

**Time and Date**

10.00 am on Thursday, 21 January, 2021

Place

This meeting will be held remotely. The meeting can be viewed live by pasting this link into your browser:- <https://youtu.be/uGWrQwzqeHQ>

1. **Apologies**
2. **Declarations of Interest**
3. **Minutes** (Pages 3 - 12)
 - a) To agree the Minutes of the previous meeting held on 3 December, 2020
 - b) Any matters arising
4. **New Code of Conduct for Elected and Co-opted Members** (Pages 13 - 34)
Report of the Director of Law and Governance
5. **Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

Julie Newman, Director of Law and Governance, Council House Coventry

Wednesday, 13 January 2021

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett Tel: 024 7697 2299 Email: suzanne.bennett@coventry.gov.uk

Membership: Councillors A Andrews, P Hetherington, J Mutton, S Walsh (Chair), D Welsh

Independent Persons: S Atkinson, A Barton, R Wills and P Wiseman

Named Substitute Members: Councillors R Bailey and M Mutton

Suzanne Bennett

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Coventry City Council
Minutes of the Meeting of Ethics Committee held at 10.30 am on Thursday, 3
December 2020

Present:

Members: Councillor S Walsh (Chair)
 Councillor A Andrews
 Councillor P Hetherington
 Councillor J Mutton
 Councillor D Welsh

Employees:- S Bennett, Law and Governance
 C Bradford, Law and Governance
 S Chun Lam – Public Health and Wellbeing
 S Harriot, Law and Governance
 J Newman, Director of Law and Governance and
 Monitoring Officer
 M Rose, Law and Governance
 A West, Law and Governance

Independent Persons: S Atkinson, A Barton and R Wills

Public Business

17. Declarations of Interest

There were no declarations of interest.

18. Minutes

The Minutes of the meeting held on 8 October, 2020 were agreed and signed as a true record.

There were no matters arising.

19. Complaints to the Local Government and Social Care Ombudsman 2019/20

The Committee considered a report of the Deputy Chief Executive which set out the number, trends and outcomes of complaints to the Local Government and Social Care Ombudsman (LGSCO) relating to Coventry City Council in 2019/20. It focused on upheld complaints, service areas with a high number of complaints, compliance with the Ombudsman's recommendations, learning from complaints, and how the Council compared to previous years and to other local authorities.

The LGSCO was the final stage for complaints about Councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services. It was a free service that investigated complaints in a fair and independent way and provided a means of redress to individuals for injustice caused by unfair treatment or service failure.

Coventry City Council's complaints policy set out how individual members of the public could complain to the Council as well as how the Council handled compliments, comments and complaints. The Council informs individuals of their rights to contact the LGSCO if they are not happy with a Council decision after they have exhausted the Council's own complaints process.

Every year the LGSCO issues an Annual Letter to the Leader and Chief Executive of every Council summarising the number and trends of complaints dealt with in each Council that year. The latest letter issued July 2019, covers complaints to Coventry City Council between April 2019 and March 2020 (2019/20). Mid-March 2020 saw an abrupt pause to the Ombudsman's casework in response to the exceptional operational challenges local authorities and care providers faced because of the Covid-19 pandemic. The Ombudsman resumed some casework at the end of May and started taking new complaints again at the end of June 2020.

The report sets out the number, trends and outcomes of complaints to the LGSCO relating to Coventry City Council in 2019/20. In particular, it focuses on upheld complaints, service areas with a high number of complaints, compliance with Ombudsman's recommendations, learning from complaints, and how we compare to previous years and other local authorities.

RESOLVED that the Ethics Committee:-

- 1. Notes the Council's performance in relation to complaints to the LGSCO.**
- 2. Notes the Council complaints process and guidance.**

20. Conference and Travel Policy

The Committee considered a report of the Director of Law and Governance which indicated that the Conference and Travel Protocol at Part 4E of the Constitution sets out the procedure for Councillors wishing to attend conferences, seminars or fact-finding visits or inspections. It also deals with foreign travel by both Councillors and employees. The Protocol had not been reviewed for some years.

