

# Public Document Pack

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A meeting of **Standards Committee** will be held in virtual on **Monday 25 January 2021** at **9.30 am**

MEMBERS: Mr R Plowman (Chairman), Mrs S Taylor (Vice-Chairman), Mrs C Apel, Mrs C Purnell, Mrs S Sharp and Mr A Sutton

PARISH REPRESENTATIVES: Mr R E J Cooper, Mr D Ribbens and Mr Jose Galego

INDEPENDENT PERSONS: Mr A J Plytas Mr j tH

## AGENDA

### 1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

There will be announced at this stage any urgent items which, due to special circumstances, will be dealt with as late items under agenda item 8.

### 2 **Approval of Minutes** (Pages 1 - 5)

The Standards Committee will be asked to note the minutes of the previous meeting which took place on Thursday 10 September 2015.

### 3 **Declarations of Interests**

Members are to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which they might have in respect of matters on the agenda for this meeting.

### 4 **Public Question Time**

Questions submitted by members of the public in writing by 12:00 noon on the previous working day namely Wednesday 9 September 2015 (the maximum time allowed is 15 minutes)

### 5 **Model Code of Conduct** (Pages 7 - 26)

The Standards Committee is requested to consider the report and its appendices and make the following recommendation to Full Council:

Recommendation;

That Standards Committee recommend to Full Council adoption of the Local Government Association "Model Councillor Code of Conduct 2020'.

### 6 **Independent Persons Report** (Pages 27 - 29)

The Standards Committee are asked to consider the attached report and make the proposed recommendations;

That Standards Committee :

- 2.1 Thank Mr Newman and Mr. Plytas for their contributions to the work of the Committee as Independent Persons over several years.
- 2.2 Authorise the Monitoring Officer to undertake a process to advertise the role of Independent Persons.
- 2.3 That the Chairman of Standards be authorised to create and chair an interview panel for Independent Persons following the advertising process.
- 2.4 That the Chairman be authorised to recommend such persons as the interview panel considers appropriate to Full Council to the position of Independent Person.

7 **Late Items**

The Standards Committee will consider any late items as follows:

- (a) Items added to the agenda papers and made available for public inspection
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

8 **Exclusion of the Press and Public**

The Committee is asked to consider in respect of the following item(s) whether the public, including the press, should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information. **The reports dealt with under this part of the agenda are attached for members of the Overview and Scrutiny Committee and senior officers only (salmon paper).**

Or

There are no restricted items for consideration.



Minutes of the meeting of the **Standards Committee** held in Committee Room 1 East Pallant House on Thursday 10 September 2015 at 11.30 am

**Members Present:** Mrs P Hardwick (Chairman), Mrs C Apel (Vice-Chairman), Mr M Dunn, Mr G Hicks, Mr P Jarvis, Mrs C Purnell, Mrs J Tassell and Mr D Ribbens

**Members not present:** Ms E Kenney

**In attendance by invitation:** Mr A J Plytas

**Officers present all items:** Ms N Golding (Principal Solicitor and Monitoring Officer) and Mr G Thrussell (Senior Member Services Officer)

## 1 **Chairman's Announcements**

Mrs Hardwick welcomed everyone present, which included Mr L J Macey (one of the Chichester South ward members) who was present as an observer.

Save for Mrs Hardwick and Mrs Tassell, each of the Chichester District Council (CDC) members were new to the Standards Committee (SC). Mr Ribbens, one of the two current parish representatives (Plaistow and Ifold Parish Council), and Mr Plytas, one of CDC's two independent persons, were incumbents in their respective positions.

All CDC members of the SC were present.

Apologies for absence had been received from Ms Kenney, the other current parish representative (Hunston Parish Council), and Mr Newman, the other independent person.

The press was not in attendance at this meeting, which was the SC's first meeting of the 2015-2019 Chichester District Council administration.

The emergency evacuation procedure was explained.

There were no urgent items for consideration under agenda item 7 (Late Items).

Insofar as the subsisting parish representative vacancy was concerned (Mr J Cottam (Fernhurst Parish Council) was no longer a parish councillor), Mrs Hardwick intimated that an attempt would be made at the forthcoming All Parishes Meeting on Wednesday 30 September 2015 to secure nominations for or at least expressions of interest in that position. In recent years it had been difficult to fill vacancies and this meeting would be an ideal opportunity to address the situation. It was felt that all

three co-opted positions should be offered for nominations; Ms Kenney and Mr Ribbens were most welcome to stand for re-appointment.

