



Email: committeeservices@horsham.gov.uk
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Standards Committee

Wednesday, 17th March, 2021 at 10.00 am
via Remote Video Link

Councillors: Brian Donnelly (Chairman)
Diana van der Klugt (Vice-Chairman)
Alan Britten
Karen Burgess
Philip Circus
Godfrey Newman
Jim Sanson

Co-opted advisory members

John Donaldson
Michael Rumble
Philip Baxter
Stephen Watkins
Independent Person
Independent Person
Parish Council Representative
Parish Council Representative

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	3 - 6
To approve as correct the minutes of the meeting held on 25 November 2020 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee, the Chief Executive or the Monitoring Officer	
5. Standards Update	
To receive a verbal update from the Monitoring Officer on recruitment of an additional Parish Representative, outstanding complaints and the review of the complaints process and procedure	

To consider the following report of the Monitoring Officer:

6. **Model Code of Conduct**

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The Standards Committee is requested to consider the report and its appendices and make the following recommendation to Full Council: That Standards Committee recommend to Full Council adoption of the Local Government Association "Model Councillor Code of Conduct 2020"

7. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Standards Committee 25 NOVEMBER 2020

Present: Councillors: Brian Donnelly (Chairman), Diana van der Klugt (Vice-Chairman), Karen Burgess, Peter Burgess, Jim Sanson, Philip Baxter and John Donaldson

Apologies: Councillors: Alan Britten and Godfrey Newman
Absent: Councillors: Alan Britten

SC/17 MINUTES

The minutes of the meeting of the Committee held on 9 September were approved as a correct record and would be signed by the Chairman at a later date.

SC/18 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

SC/19 ANNOUNCEMENTS

There were no announcements.

SC/20 STANDARDS UPDATE

Local assessment and investigations to include progress on Steyning Parish Council

The Monitoring Officer updated the Committee on progress since the resolution at the previous meeting relating to Steyning Parish Council (SPC) and the need to resolve the problem of persistent complaints through training or mediation. SPC were willing to engage and had held a full Parish Council meeting focussed on behaviours. They had resolved to hold a number of smaller meetings to seek solutions, and the Monitoring Officer and members of her team would be involved. The Monitoring officer and Legal Services Business Manager had also met with the SPC Clerks and have been invited to their next full Parish Council meeting.

The Committee noted the outstanding complaints as printed in the report. The Legal Services Business Manager advised that since publication of the report a further three formal complaints had been received, two of which related to SPC.

It was noted that there were four outstanding cases that would be considered by a Standards Sub-Committee early next year.

Update on the Appointment of Independent Person

The Monitoring Officer confirmed that, after conducting a number of interviews, the recruitment of a second Independent Person had been successful and the appointment was about to be made.

Update on the Appointment of Parish Representative

The Monitoring Officer reminded the Committee that Horsham Association of Local Councils (HALC) were receiving nominations for a second Parish Representative. These would be considered by HALC at a meeting in December and forwarded with their recommendations to the Monitoring Officer.

Update on the Model Code of Conduct

The Monitoring Officer advised that publication of the new Model Code of Conduct, which had been delayed because of the pandemic, was expected shortly. Once available the new Code would need to be adopted; it would be best practice to use the new Code to bring consistency across local authorities and parishes.

The Chairman expressed concern that the new Code would still lack sufficient sanctions to deter breaches of the Code, and the Committee's current lack of teeth would continue. The Committee discussed the possibility of publishing Decision Notices where a breach had occurred so that the name of the Councillor would be in the public domain. Members discussed this proposal in the context of the existing protocol and the ICO's advice that naming individuals who had breached the Code of Conduct was in the public interest.

RESOLVED

The Committee agreed that the Monitoring Officer bring a report to the Standards Committee detailing the implications of publishing Decision Notices.

If the Committee is in agreement, a recommendation can then be taken to Council to adopt the policy of publicly naming elected Members who breach the Code.

The Chairman suggested that an additional Standards Committee could be arranged, if required, to enable the recommendation to go to Council at the earliest opportunity.

The meeting closed at 11.10 am having commenced at 10.00 am

CHAIRMAN

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Report to Standards Committee

17th March 2021

Sharon Evans, Monitoring Officer

DECISION REQUIRED



**Horsham
District
Council**

Not Exempt

Model Councillor Code of Conduct

Executive Summary

A report to the Standards Committee following the Local Government Association publishing their Model Councillor Code of Conduct.