As part of a wider review of the Constitution, Council on 8 September 2020 resolved that:

- (a) The Conference and Travel Protocol be removed from the Constitution;
- (b) Officers be authorised to produce a policy for the approval of conference and travel costs for members and officers;
- (c) Once drafted, the policy be approved by Ethics Committee;
- (d) A register of travel and conference attendance costing more than £500 and all travel outside of the UK be maintained and published; and
- (e) The register of travel and conference costs be scrutinised by Ethics Committee twice a year.

Attached as an Appendix to the report was a draft revised Conference and Travel Policy for consideration and approval by the Committee. The purpose of the new policy is to ensure that there is clarity and transparency in the process, not to

increase or decrease the cost such activities. Therefore, it is not expected that there will be any financial implications arising from the recommendations of this report.

The draft Policy provides that:

- travel and conference attendance for officers and members requires the approval of the appropriate budget holder;
- the requirement for members to seek Cabinet Member approval for attendance at conference is removed (subject to the approval of the appropriate budget holder)
- any expenditure which is likely to be £500 or more (including subsistence costs) must be entered onto a public register, together with all travel outside the UK; and
- the register will be scrutinised by the Committee twice a year, which is in line with its current practice on scrutiny of gifts and hospitality received by members and officers.

The introduction of a public register and scrutiny by the Committee provides a measure of openness and transparency which is not present in the current Protocol. For example, having a register online will make it easier for members of the public to see the extent of travel and attendance at conferences than at present.

The Committee sought clarification on a number of points, particularly in relation to Cabinet Members being involved in the decision- making process.

In relation to this, it was proposed that the draft Policy be amended to require that approval for attendance by budget holders be undertaken following consultation with the relevant Cabinet Member.

It was also noted that Members of Scrutiny would be able to view the public register and clarified that Councillors may still be required to submit a report to Scrutiny outlining the benefits of attendance at any conference etc where the cost to the City Council, including travel and subsistence costs does not exceed £500.

RESOLVED that, subject to the amendments detailed above in relation to approval by budget holders to be undertaken following consultation with the relevant Cabinet Member and the scrutinising of attendance at any conference where the cost does not exceed £500, the Conference and Travel Policy be approved.

(Note: The revised Policy is attached as an Appendix to these Minutes)

21. **Civility in Public Life**

The Committee considered a report of the Director of Law and Governance which indicated that the Committee had requested that Civility and Intimidation in Public Life remains part of their Work Programme.

The Local Government Association (LGA) has been coordinating a programme of work entitled 'Civility in Public Life' primarily aimed at:

- articulating good standards for anyone engaging in public and political discourse
- understanding the scale and impact of intimidation and abusive behaviour on membership organisations, and develop recommendations for achieving positive debate and public decision-making on a local level
- supporting LGA members and all democratically elected local representatives in addressing intimidation and abuse, so they deliver the best on behalf of their communities

Improving digital citizenship is a key element of the LGA's civility in public life work and is becoming increasingly important as our daily interactions continue to take place online and new technologies of information are constantly used to facilitate communication with citizens, officers and councillors. Online abuse and intimidation of local councillors and supporting officers working with them is a major challenge to local democracy and to the diversity of our local representatives.

The LGA has published a Councillors guide to handling intimidation that provides practical steps that elected members and the Council can take to protect persons in public position.

Before the Covid pandemic a piece of work was being undertaken, sponsored by the Cabinet Member for Policing and Equalities, on the Consultation outcome that looked at challenges for City Council elected Members and how to support participation in public service. More recently this work has been picked up in the review of the offer to elected Members around Member support as a result of a different emerging landscape for elected members to operate in post Covid.