## 2 **Approval of Minutes**

The SC, unlike its two sub-committees the Assessment Sub-Committee and the Hearing Sub-Committee, had met only once during the 2011-2015 CDC administration. Mrs Tassell was the only one of the current SC members who had also sat on the SC during that period.

Mrs Tassell and Mr Ribbens had not attended the SC's previous meeting on Monday 6 June 2011.

Accordingly none of the current CDC members was present at that meeting but in considering the minutes thereof for approval and signing (in accordance with standing order 4.3 of CDC's *Constitution*) no-one had any reason to doubt the accuracy of those minutes and it was agreed that Mrs Hardwick should sign and date the same without amendment.

### **RESOLVED**

That the minutes of the meeting of the Standards Committee which took place on Monday 6 June 2011 shall be approved without amendment and signed and dated accordingly.

## 3 **Declarations of Interests**

There were no declarations of interests made at this meeting.

## 4 **Public Question Time**

No public questions had been submitted.

## 5 **Terms of Reference of the Standards Committee**

The SC considered its terms of reference as they appeared in Part 3 of CDC's *Constitution* (pages 59 and 60) circulated with the agenda (copy attached to the official minutes).

In view of this being the first meeting of the new CDC administration, the terms of reference had been included for noting. The SC was asked whether in the light of those terms of reference there were any matters not listed on the agenda which it wished to consider at this meeting

There was no presentation or discussion of the terms of reference.

The SC did not request any additional items for consideration at this meeting.

### **RESOLVED**

That the Standards Committee notes its terms of reference as set out in Part 3 of the *Constitution* of Chichester District Council.

## 6 **Review of Complaints Procedure**

The SC considered (a) the agenda report written by the Monitoring Officer and the appendix thereto namely the proposed amendments to CDC's *Arrangements for Dealing with Standards Allegations under the Localism Act 2011* circulated with the agenda and (b) a revised version of the appendix containing further changes resulting from a discussion between Mrs Hardwick and the Monitoring Officer (copies of (a) and (b) attached to the official minutes).

Miss Golding presented the agenda report and the revised version of the proposed amendments appendix.

Miss Golding pointed out that the date in the top right-hand corner of the first page of the revised appendix should be altered to read '10.09.15' instead of '27.08.15'.

Miss Golding first of all summarised the statistics set out in paras 5.1 to 5.3 inclusive.

With respect to the proposed amendments, Miss Golding highlighted the following:

- (1) The addition of a sentence in the penultimate para of section 3 of the *Arrangements* stating that a copy of any response made by the subject member would be sent to the complainant (paras 5.8 and 5.9 of the report refer). The right to see such responses had recently been raised by a complainant after her complaint had been considered by the Assessment Sub-Committee (ASC) although the Monitoring Officer was already mindful of the case for making this reform. This would give the complainant the right of reply prior to the initial assessment.
- (2) The main change was to include a new section 4 dealing with validation. The rationale for this was addressed in paras 5.4 to 5.7 inclusive of the report; the text had been refined as a result of a discussion between Miss Golding and Mrs Hardwick. The aim of the validation section was to avoid the complaints procedure being invoked in respect of the exchange of views, comments and opinions during the conduct of Council-related business eg at a Planning Committee meeting. It was not, however, intended to exclude complaints about how a member eg the chairman of a planning committee was alleged to have treated someone during a meeting. The incorporation of the validation section would avoid the need for the Monitoring Officer in those cases to have to consult an independent person.
- (3) In the newly numbered section 5 (previously 4) – there was the need for consequential renumbering throughout the document as a result of the new validation section - there were some general textual refinements and an additional (fourth) potential reason for the Monitoring Officer deciding that a complaint should not proceed to the ASC stage. As stated in the *Arrangements* the list was not exhaustive.

- (4) In Appendix 3 (Hearings Procedure) to the Arrangements the final sentence of the second para within the 'The Hearing Sub-Committee' (HSC) section was deleted in order to remove the bar on the same independent person being involved at both the ASC and HSC stages. There had been no such bar in the case of the parish representative.

Mrs Hardwick referred to the standards training session that had immediately preceded this meeting. As a result of a suggestion that had been made then, the re-numbered para 9 should be altered as follows:

- (a) In sub-para 9.4 the possible situation of the group leader being the subject member needed to be addressed and
- (b) In sub-para 9.5 the possible situation of the Leader of the Council being the subject member needed to be addressed.

