

Chichester District Council

Standards Committee

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Model Councillor Code of Conduct

1. Contacts

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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

Are there any implications for the following?

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
Crime & Disorder: 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	
Climate Change and Biodiversity: 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
Human Rights and Equality Impact: 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	
Safeguarding and Early Help: 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
General Data Protection Regulations (GDPR): 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"> • systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals. • large scale processing of special categories of data or personal data relation to criminal convictions or offences. • 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. • large scale, systematic monitoring of public areas (including by CCTV). Note - If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.	X	
Other (Please specify): eg health and wellbeing		

11. Appendices

11.1 Appendix One – 2020 Model Councillor Code of Conduct

12. Background Papers

12.1 None