A consultation "Leader of our Communities – Can we improve our service" was sent to all Members. Overall, there were 31 responses received to the survey out of a possible total of 54. Responses from the consultation included experiences of intimidation and what support would help in managing or preventing such situations. These consultation responses have been evaluated and are informing a targeted approach to supporting Members in this area. One part of the proposed response being to raise awareness of the LGA guidance on intimidation and harassment alongside additional local protocol and guidance. Further actions

being considered include a review of the social media policy to include responses to online harassment.

Civility in public life is also supported through adherence to the requirements of the Code of Conduct for Elected and Co-opted Members in treating others with respect. This is enhanced in the new model code of conduct that the LGA is proposing to be adopted at its board meeting in December and which the Committee will be considering.

RESOLVED that the Ethics Committee:-

- 1. Notes the work that has been undertaken by the LGA in promoting civility in public life**
- 2. Supports the work that is taking place locally to adopt civility in public life**
- 3. Requests that this item remains on the Work Programme of the Ethics Committee for continued review.**

22. Code of Conduct Update

The Committee considered a report of the Director of Law and Governance which provided an update on national issues in relation to the ethical behaviour of elected Members and the local position in Coventry with regard to Code of Conduct issues.

The Committee on Standards in Public Life has written to all local councils asking them to complete a questionnaire on progress against the 15 Best Practice Recommendations included in its January 2019 report on standards in local authorities. Attached as the Appendix to the report was the questionnaire completed on behalf of the Council.

The consultation by the Local Government Association (LGA) on its draft Model Code of Conduct ran from 8 June to 17 August 2020. The LGA has indicated that there has been overwhelming support for the draft Code. Some of the main points to come out of the consultation are:

- Whether the Code should be written in the first or third person
- Respect or civility?
- More emphasis on social media and confidentiality
- Threshold for gifts and hospitality
- Examples needed to accompany the guidance
- Obligation to comply with the Equality Act
- Obligation to co-operate with an investigation
- Compulsory training for members
- Sanctions

The revised draft Code was considered at a LGA Councillors Forum on 22 October and a final version will be presented to the LGA Board for approval on 3 December. The final Code will then be published. Subject to the Committee's approval, the Committee's Work Programme has been amended to include an additional meeting in mid-January 2021 to consider a new Code of Conduct based on the LGA Model.

The report also provided details of complaints under the Code of Conduct received by the Monitoring Officer.

RESOLVED that the Ethics Committee:-

- 1. Notes the cases determined under the standards regime nationally;**
- 2. Notes the local position relating to the operation of the Council's Code of Conduct and delegates any actions arising from these to the City Solicitor and Monitoring Officer, in consultation with the Chair of the Ethics Committee: and**
- 3. Agrees to an additional meeting of the Committee being held in mid-January 2021 to consider a new Code of Conduct based on the Model Code of Conduct to be published by the Local Government Association.**

23. Work Programme for Ethics Committee 2020/21

The Committee considered a report of the Director of Law and Governance which set out the previously approved Work Programme for the Committee for the remainder of the Municipal Year 2020/21. The Work Programme again included a separate table showing the actions to be taken in connection with the Committee on Standards in Public Life's Best Practice Recommendations for local authorities contained in its report of January 2019.

RESOLVED that the Committee notes the Work Programme.

24. Any Other Items of Urgent Public Business

There were no other items of urgent business.