The SC unanimously agreed that:

- (a) In the first line of sub-para 9.4 the word 'leader' between 'group' and "or" should be deleted and
- (b) After the final word of sub-para 9.5 ie 'responsibilities' a comma should be inserted and then the following words supplied: 'or if the subject member is the Leader of the Council, recommend to the Council that the Leader be removed from office in accordance with Article 7 of Part 2 of the Constitution.'

Mr Jarvis suggested that the use of 'she' in the first and second lines of the new section 4 (Validation) should be avoided and be replaced by 'the Monitoring Officer' in each case. The SC unanimously agreed that this change should be made.

Mrs Purnell suggested that in the penultimate para of the re-numbered section 5 of the *Arrangements* the word 'and' after 'police' in the second line should be replaced with 'and/or'. The SC unanimously agreed that this change should be made.

Miss Golding responded to questions on points of details. She confirmed that the number of parish councillor complaints was significant, in the region of 50%. She explained the rationale for qualifying the extent to which complaints relating to the planning process could be entertained as code of conduct complaints. It was specifically not the intention to prohibit complaints which alleged a breach of the general obligations set out in the Code of Conduct (para 2 of Part 2). Alleged misbehaviour amounting to, say, disrespect and/or bullying could be entertained but not complaints about the underlying merits of a Council process or a statement of fact or opinion.

#### **RECOMMENDATION TO THE COUNCIL**

That the Standards Committee recommends to the Council that Chichester District Council's *Arrangements for Dealing with Standards Allegations under the Localism Act 2011* is amended as shown in the revised draft version appended to the agenda

report and with the further amendments agreed above and that the Monitoring Officer is given all delegated powers specified therein.

**7 Late Items**

As recorded in the seventh para of minute 1 and the fourth para of minute 5, there were no late items for consideration at this meeting.

**8 Exclusion of the Press and Public**

There were no restricted items for consideration at this meeting so as to require exclusion of the press and public.

The meeting ended at 12.03 pm

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CHAIRMAN

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Date:

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**Chichester District Council**

**Standards Committee**

**25 January 2021**

**Model Councillor Code of Conduct**

**1. Contacts**

**Report Author:**

Nicholas Bennett, Monitoring Officer

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**2. Recommendation**

**2.1 That Standards Committee recommend to Full Council adoption of the Local Government Association “Model Councillor Code of Conduct 2020”.**

**3. Background**

- 3.1 All Councils are required to have a local Member Code of Conduct and the current Code was adopted by Chichester in 2010.
- 3.2 The Local Government Association (LGA) produced a new Model Member Code of Conduct (New Code) which was put out for consultation between 8 June 2020 – 17 August 2020 and the Monitoring Officer replied to that consultation on behalf of the authority after discussion with the Chairman. In that discussion between the Monitoring Officer and Chairman of Standards Committee, it was agreed that the New Code be brought before Standards Committee once completed.
- 3.3 The LGA considered all consultation responses and recently produced a final draft of the New Code, following review by the LGA’s Executive Advisory Board; that model code is now finalised.
- 3.4 The LGA have produced the New Code, as recommended by the Committee on Standards in Public Life’s report into Local Government Ethical Standards. The LGA consulted stakeholders and examined good practice in local government and other professions. The LGA intends to create additional guidance, working examples and explanatory text in due course to include recommendations on related procedures but also taking into account whether additional sanctions recommended by the Committee on Standards in Public Life are generated by the Government – this requires further legislation.
- 3.5 The LGA have sought to address issues arising through more communication taking place remotely and online between Members and residents, particularly through social media. It has acknowledged there may be more difficult and heated discussions as some seek to express the fear, frustration and heightened emotions they are experiencing particularly at this time of Covid. However, abuse, threatening and intimidatory communications continue to be unacceptable, and the New Code seeks to address this sadly growing issue.

- 3.6 The New Code has been designed to “protect Members’ democratic role, encourage good conduct and safeguard the public’s trust in local government. “ It focuses upon setting high standards and expecting demonstrable good conduct but also looks to ensure that Councillors can themselves undertake their role without being intimidated or bullied. This acknowledgement of the relationship between members and the public is a significant change in approach.
- 3.7 The New Code applies when a Member acts, or claims or gives the impression that they are acting, as a Member. This code now expressly applies to all forms of communication and interaction, including social media. Arguably this change only codifies the general law on this issue, but this is an important confirmation.
- 3.8 The New Code has been developed – as with the previous Code - in line with the seven principles of public life: 1. selflessness; 2. integrity; 3. objectivity; 4. accountability; 5. openness; 6. honesty; 7. leadership.
- 3.9 The New Code sets out the specific obligations of general conduct that should be followed:
- a) Treating other councillors and members of the public with civility.
  - b) Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.
  - c) Not bullying or harassing any person.
  - d) Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.
  - e) Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.
  - f) Not preventing anyone getting information that they are entitled to by law.
  - g) Not bringing my role or council into disrepute.
  - h) Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.
  - i) Not misusing council resources.
  - j) Registering and declaring my interests.
  - k) Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.
  - l) Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
- 3.10 If the New Code is adopted, consequential changes will be required to the Constitution, to ensure that the Constitution refers to the correct Code and to maintain consistency of use of terms and similar issues. Those changes could be carried out under the Monitoring Officer general powers and as with any such consequential changes to the Constitution they will be reported to Corporate Governance Committee by the Monitoring Officer in his annual report on same.

