



The following paper was submitted by the Clerk to the Parish Council at its meeting of 4<sup>th</sup> May 2022

## **Agenda Item 10a: To consider and adopt the Model Councillor Code of Conduct 2020**

### **Background Information:**

The Localism Act 2011 placed a duty on every council to promote and maintain high standards of conduct by councillors and co-opted members of the authority and, in discharging that duty, adopt a code dealing with the conduct that is expected of those members when they are acting in that capacity. A Suffolk-wide local code of conduct was adopted by Thurston Parish Council and all other Councils in 2012.

In January 2019 the Committee on Standards in Public Life (CSPL) published a report following their review of local authority standards. The report made a series of recommendations to Government and to the local government sector. A key recommendation of the CSPL was directed to the Local Government Association (LGA) - "The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government."

The Joint Audit and Standards Committee considered the new code of conduct at its informal meeting on 24 January 2022 and gave the steer to recommend that the model code of conduct be adopted by the Full Councils. This recommendation is also made by the Local Government Association, the National Association of Local Councils (NALC) and Suffolk Association of Local Councils (SALC)

### **Options for Council**

1. To retain the existing Suffolk Local Code of Conduct – this option is not recommended by the LGA, NALC and SALC as the new model code provides additional clarity, guidance and more up to date provisions for Councillor conduct.
2. To adopt the new LGA Model Code of Conduct for Councillors – this is the recommended option and is the code which has been adopted by both Babergh and Mid Suffolk District Councils – *see comment below from the paper submitted by Emily Yule, Assistant Director for Law and Governance Monitoring Officer for Babergh and Mid Suffolk District Councils (MC/21/31 -*
3. To adopt an alternative form of local code of conduct – this option is not recommended as the LGA model code reflects the legislative requirements and best practice based on the recommendations of the CSPL and therefore is the most appropriate code to adopt.

**Proposal to Council – that the Local Association Model Code of Conduct be adopted as the Local Code of Conduct for Thurston Parish Council with effect from this meeting's date of 4<sup>th</sup> May 2022**

**Key Information provided by Emily Yule:**

The current Suffolk Local Code of Conduct has been adopted by Suffolk County Council, Babergh and Mid Suffolk District Councils, Ipswich Borough Council, East Suffolk Council, West Suffolk Council and the majority of Town and Parish Councils across Suffolk. The Suffolk Monitoring Officers group strongly recommends that there continues to be a Suffolk-wide code of conduct to enable clarity and consistency across the county and particularly across the tiers of local government where councillors represent more than one authority. The district council Monitoring Officer is responsible for investigating breaches of the code of conduct by Town and Parish Councillors across the whole district and the ability to apply a single code of conduct to all complaints is desirable. The Suffolk Association of Local Councils is also supportive of a Suffolk-wide code.

The CSPL review in 2019 concluded that a model code of conduct would create consistency across England and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual-hatted or triple-hatted councillors.

CSPL also considered that matters such as gifts and hospitality, social media use, and bullying and harassment had all increased in salience, and were perhaps not regularly reflected in local authority codes of conduct and a model code of conduct would help to ensure that they do so.

## **New provisions / clarification contained within the code of conduct 2022**

### **Application of the Code**

Clarification has been given as to the types of interactions that amount to duties of a councillors' elected office and that would be captured under the Code's remit and application – these are when a councillor is:

- Acting in their capacity as a councillor and/or a representative of the council;
- **Claiming to act** as a councillor and/or as a representative of the council;
- **Giving the impression of acting** as a councillor or a representative of the council;
- **Referring publicly to their role as a councillor** and using knowledge that could only be obtained in that role.

The Code also provides clear guidance as to the forms and type of communication that are within scope:

- **at face-to-face meetings;**
- **online or telephone meetings;**
- **in written communication;**
- **in verbal and non-verbal communication;**
- **in electronic and social media communication, posts, statements, and comments.**

There are new commitments to co-operate with any investigation, should a complaint be received, and to comply with any sanctions that may be imposed if a breach is proven. These are important to protect the integrity of the process.

### **Bullying, harassment and discrimination**

The new Code includes enhanced provisions relating to bullying, harassment, and discrimination and includes a definition of bullying and harassment and makes it clear that online activity, for example posting on social media, is captured by the Code.

### **Confidentiality and Access to Information**

Specific requirements in relation to confidentiality and access to information have been incorporated along with the standards of conduct relating to the proper use of information by councillors.

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

This section relates to the registration and declaration of interests and contains a separate Appendix B (Disclosure of Non-Registerable Interests) that will place additional requirements on councillors in certain circumstances.

An example being where a matter arises (which is not a pecuniary interest) at a meeting and that matter directly relates to a financial interest or wellbeing of a relative or close friend of a councillor – example below:

### Disclosure of Non-Registerable Interests

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.