(Meeting closed at 11.10am)

POLICY FOR THE APPROVAL OF CONFERENCE ATTENDANCE AND TRAVEL FOR COUNCILLORS AND EMPLOYEES

1. Introduction

- 1.1 The purpose of this Policy is to ensure that there is clarity and transparency in the process for authorising travel by both elected members and employees and for authorising elected members to attend conferences, seminars or fact-finding visits or inspections.
- 1.2 In this Policy “Conferences” includes seminars, working parties, fact-finding visits and inspections. It also includes:
- (a) Conferences in respect of which, historically, there has been “standing” approval for certain Councillors, defined by role, to attend (e.g. certain teacher conferences);
 - (b) All inspections or fact-finding visits outside the City Council boundary;
 - (c) All visits abroad by councillors (including by the Lord Mayor and civic delegations) to countries outside Europe, irrespective of whether a conference or seminar is part of the programme. In considering requests for foreign travel outside Europe by the Lord Mayor, the budget holder will take into account the discretion of the Lord Mayor to undertake foreign trips in accordance with the objectives of the mayoralty.
- 1.3 The Policy also applies to Employees when they wish to accompany a Councillor either in the UK or abroad. Foreign visits by employees without Councillors are dealt with at paragraph 5 below.

2. Attendance at Conferences by Councillors

- 2.1 Any Councillor (including Cabinet Members) or Member of the Strategic Management Board who believes that it would be appropriate to have Councillor representation at a conference must obtain prior authority to do so where the total cost (including conference fees, travel and subsistence) is likely to exceed £500. The Councillor or Member of Strategic Management Board must complete a “Conferences/Seminars Authority for Attendance” form and send it together with details of the Conference to the budget holder responsible for the appropriate service area, with a recommendation as to who should attend. The budget holder will consider the request following consultation with the relevant Cabinet Member.

- 2.2 When a request for authority for attendance at a conference is submitted, the costs involved must also be identified, together with the relevant budget code from which those costs are to be funded.
- 2.3 Where the event includes attendance with other participants as part of a group, the total number of participants must be shown on the form. This applies irrespective of whether the City Council is funding the costs of those other participants.
- 2.4 An approval granted under this Policy can only cover one visit or journey. If further travel is required as part of an on-going project, then a separate application will need to be made for each visit or journey.
- 2.5 Details must be given on the form of anyone, who is not a Councillor or employee, and who is travelling with the Councillor or employee and for whom some or all of the costs of their travel, accommodation or other expenses are being paid by the Councillor or employee or individual concerned.
- 2.6 Copies of the form are available from the Governance Services team.

3. Reporting on Conferences and Visits

- 3.1 The relevant Scrutiny Board or Scrutiny Co-ordination Committee may request that a councillor provides a report on any conference that he or she has attended. Likewise, the Scrutiny Co-ordination Committee may request a report on any visits/conferences attended by the Lord Mayor.

4. Exclusions

This Policy does not apply to:-

- (a) Visits by a Cabinet Member/Cabinet/Scrutiny or City Council Committee, where the visit is part of a meeting for the purposes of inspection and the visit is to an establishment within the City Council boundary.
- (b) Regular (bi-monthly or quarterly) meetings of the board of management or similar of a “professional” institute or body to which the Council belongs (such as the Management Committee of the Local Government Information Unit).

- (c) Meetings (and associated national conferences and exhibitions) of bodies of which the Council is a member e.g. the Local Government Association, unless absence from the City for two or more days is involved.
- (d) Attendance at any conference etc where the cost to the City Council, including travel and subsistence costs does not exceed £500. However, councillors may still be required ~~there is still a requirement~~ to submit a report to Scrutiny outlining the benefits of attendance.
- (e) Visits by the Lord Mayor/Deputy Lord Mayor within Europe.

5. Approval of Travel by Employees

Except where an employee wishes to accompany a Councillor either in the UK or abroad (as stated in paragraph 1.3), attendance at conferences and travel, either in the UK or abroad by employees are not covered by this policy. Approval of such attendances or travel will be in accordance with normal Directorate procedures.

6. Register of Attendances at Conferences and Travel

All instances where Councillors and employees attend conferences or travel in the UK where the cost including subsistence exceeds £500 will be recorded on a register and published on the Council's website. This includes occasions when employees are travelling or attending conferences without being accompanied by a Councillor, as well as when they do. All instances of travel abroad by Councillors or employees, regardless of the cost, must be recorded in the register.