#### 4. Outcomes to be achieved

- 4.1 Firstly the Council will be applying the current national model of best practice as to the Code of Conduct it chooses to apply. This in turn will mean that national guidance and case law can be applied in a straightforward and simple manner.
- 4.2 As a result of this clarity the code can be well understood by the public and Councillors, which in the words of the Model code itself can then work to protect the democratic role, encourage good conduct and safeguard the public trust in local government.

#### 5. Proposal

- 5.1 That the Standards Committee recommends to Full Council that the New Model Member Code of Conduct be adopted.

#### 6. Alternatives that have been considered

- 6.1 The Committee could decide not to adopt the new Model Code, or to adapt the Code. Any difference to the national Model will have impacts upon clarity and comparability to cases of Councils which do adopt the Model. It is likely that the Model will be required when further legislation in this area is created by Parliament.

#### 7. Resource and legal implications

- 7.1 Conduct duties are well established through the Local Government Acts including most recently the Localism Act 2011. Adoption of the new model would comply with the duties to have a Code of Conduct in the Localism Act 2011.

#### 8. Consultation

- 8.1 The Code was the subject of national consultation by the Local Government Association and indeed members were given links to that consultation through the members briefing at the time. This report has been shared with the Independent person and Parishes for their comments.

#### 9. Community impact and corporate risks

- 9.1 The District Code of Conduct is likely to be adopted by Parish Councils to ensure that consistent approaches to Conduct are applied at each tier of government.

#### 10. Other Implications

<b>Are there any implications for the following?</b>		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<b>Crime &amp; Disorder:</b> The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?	X	
<b>Climate Change and Biodiversity:</b> Are there any implications for the		

mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		X
<b>Human Rights and Equality Impact:</b> You should complete an Equality Impact Assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.	X	
<b>Safeguarding and Early Help:</b> The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		X
<b>General Data Protection Regulations (GDPR):</b> Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> <li>• systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals.</li> <li>• large scale processing of special categories of data or personal data relation to criminal convictions or offences.</li> <li>• Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms e.g. based on the sensitivity of the processing activity.</li> <li>• large scale, systematic monitoring of public areas (including by CCTV).</li> </ul> Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.	X	
<b>Other (Please specify):</b> eg health and wellbeing		

## 11. Appendices

### 11.1 Appendix One – 2020 Model Councillor Code of Conduct

## 12. Background Papers

### 12.1 None

## **Local Government Association**

### **Model Councillor Code of Conduct 2020**

#### **Joint statement**

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

## **Introduction**

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will 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. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

## **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

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.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role 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.

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.

## **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

#### **1. *Respect***

##### **As a councillor:**

**1.1 I treat other councillors and members of the public with respect.**

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

## **2. *Bullying, harassment and discrimination***

**As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. *Impartiality of officers of the council***

**As a councillor:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**4. Confidentiality and access to information**

**As a councillor:**

**4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

**4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

### **5.1 I do not bring my role or local authority into disrepute.**

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## **6. Use of position**

**As a councillor:**

### **6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of local authority resources and facilities**

**As a councillor:**

### **7.1 I do not misuse council resources.**

### **7.2 I will, when using the resources of the local or authorising their use by others:**

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. *Complying with the Code of Conduct***

**As a councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

### **9. *Interests***

**As a councillor:**

**9.1 I register and declare my interests.**

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be declared by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and declaring interests. If in doubt, you should always seek advice from your Monitoring Officer.

## **10. Gifts and hospitality**

**As a councillor:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## Appendix B

### Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests). Disclosable Pecuniary Interests means issues relating to money and finances.
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate 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 declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, you must declare the 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', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the 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 declare the nature of the interest.

8. Where a matter arises at a meeting which *affects* –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a friend, relative, close associate; or
  - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

9. Where the matter affects the financial interest or well-being:
  - a. 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 must declare the 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 declare the nature of the interest.