The Standards Committee to consider the new Model Councillor Code of Conduct and to decide whether to recommend to Full Council the adoption of the new code.

Recommendations

That the Standards Committee recommend to Full Council adoption of the Local Government Association “Model Councillor Code of Conduct 2020”

Reasons for Recommendations

The Local Government Association Code of Conduct will be a national model and will ultimately contain additional guidance, working examples and explanatory text. If adopted the Council will be applying current national best practice and will mean that the case law and guidance can be applied in a straightforward and simple manner.

The clarity of a national Code of Conduct model means that it can be well understood by the public and Councillors. The code addresses issues arising through more communication taking place remotely and through social media, which is currently where most problems arise.

The District Code of Conduct is likely to be adopted by Parish Councils allowing for more consistent approaches to conduct to be applied at each tier of government.

Background Papers

Part 5a of the Constitution – Existing Members Code of Conduct

Wards affected:

ALL

Contact: Sharon Evans, Monitoring Officer 01403 215538

Background Information

1 Introduction and Background

- 1.1 All Councils are required to have a local Member Code of Conduct and the current and existing Code for Horsham District Council is detailed within Part 5a of the Constitution.
- 1.2 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
- 1.3 The LGA considered all consultation responses and produced a final draft of the New Code, following review by the LGA's Executive Advisory Board; that model code is now finalised and published.

2 Relevant Council policy

- 2.1 Part 5a of the Constitution – Existing Members Code of Conduct

3 Details

- 3.1 The LGA have produced the New Code, which can be found at Appendix A, as recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards.
- 3.2 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 and the New Code does not provide for these additional sanctions at this time.
- 3.3 The LGA have sought to address issues arising through more communication taking place remotely and online between Members and residents, particularly through social media. This has been a particular issue in some of our Parish Councils and abuse and threatening communications continue to be unacceptable, and the New Code seeks to specifically address this sadly growing issue, particularly during current times.
- 3.4 The New Code has been designed to “protect Members’ democratic role, encourage good conduct and safeguard the public’s trust in local government. “ It focuses upon setting high standards and expecting demonstrable good conduct but also looks to ensure that Councillors can themselves undertake their role without being intimidated or bullied. This acknowledgement of the relationship between members and the public is a significant change in approach.

- 3.5 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.
- 3.6 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. The New Code sets out the specific obligations of general conduct that should be followed. A comparison document has been prepared between Horsham District Council's current and existing Code of Conduct and the New Code and can be seen at Appendix B.
- 3.7 If the New Code is adopted by the Council and ultimately by Parish Councils it will be a uniform approach using national standards of conduct in accordance with good practice. It will allow for more consistent approaches to be applied in relation to conduct without the need to clarify or interpret individual wording of each Council's own Code of Conduct.

4 Next Steps

- 4.1 If the New Code is adopted, consequential changes will be required to the Constitution, to ensure that the Constitution refers to the correct Code and to maintain consistency of use of terms and similar issues.

5 Outcome of Consultations

- 5.1 The Code was the subject of national consultation by the LGA and members provided detailed comments and observations which was reported to the LGA, via the Monitoring Officer. It is fair to say that members were not impressed with the initial draft of the Code, but it is considered that vast improvements have been made to the original draft.
- 5.2 This report has been shared with the Independent Persons and the Parish Representatives.

6 Other Courses of Action Considered but Rejected

- 6.1 The Committee could decide not to recommend the adoption of the new Model Code, or decide to make recommendations for adaptations to the new Model Code, or indeed to adapt the existing Code. However, any difference to the national Model will have impacts upon clarity and comparability to cases of Councils which do adopt the national Model. It is likely that some amendments to any adopted code will be required when further legislation in this area is created by Parliament. No date for government linked legislation is set, but it has been signposted as coming for some time in response to the report of the Committee on Standards in Public Life.

7 Resource Consequences

- 7.1 It is considered that dealing with standards complaints in the future against a national model code with relevant guidance, working examples, explanatory text and relevant case law will enable complaints to be dealt with quicker, easier and

more efficiently. This applies more if the Parishes follow and also adopt the New Code. This may decrease what is currently an ever-increasing burden on the Monitoring Officer and Legal Departments time in dealing with standards complaints.

8 Legal Considerations and Implications

- 8.1 There is a duty to have a Code of Conduct within the Localism Act 2011 and adoption of the New Code will comply with that duty.