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Ethics Committee
Cabinet Member for Policing and Equalities
Council

21 January 2021
8 March, 2021
16 March 2021

Name of Cabinet Member: N/A Ethics Committee

Director Approving Submission of the report: Director of Law and Governance

Ward(s) affected: None

Title: New Code of Conduct for Elected and Co-opted Members

Is this a key decision?

No - The decision whether to adopt a new Code of Conduct is reserved to Council

Executive Summary:

The Local Government Association (LGA) has published a new Model Code of Conduct for Members which follows on from a consultation held in the Summer of 2020. The LGA has produced the new Model Code of Conduct on the recommendation of the Committee on Standards in Public Life in its report on local authority standards published in January 2019. The Ethics Committee made representations to the LGA on the wording of the proposed Code.

This report asks the Committee to consider the new Model Code of Conduct with a view to the Council adopting the Code, either in whole or with modifications. As any new Code will need to be included in the Council's Constitution, any views of the Committee will be reported to the Constitutional Advisory Panel, the Cabinet Member for Policing and Equalities and full Council when those bodies consider the matter.

Recommendations:

Ethics Committee is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Constitutional Advisory Panel

The Constitutional Advisory Panel is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Cabinet Member for Policing and Equalities

The Cabinet Member for Policing and Equalities is requested to:

- 1) Consider the recommendations from Ethics Committee and the Constitutional Advisory Panel
- 2) Approve the Model Code of Conduct; and
- 3) Recommend that the Council adopt the Model Code of Conduct

Council is requested to:

- 1) Adopt the Model Code of Conduct, either in whole or with modifications with effect from the start of the 2021/22 Municipal Year

List of Appendices included: LGA Model Code of Conduct

Background papers: None

Other useful documents: None

Has it been or will it be considered by Scrutiny? No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

Yes – this report will be considered by:

- Constitution Advisory Panel on 17 February, 2021
- Cabinet Member for Policing and Equalities Date 8 March 2021

Will this report go to Council?

Yes – 16 March 2021

Report title: New Code of Conduct for Elected and Co-opted Members

1. Context

- 1.1** In January 2019, the Committee on Standards in Public Life produced a report into ethical standards in local government. One of the Committee's recommendations was that a new code of conduct for Councillors should be produced which would operate nationally and across all tiers of local government.
- 1.2** The Local Government Association (LGA) produced a draft Model Code of Conduct which was the subject of extensive consultation during the summer of 2020. The Council, through Ethics Committee, contributed to that consultation. The final Model Code of Conduct was published in December 2020.

2. Options considered and recommended proposal

- 2.1** The Model Code of Conduct is attached to this report at the Appendix.
- 2.2** The Council's current Code of Conduct for Elected and Co-opted Members was adopted by the Council in 2012. While there have been some amendments to it, it has remained largely the same since then. The publication of the new Model Code gives a good opportunity to consider moving from its current Code to the new one.
- 2.3** The main points of the Model Code of Conduct are:
 - (a) The Code explicitly applies to Councillors who are claiming to act as a Councillor or who give the impression that they are doing so as well as where a Councillor refers publicly to their role or uses knowledge they could only obtain in their role as a Councillor. The current Code only applies where a Councillor is acting in their official capacity.
 - (b) The Code gives examples of what amounts to treating others with respect but also how to deal with disrespectful behaviour from others. The term "respect" is favoured over "civility".
 - (c) Definitions of bullying and harassment are included and there is an express requirement to promote equalities and to not discriminate unlawfully.
 - (d) Councillors must not bring their role or local authority into disrepute
 - (e) Councillors must agree to undertake any Code of Conduct training provided, co-operate with a Code of Conduct investigation, not intimidate any person involved in any investigation and comply with any sanctions imposed.
 - (f) There is an obligation to register any gifts or hospitality regardless of value which could give rise to real or substantive personal gain
 - (g) Gifts or hospitality of £50 or more in value must be registered as must any that have been refused.
 - (h) In addition to the statutory Disclosable Pecuniary Interests, there is a requirement to register membership of any body exercising functions of a public nature, directed to charitable purposes or one of whose principle purposes includes the influence of public opinion. This only applies to bodies to which the Councillor has been appointed by the Council and mirrors those memberships that were required to be registered under the 2007 national Code of Conduct. Under the current Code of Conduct members are required to declare membership of any body whose rules of membership could be regarded as suggesting a degree of loyalty to that organisation. This is regardless of whether the appointment is made through the Council or a private matter.

