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# Non confidential Report

Date: 16th February 2021 Agenda Item: 34.21 (1.1)

Report by: Louise Chater PSLCC

Subject: Model Councillor Code of Conduct

FAO: All Parish Council

## Recommendation

**That Earnley Parish Council adopts the Local Government Association “Model Councillor Code of Conduct 2020”.**

## Background

* 1. All Councils are required to have a local Member Code of Conduct and the current Code was adopted on 15th May 2015.
	2. The Local Government Association (LGA) produced a new Model Member Code of Conduct (New Code) which was put out for consultation between 8 June 2020 – 17 August 2020.
	3. The LGA considered all consultation responses and recently produced a final draft of the New Code, following review by the LGA’s Executive Advisory Board; that model code is now finalised.
	4. The LGA have produced the New Code, as recommended by the Committee on Standards in Public Life’s report into Local Government Ethical Standards. The LGA consulted stakeholders and examined good practice in local government and other professions. The LGA intends to create additional guidance, working examples and explanatory text in due course to include recommendations on related procedures but also taking into account whether additional sanctions recommended by the Committee on Standards in Public Life are generated by the Government – this requires further legislation.
	5. The LGA have sought to address issues arising through more communication taking place remotely and online between Members and residents, particularly through social media. It has acknowledged there may be more difficult and heated discussions as some seek to express the fear, frustration and heightened emotions they are experiencing particularly at this time of Covid. However, abuse, threatening and intimidatory communications continue to be unacceptable, and the New Code seeks to address this sadly growing issue.
	6. The New Code has been designed to “protect Members’ democratic role, encourage good conduct and safeguard the public’s trust in local government. “ It focuses upon setting high standards and expecting demonstrable good conduct but also looks to ensure that Councillors can themselves undertake their role without being intimidated or bullied. This acknowledgement of the relationship between members and the public is a significant change in approach.
	7. The New Code applies when a Member acts, or claims or gives the impression that they are acting, as a Member. This code now expressly applies to all forms of communication and interaction, including social media. Arguably this change only codifies the general law on this issue, but this is an important confirmation.
	8. The New Code has been developed – as with the previous Code - in line with the seven principles of public life: 1. selflessness; 2. integrity; 3. objectivity; 4. accountability; 5. openness; 6. honesty; 7. leadership.
	9. The New Code sets out the specific obligations of general conduct that should be followed:

a) Treating other councillors and members of the public with civility.

b) Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.

c) Not bullying or harassing any person.

d) Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.

e) Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.

f) Not preventing anyone getting information that they are entitled to by law.

g) Not bringing my role or council into disrepute.

h) Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

i) Not misusing council resources.

j) Registering and declaring my interests.

k) Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

l) Registering with the monitoring officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

## Outcomes to be achieved

* 1. The adoption of the code will mean that national guidance and case law can be applied in a straightforward and simple manner.
	2. The code can be well understood by the public and Councillors, which in the words of the Model code itself can then work to protect the democratic role, encourage good conduct and safeguard the public trust in local government.
	3. Conduct duties are well established through the Local Government Acts including most recently the Localism Act 2011. Adoption of the new model would comply with the duties to have a Code of Conduct in the Localism Act 2011.

## Alternatives that have been considered

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

## Appendices

5.1 Appendix One – [2020 Model Councillor Code of Conduct](file:///C%3A%5CUsers%5CUser%5CEarnley%20Parish%20Council%5CEarnley%20Parish%20Council%20-%20Documents%5CEarnley%20Parish%20Council%20Policies%5CPeople%5CCode%20of%20Conduct%5CCode%20of%20Conduct%5CThe%20LGA%20Model%20Councillor%20Code%20of%20Conduct%202020.pdf)