

## FULL COUNCIL

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**Date:** Monday, 10 October 2022

**Title:** Councillor Code of Conduct

**Contact Officer:** Deputy Town Clerk - Adam Clapton

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### Background

Section 27(2) of the Localism Act 2011 provides that a Local Authority must adopt a code dealing with the conduct that is expected of Members and Co-opted Members of the authority when they are acting in that capacity. The Town Council adopted the most recent Code, along with other authorities in 2012.

The Local Government Authority has held extensive consultation with Councils and Councillors on a revised model code which was issued nationally in 2021. The LGA Model Code sets out minimum standards (incorporating the seven principles of public life) expected of a Councillor and have been designed to protect the democratic role, encourage good conduct, and safeguard the public's trust and confidence in the role of councillor in local government.

### Current Situation

West Oxfordshire District and Oxfordshire County Councils have adopted a single, jointly agreed Code of Conduct based on the LGA model to ensure that Members of multiple authorities (dual or triple-hatted Members) are covered by the same code, therefore providing consistency across the area. The Code of Conduct is attached as **Appendix A**.

A virtual training session on this Code, hosted by the District Council's Monitoring Officer was held on 30 September 2022. The slides from the training and the recording will be available shortly.

The Code of Conduct will apply to each Councillor as soon as they sign the declaration of acceptance of the office of Councillor or attend their first meeting as a co-opted member and continues to apply until the role as a Councillor ceases.

**As set out by the West Oxfordshire District Council Monitoring Officer, Susan Sale in her report to members of District Council members at a meeting held on 23 March 2022, the code:**

- a) *'Applies to Members acting in their capacity as a Councillor which may include when:*
  - *the position as a Councillor is misused; or when*
  - *the impression is given to a reasonable member of the public with knowledge of all the facts that an individual is acting as a Councillor. Members are expected to uphold high standards of conduct and show leadership at all times.*
- b) *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 and in electronic and social media communication, posts, statements and comments. **The town council's social media policy is attached as Appendix B.**

- c) Includes the following standards/obligations, with guidance given for each obligation to help explain the reasons for the obligations and how they should be followed:

(i) *Respect A Councillor: Shall treat everyone, including other Councillors and members of the public with respect and shall 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.*

(ii) *Bullying, Harassment and Discrimination A Councillor: Shall not bully or harass any person and shall promote equalities and not discriminate against any person. Bullying is described 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. 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.*

(iii) *Impartiality of Officers of the Council A Councillor: Shall not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.*

(iv) *Confidentiality and access to information A Councillor: Shall not disclose information either given to them in confidence by anyone or acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, unless:*

- *they have received the consent of a person authorised to give it; or*
- *they are required by law to do so; or*
- *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*
- *the disclosure is reasonable and in the public interest; and also made in good faith and in compliance with the reasonable requirements of the local authority and consultation with the Monitoring Officer has taken place prior to its release. Shall not improperly use knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, family members, employer, or business interests. Shall not prevent anyone from getting information that they are entitled to by law. When making decisions on behalf of, or as part of, the Council shall have due regard to any professional advice provided by the Council's Officers.*

(v) *Disrepute A Councillor: Shall not bring their role or local authority into disrepute.*

(vi) *Use of position A Councillor: Shall not use, or attempt to use, their position improperly to the advantage or disadvantage of anyone.*

*(vii) Local authority Resources and Facilities A Councillor: Shall not misuse council resources. Shall, when using the resources of the local authority or authorising their use by others, act in accordance with the local authority's requirements; and 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 they have been elected or appointed.*

*(viii) Compliance with the Code of Conduct A Councillor: Shall undertake Code of Conduct training as required by the local authority. Shall cooperate with any Code of Conduct assessment, investigation, hearing and/or determination. Shall not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings. Shall comply with any sanction imposed on them following a finding that they have breached the Code of Conduct.*

*(ix) Gifts and Hospitality A Councillor: Shall 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 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. Shall register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. Shall register with the Monitoring Officer any significant gift or hospitality that they have been offered but have refused to accept.*

*d) Sets out the obligations for councillors in relation to the registration/declaration of interests including Disclosable Pecuniary Interests (DPI) and other registrable interests. It also contains guidance on the steps that must be taken if a councillor has an interest in a matter that is under consideration by the Council, including when it relates to a non-registrable interest. Where a matter arises at a meeting which directly relates to a councillor's financial interest or wellbeing (and does not fall within the definition of disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, it is a non-registrable interest.'*

If adopted, all town councillors will be required to re-submit their register of interests which will be disclosed to the monitoring officer at West Oxfordshire District Council and published. It is against the law not to register interests you; your spouse/partners or close associates may have.

## **Environmental impact**

Having declared a Climate Change Emergency at its Council meeting on 26 June 2019 – with this in mind Councillors should have due regard to the environmental impact of any decisions they make with regard to its facilities and services it operates.

## **Risk**

In decision making Councillors should give consideration to any risks to the Council and any action it can take to limit or negate its liability.

If the Council were to not adopt the Oxfordshire Member Code of Conduct it would cause for confusion for Councillors and members of the public.

## **Financial implications**

There are no financial implications pertaining to this report.

## **Recommendations**

Members are asked to note the report and,

1. Consider and approve the revised Councillor Code of Conduct, in accordance with the Localism Act 2011 for Members of Witney Town Council (Appendix A) and, if agreed:
  - a) To formally adopt the Code of Conduct for Members with immediate effect and,
  - b) Publish the Code of Conduct for Members on the Council's Website.