2.4 The Model Code includes three Appendices:

- (a) Appendix A: The Seven Principles of Public Life (Nolan Principles)
- (b) Appendix B: The Registration and Declaration of Interests
- (c) Appendix C: The Committee on Standards in Public Life (including the 15 Best Practice recommendations)

2.5 Members are asked to consider the Model Code of Conduct and whether they wish to recommend its adoption by the Council, either as drafted or with modifications. In particular:

- (a) Whether the threshold for the registration of gifts and hospitality should be set at £50 (it is currently £25)
- (b) Whether the Council should extend the obligation to declare membership of outside bodies to include those which currently must be declared (see paragraph 2.3(h) above).
- (c) Whether the Council's Code should include Appendix C, which sets out the Best Practice Recommendations of the Committee on Standards in Public Life.

2.6 Recommendations:

Ethics Committee is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Constitutional Advisory Panel

The Constitutional Advisory Panel is requested to:

- 1) Consider the new Model Code of Conduct and forward any recommendations to the Cabinet Member for Policing and Equalities

The Cabinet Member for Policing and Equalities is requested to:

- 1) Consider the recommendations from Ethics Committee and the Constitutional Advisory Panel
- 2) Approve the Model Code of Conduct; and
- 3) Recommend that the Council adopt the Model Code of Conduct

Council is requested to:

- 1) Adopt the Model Code of Conduct, either in whole or with modifications with effect from the start of the 2021/22 Municipal Year

3. Results of consultation undertaken

3.1 The Model Code of Conduct has been widely consulted on by the LGA in summer 2020.

4. Timetable for implementing this decision

4.1 It is proposed that the new Code of Conduct will take effect at the beginning of the new municipal year in May 2021.

5. Comments from Director of Finance and Director of Law and Governance

5.1 Financial implications

5.2 Legal implications

There are no specific legal implications arising from this report. However, there is an expectation that all local authorities will consider the adoption of the new national Code of Conduct. The adoption of the Code will assist the Council in complying with its obligations under section 27 of the Localism Act 2011.

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

Not applicable

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report. Having an up to date, comprehensive Code of Conduct will help members to understand their responsibility to uphold high ethical standards and in turn to reduce the risk of reputational damage to the Council.

6.3 What is the impact on the organisation?

The new Code of Conduct will apply to all members and co-opted members. The new Code will need to be publicised and members will require guidance/training.

6.4 Equality Impact Assessment (EIA)

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) climate change and the environment

None

6.6 Implications for partner organisations?

None

Report author(s):

Name and job title: Carol Bradford, Corporate Governance Lawyer, Regulatory Team,
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Directorate: Law and Governance

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Enquiries should be directed to the above person

Contributor/approver name	Title	Service Area	Date doc sent out	Date response received or approved
Contributors:				
Suzanne Bennett	Governance Services Officer	Law and Governance	11/01/21	11/01/21
Names of approvers for submission: (officers and members)				
Finance: Graham Clark	Lead Accountant	Finance	11/01/21	11/01/21
Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	11/01/21	13/01/21
Councillor S Walsh	Chair of Ethics Committee		12/01/21	21/01/21

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](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	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.
Contracts	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>
Land and Property	<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>
Licences	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<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>
Securities	<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

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;	
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.