9 Risk Assessment

- 9.1 Following recommendations by the Committee on Standards in Public Life's report into Local Government Ethical Standards and an attempt to establish national standards and best practice. If the Council did not adopt the New Code, we may distance ourselves from others in how we deal with standards complaints and matters. This may potentially increase the risk of challenges in the future.

10 Procurement implications

- 10.1 There are no procurement implications stemming from this recommendation.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There is no detrimental impact on any group, a full Equalities Impact Assessment is not needed.

12 Environmental Implications

- 12.1 There are no environmental implications from this recommendation.

13 Other Considerations

- 13.1 There are no GDPR, Data Protection or Crime & Disorder consequences foreseen from this recommendation.

APPENDICES TO REPORT

APPENDIX A – Local Government Association – Model Councillor Code of Conduct 2020

APPENDIX B – Comparison between existing Code & New Model Code of Conduct

APPENDIX A

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.

Comparison between Horsham District Council Members' Code of Conduct (Part 5a. of the Constitution) and the LGA Model Councillor Code of Conduct 2020

Notes

- LGA Code sets out the key obligations placed on a councillor in a clear and concise manner
- Different format, in brief, the LGA Code is broken down into clear identifiable sections, each Standard in the body of the Code is listed with a commitment to the obligation and then guidance the reasons behind it and how it should be followed, how it may be relevant or may apply, pecuniary and registerable interests are listed in a easy to reference box
- Better ownership of members' responsibilities in LGA Code
- The LGA Code contains more detail, less ambiguity, it outlines in more precise terms: what a councillor is, what is expected in terms of their conduct and behaviour, there is commitment to the each duty or obligations and, it would appear that there is less risk in terms of complaints with the LGA Code providing this better level of detail
- The Seven Principles of Public Life are referred to in both documents however the LGA Model sets them out in Appendix A and in the body of the Code itself, the Code is built on these principles
- It is more relevant and specifically references social media and electronic forms of communication, posts and comments, including online meetings, not covered sufficiently by HDC Code.

Comparison between each document is detailed in the table below.

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The LGA Model Code of Conduct	Horsham DC Code of Conduct
<p>Joint Statement Opening joint statement overview of the role of a councillor, accountability, what a councillor represents in the community and the purpose of the Code of Conduct.</p>	<p>HDC does not have a similar opening statement</p>
<p>Introduction General introduction to the LGA Model Code of Conduct</p>	<p>Introduction and Interpretation Introduction to the HDC Code Made under S27(2) of the LA 2011 Who it applies to It should be read in conjunction with general principles of public life Includes definitions</p>
<p>Definition Statutory definition of a councillor, by way of statutory definition “co-opted member” defined by the Localism Act 2011 (LA 2011) section 27(4) “co-opted member” Entitled to vote</p>	<p>This statutory definition is not included in our Code No similar definition ‘member’ includes co-opted member and appointed member</p>
<p>The Purpose of the Code of Conduct The purpose of the code in terms of assisting in modelling the behaviour expected of a councillor. Provides personal check and balance Explains how the Code sets out general principles in terms of conduct, obligations and standards, encouragement of support, training and mediation. Create and maintain public confidence.</p>	<p>Scope HDC equivalent heading You must comply with the Code when conducting business, representing authority Must disclose interests Failure to comply with HDC Code and dealt with under arrangements in place adopted for such purpose.</p>
<p>General Principles of councillor conduct</p>	<p>General obligations “You must treat others with respect”</p>

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<p>Refers to Seven Principles of Public Life (Nolan Principles) which are appended to the Model Code at Appendix A but also how they have been developed for the role of a councillor and how they apply A list of positive actions to sign up to: to act with integrity and honesty, act lawfully, fairly, respectfully and lead by example in a way that secures public confidence in the role of councillor</p> <p>In addition in undertaking the role of councillor a, avoiding conflicts of interest, exercising reasonable care and diligence etc.</p>	<p>“You must not – (a) do anything which may cause your authority to breach any of the equality enactments.. (b) bully any person... intimidate or attempt to intimidate...</p> <p>List format of you must or must nots, which forms the body of the Code, brief, not a great deal of detail to see how these may apply</p>
	<p>HDC Code moves on to Personal and Prejudicial Interests at this point. End of body of the Code</p>
<p>Application of the Code of Conduct Precisely details when the Code applies - as soon as the declaration of acceptance is signed or attendance at first meeting – A clear point in time when the Code is applicable from Details precise circumstances when Code applies clearly established e.g. that the code applies to all forms of communication and interaction –importantly this also includes social media communication, posts and comments. A pertinent point.</p> <p>Importantly this section finishes by encouraging the councillors to seek advice from the Monitoring Officer:</p> <p>“Your Monitoring Officer has statutory responsibility for the implementation of the Code Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.”</p>	<p>HDC Code says: 1(5) If you need guidance on any aspect of this code you should seek it from your authority’s monitoring officer or deputy monitoring officer.</p>

