of the next Municipal Year.

12. Background papers

None

13. Appendices

None