

## APPENDIX B

### **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.

APPENDIX B

<b>The LGA Model Code of Conduct</b>	<b>Horsham DC Code of Conduct</b>
<p><b>Joint Statement</b> 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><b>Introduction</b> General introduction to the LGA Model Code of Conduct</p>	<p><b>Introduction and Interpretation</b> 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><b>Definition</b> 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><b>The Purpose of the Code of Conduct</b> 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><b>Scope</b> 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><b>General Principles of councillor conduct</b></p>	<p><b>General obligations</b> “You must treat others with respect”</p>

APPENDIX B

<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><b>HDC Code moves on to Personal and Prejudicial Interests at this point. End of body of the Code</b></p>
<p><b>Application of the Code of Conduct</b> 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>

APPENDIX B

<p><b>Body of the Code of Conduct</b></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><b>Standards:</b> each standard has a includes detailed guidance to help explain the reason for the obligation and how they should be followed</p> <p><b>1. Respect</b></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><b>2. Bullying, harassment and discrimination</b></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>

APPENDIX B

<p><b>3. Impartiality of officers of the council (as a councillor)</b></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><b>4. Confidentiality and access to information</b></p>	<p>4. You must not (a) disclose information given to you in confidence...</p>
<p><b>5. Disrepute</b></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><b>6. Use of position</b></p>	<p>6. You –(a) must not use or attempt to use your position as a member improperly</p>
<p><b>7. Use of local authority resources and facilities</b></p>	<p>6(b) must, when using or authorising the use by others of the resources of your authority...</p>
<p><b>8. Complying with the Code of Conduct</b></p>	<p>2(1) ... you must comply with this Code whenever you – (a) conduct the business of your authority...</p>
<p><b>9. Protecting your reputation and the reputation of the local authority</b></p>	<p>Protecting your and the authority's reputation is not specifically referenced in HDC Code</p>
<p><b>10. Gifts and hospitality</b>          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>

APPENDIX B

<p><b>Registering Interests as Appendix B</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”</p> <p>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” <u>Process on Declaring Interest</u> 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</p> <p>Does not go into detail on dispensations as HDC Code does</p>	<p><b>Part 2 Personal and Prejudicial Interests</b> <u>Personal Interests –</u> Sets out where you have a personal interest Disclosure of said interest Do not need to disclose if over 3 years ago</p> <p><u>Prejudicial Interests</u> Specifically refers to O&amp;S Committees Effect of interest on participation at meeting</p> <p><b>Part 3 Disclosable Pecuniary Interests</b> Reference to relevant legislation Disclosure of interest Effect on participation</p> <p><b>Part 4 Registration of Members’ Interests</b> 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</p> <p><b>Code of Conduct –Dispensation</b> By written request to MO From July 2012 new rules MO or Standards Cttee must agree Dispensations last 4 years</p>
---	---