<p>Body of the Code of Conduct</p> <p>The Code is broken down into clear responsibilities – the layout out is useful and emphasises the ownership of each obligation by setting out a personal commitment to each one followed by an explanation, gives the member an example or the opportunity to see how it could apply for example: 2.1 I do not bully any person...ACAS characterises bullying as offensive, intimidating...behaviour...Bullying might be a regular pattern of behaviours or a one-off incident...face to face, on social media, in emails.” Therefore it is clear what is expected of the councillor and how this looks in reality in terms of their behaviour.</p> <p>The main body of the Code is comparable to HDC Code in terms of the standards expected. Each obligation is similar to that in our current code but more information to support each one for example:</p> <p>e.g. “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...your actions might have an adverse impact on you...and/or your local authority and may lower the public’s confidence in your local authority’s ability to discharge your/its functions” it illustrates the effect and impact of the councillor’s behaviour in relation to each specific obligation.</p>	<p>By comparison, in the HDC Code we say “5. You must not conduct yourself in a manner which could be reasonably be regarded as bringing your office or authority into disrepute” Lacks detail of how this could apply and what it means and the impact.</p>
<p>Standards: each standard has a includes detailed guidance to help explain the reason for the obligation and how they should be followed</p> <p>1. Respect</p>	<p>By comparison – we cover this obligation with one line and this is similar for each obligation:</p> <p>3(1) You must treat others with respect</p>
<p>2. Bullying, harassment and discrimination</p>	<p>3(2) You must not – (a) do anything which may cause your authority to breach any of the equality enactments (b) bully (c) intimidate</p>

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<p>3. Impartiality of officers of the council (as a councillor)</p>	<p>3(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of your authority</p>
<p>4. Confidentiality and access to information</p>	<p>4. You must not (a) disclose information given to you in confidence...</p>
<p>5. Disrepute</p>	<p>5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute</p>
<p>6. Use of position</p>	<p>6. You –(a) must not use or attempt to use your position as a member improperly</p>
<p>7. Use of local authority resources and facilities</p>	<p>6(b) must, when using or authorising the use by others of the resources of your authority...</p>
<p>8. Complying with the Code of Conduct</p>	<p>2(1) ... you must comply with this Code whenever you – (a) conduct the business of your authority...</p>
<p>9. Protecting your reputation and the reputation of the local authority</p>	<p>Protecting your and the authority's reputation is not specifically referenced in HDC Code</p>
<p>10. Gifts and hospitality Not to accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain etc. Value of at least £50 28 days of receipt</p>	<p>Same value for HDC - Estimated value of £50 HDC does not reference to gifts and hospitality other than as an interest. Does not specifically refer to registering any receipt of a gift within 28 days</p>

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Registering Interests as Appendix B

Interests – 2 categories disclosable pecuniary and other registerable interests

Referred to briefly in section 9 – “As a councillor I will register and declare my interests”

Details set out in Appendix B

Covers same areas as HDC Code – reference to public register, detailed provisions on registering and declaring interests, within 28 days of Code being adopted or applied or becoming aware of interest, touches on “sensitive interests”

Process on Declaring Interest

References to relatives etc.

Table 1 – Disclosure of Pecuniary Interests and link to relevant legislation

Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Table 2 – Other registerable interests Easy to reference

Does not go into detail on dispensations as HDC Code does

Part 2 Personal and Prejudicial Interests

Personal Interests –

Sets out where you have a personal interest

Disclosure of said interest

Do not need to disclose if over 3 years ago

Prejudicial Interests

Specifically refers to O&S Committees

Effect of interest on participation at meeting

Part 3 Disclosable Pecuniary Interests

Reference to relevant legislation

Disclosure of interest

Effect on participation

Part 4 Registration of Members’ Interests

Within 28 days of adopting or applying code or becoming aware

Must notify MO

Refers to sensitive information rather than sensitive interests

MO must agree it is sensitive

Code of Conduct –Dispensation

By written request to MO

From July 2012 new rules

MO or Standards Cttee must agree

Dispensations last 4 years