
Ethics Committee

4 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: Revised 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:

At its meeting on 21 January 2021, the Ethics Committee considered the Model Code of Conduct produced by the Local Government Association in December 2020. The Committee authorised officers to produce a revised Code of Conduct for onwards consideration by the Constitutional Advisory Panel, Cabinet Member and Council but asked that the revised version be brought back to this meeting.

A revised Code of Conduct is attached to this report for the Committee's consideration.

Recommendation:

Ethics Committee is requested to consider the new Model Code of Conduct and forward any further recommendations to the Cabinet Member for Policing and Equalities.

List of Appendices included: Revised 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, by the Constitutional Advisory Panel on 17 February; the revised Code will also be considered by the Cabinet Member for Policing and Equalities on 8 March

Will this report go to Council?

Yes – 16 March 2021

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

1. Context

- 1.1** At its meeting on 21 January 2021, the Ethics Committee considered the Model Code of Conduct produced by the LGA in December 2020. It resolved that:
- 1) That the officers be requested to amend the Model Code of Conduct as outlined above and that the amended Model Code be recommended to the Constitutional Advisory Panel for consideration; and
 - 2) That the Model Code of Conduct be further considered by the Ethics Committee at its meeting on 4 March 2021, prior to its adoption by Council on 16 March 2021.
- 1.2** Officer have amended the Model Code to take account of comments made by the Committee.

2. Options considered and recommended proposal

- 2.1** The revised Model Code of Conduct is attached to this report at the Appendix.
- 2.2** The points that the Committee raised at its January meeting were:
- The Committee welcomed the favouring of the term “treating other with respect” rather than “with civility”, together with the definitions provided in the Model Code
 - That the threshold for the registration of gifts and hospitality should be set at £50 in line with the national threshold
 - That the Council should extend the obligation to declare membership of outside bodies to include those which currently must be declared
 - That appropriate training to new and existing Members should be provided following the adoption of the new Code
 - That the Member Complaints Procedure should be strengthened and updated to reflect any new changes to the Code
 - That the Model Code should be amended to be more user friendly and easier to reference, to include using the third person, to remove unnecessary preamble, to be numbered, and to include the Nolan Principles at the forefront of the document, rather than as an Appendix.

These points have been incorporated into the Code.

- 2.3** The revised Model Code was considered by the Constitutional Advisory Panel on 17 February who resolved to recommend the revised Code to the Cabinet Member for Policing and Equalities and to full Council.
- 2.4** The revised Model Code will be considered by the Cabinet Member for Policing and Equalities on 8 March and by full Council on 16 March.

2.5 Recommendation:

Ethics Committee is requested to consider the new Model Code of Conduct and forward any further recommendations to the Cabinet Member for Policing and Equalities.

3. Results of consultation undertaken

- 3.1** The revised Model Code of Conduct has been considered by the Constitutional Advisory Panel.

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

There are no specific financial implications arising from the recommendations within this report.

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

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Legal: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	17.02.21	23.02.21
Councillor Walsh	Chair of Ethics Committee		22.02.21	22.02.21

Code of Conduct for Elected and Co-opted Members

General Principles

1. Introduction

- 1.1 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 councillors can be held accountable and all adopt the behaviours and responsibilities associated with the role. Your conduct as an individual councillor affects the reputation of all councillors. The role of councillor should be one that people aspire to and individuals from a range of backgrounds and circumstances should be putting themselves forward to become councillors.
- 1.2 As councillors, you represent local residents, work to develop better services and deliver local change. The public have high expectations of you and entrust you to represent your local area; taking decisions fairly, openly, and transparently. You 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.
- 1.3 Importantly, you should be able to undertake your role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.
- 1.4 This Code has been designed to protect your democratic role, encourage good conduct and safeguard the public's trust in local government.

2. Definitions

- 2.1 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".
- 2.2 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.

3. Purpose of the Code of Conduct

The Code of Conduct sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards 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. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

4. Application of the Code of Conduct

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 You are also expected to uphold high standards of conduct and show leadership at all times.
- 4.5 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.

5. The Nolan Principles

- 5.1 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. These 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.

6. General principles of councillor conduct

- 6.1 Building on the Nolan Principles, the following general principles have been developed specifically for the role of councillor.
- 6.2 In accordance with the public trust placed in you agree that you will, on all occasions:
- act with integrity and honesty
 - act lawfully
 - treat all persons fairly and with respect; and
 - lead by example and act in a way that secures public confidence in the role of councillor.

6.3 In undertaking your role, you agree to:

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

Standards of Councillor Conduct

7. 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. Guidance is shown in *italics*.

General Conduct

8. Respect

As a councillor you must:

- 8.1 treat other councillors and members of the public with respect.**
- 8.2 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.

9 Bullying, harassment and discrimination

As a councillor you must:

9.1 not bully any person.

9.2 not harass any person.

9.3 promote equalities and 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 during phone calls, in the workplace or at work-related social events. Such behaviour 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.

10 Impartiality of officers of the council

As a councillor, you must 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.

11 Confidentiality and access to information

As a councillor, you must not:

11.1 disclose information:

- a. given to you in confidence by anyone**
- b. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless**

- i. you have received the consent of a person authorised to give it;
- ii. you are 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. you have consulted the Monitoring Officer prior to its release.

11.2 improperly use knowledge gained solely as a result of your role as a councillor for the advancement of yourself, your friends, your family members, your employer or your business interests.

11.3 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.

12 Disrepute

As a councillor, you must not bring your 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 you or your local authority's ability to discharge your or its 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 challenge constructively and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

13 Use of position

As a councillor, you must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself 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.

14 Use of local authority resources and facilities

As a councillor, you must when using the resources of the local authority 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 you 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.

15 Complying with the Code of Conduct

As a councillor, you must:

- 15.1 undertake Code of Conduct training provided by the local authority.**
- 15.2 cooperate with any Code of Conduct investigation and/or determination.**
- 15.3 not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 15.4 comply with any sanction imposed on you following a finding that you 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

16 Interests

As a councillor, you must register and declare your 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.

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

17 Gifts and hospitality

As a councillor, you must:

17.1 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 your 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.

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

17.3 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.

APPENDIX TO CODE

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 interests 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 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 to one of your Disclosable Pecuniary Interests, you must declare the interest. You must 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 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 — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. '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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.

Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and 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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (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 spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* '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

1.	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; and
2.	Any body: <ul style="list-style-type: none"> (a) Exercising functions of a public nature; or (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); or (d) Whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that body. this could arise by reason of a body having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance to or support for that organisation or body of which you are a member or in a position of general control or management.