**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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<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

	<p>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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
<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>Licences</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> <p>(a) the landlord is the council; and</p> <p>(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.</p>
<b>Securities</b>	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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\* '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 Interests**

<b>Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;</b>	
Any Body -	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) 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.	

## **Appendix C – the Committee on Standards in Public Life**

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

**Chichester District Council**

**Standards Committee**

**25<sup>th</sup> January 2020**

**Appointment of Independent Persons**

**1. Contacts**

**Report Author**

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**2. Recommendation**

That Standards Committee :

- 2.1 Thank Mr Newman and Mr. Plytas for their contributions to the work of the Committee as Independent Persons over several years.
- 2.2 Authorise the Monitoring Officer to undertake a process to advertise the role of Independent Persons.
- 2.3 That the Chairman of Standards be authorised to create and chair an interview panel for Independent Persons following the advertising process.
- 2.4 That the Chairman be authorised to recommend such persons as the interview panel considers appropriate to Full Council to the position of Independent Person.

**3. Background**

- 3.1 The Council is required to have Independent Person or Persons to carry out various consultative roles for serious code of conduct matters and similar. The Council now has only one Independent Person and to ensure effective oversight the Monitoring Officer recommends the Standards Committee authorise steps to seek one or more new independent persons.

**4. Outcomes to be Achieved**

- 4.1 The recruitment of one or more independent persons to support relevant constitutional and statutory functions.

**5. Proposal**

- 5.1 The Council is required by law to appoint at least one Independent Person whose role is set out in the Code of Conduct, primarily in being consulted by the Monitoring Officer when determining whether formal complaints should be investigated. The Independent Persons are also invited to participate in meetings of the Committee and Sub Committees.
- 5.2 On this Committee's recommendation the Council has previously appointed two Independent Persons. This allows for any occasion when one of them may feel that they have a conflict of interest for example. A more recent change in the law requires the involvement of two independent persons in disciplinary proceedings affecting

certain statutory chief officers. It therefore remains appropriate for the Council to seek to have at least two such persons in place.

5.3 Mr. Richard Newman was appointed to one of the current positions in 2012 and has provided invaluable assistance since that time. He has recently contacted the Council to advise he wishes to step down from his position.

5.4 Mr Plytas remains in post, and has also been incredibly supportive to the work of the Monitoring Officer giving invaluable insight and knowledge to several matters. Officers are taking advice on the maximum period Independent Persons may hold this position and will report further to the Standards Committee on the position as regards Mr Plytas.

5.5 A process to advertise for persons interested in being Independent Persons will need to be followed. That process will include an advert on the Council's website and in "Initiatives" magazine.

## 6. Alternatives Considered

6.1 The Council is required to have Independent Persons.

## 7. Resource and Legal Implications

7.1 There are no significant resource or legal implications beyond those set out in the report.

## 8. Consultation

8.1 Members will carry out an interview process and that panel will make a recommendation to full council. Applications will be received following publicity.

## 9. Community Impact and Corporate Risks

9.1 There are significant risks if the Council does not have Independent Persons as several relevant statutory and Constitutional duties relating to Conduct investigations would be incapable of being performed.

## 10. Other Implications

<b>Are there any implications for the following?</b>		
If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<b>Crime and Disorder</b> The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		No
<b>Climate Change and Biodiversity</b> Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit (ESU).		No
<b>Human Rights and Equality Impact</b> You should complete an Equality Impact Assessment when developing new services, policies		Not relevant

or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		
<b>Safeguarding and Early Help</b> The Council has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? The Council has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on Council services?		No
<b>General Data Protection Regulations (GDPR)</b> Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> <li>• systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals.</li> <li>• large scale processing of special categories of data or personal data relation to criminal convictions or offences.</li> <li>• Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms eg based on the sensitivity of the processing activity.</li> <li>• large scale, systematic monitoring of public areas (including by CCTV).</li> </ul> Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.		No
<b>Health and Wellbeing</b> The Council has made a commitment to ‘help our communities be healthy and active’. You should consider both the positive and negative impacts of your proposal on the health and wellbeing of communities and individuals living and working in the district. Is your proposal likely to impact positively or negatively on certain groups and their ability to make healthy choices, for example low income families, carers, older people/children and young people. Are there implications that impact on areas of the district differently? eg the rural areas or those wards where health inequalities exist. If in doubt ask for advice from the Health and Wellbeing team.		No
<b>Other</b> (please specify)		

## 11. Appendices

11.1 None

## 12. Background Papers

None

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