

BDAPTC

Basingstoke District Association of Parish & Town Councils

Supporting our local councils



Wednesday 1 September 2021



Basingstoke
and Deane

N E X T
SESSION

Fiona Thomsen
Head of Law & Governance and Monitoring Officer



Councillor Behaviour, Nolan Principles & New Model Code of Conduct

BDAPTC 1 September 2021

Fiona Thomsen

Head of Law & Governance and Monitoring Officer BDBC

Background

- 1975 - 1st national code of conduct
- 1989 - Code of Conduct given statutory footing and new code (1990); role of Monitoring Officer created. No real sanctions
- 1994 - Committee on Standards in Public Life established - The Nolan Committee.
- 2000 - Local Government Act - new Model Code, Standards Committee and new Standards Regime (including Standards Board for England)
- Localism Act 2011 - abolished the 2000 regime - the current regime
- Report on Local Government Ethical Standards - Committee on Standards in Public Life (January 2019)

The current regime

- Localism Act 2011:
 - ❖ Duty to promote and maintain high standards of conduct by members and co-opted members
 - ❖ Requirement to adopt a code consistent with the seven principles outlining conduct which is expected of members *acting in that capacity*
 - ❖ Parish Council may adopt the code of the principal authority

The Seven Principles of Public Life aka The Nolan Principles

- ❖ Selflessness
- ❖ Integrity
- ❖ Objectivity
- ❖ Accountability
- ❖ Openness
- ❖ Honesty
- ❖ Leadership

What's in place currently?

- BDBC Code of Conduct/NALC Code of Conduct/
New LGA model code of conduct & variations
- Arrangements for Dealing with Complaints against
Councillors (BDBC Constitution)
- Any changes to the BDBC Code of Conduct and
Arrangements have to be approved by full council
of BDBC
- Standards Committee - Borough Councillors,
Parish/Town Councillors, Independent Standards
Assessors (only Borough Councillors can vote)
- Monitoring Officer/ Deputy MO

Report on Local Government Ethical Standards – Committee on Standards in Public Life (January 2019)

Headline recommendations

- Recommended an **updated model code of conduct**
- Section 27(3) of the Localism Act 2011 should be amended to state that **parish councils must** adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code
- Local authorities should be given the discretionary power to establish a decision-making standards committee with **voting independent members and voting members from parishes**, to decide on allegations and impose sanctions.
- Parish clerks to hold an appropriate qualification
- Presumption that councillors will be assumed to be acting in an official capacity - includes social media activity

Further Recommendations

- LA's to establish **register of gifts and hospitality** received over £50 or £100 pa from a single source
- LA to be able to **suspend** councillor for up to 6 months with agreement of Independent Person
- **Right of appeal** to Local Government and Social Care Ombudsman if LA imposes period of suspension for breaching the code (applies to Parish/Town Councillors also)
- **Criminal offences** under Localism Act to be abolished
- Councillors should be required to attend code of conduct **training**

New Model Code of Conduct

- Published in December 2020
- It encompasses the Nolan Principles
- Applies when you are acting in your capacity as a councillor which may include when:
 - You misuse your position as councillor
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor

New Model code of conduct

- It 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

New Model Code of Conduct

Standards of conduct:

- Respect
- Bullying, harassment and discrimination
- Impartiality of officers of the council
- Confidentiality
- Must not bring role or council into disrepute
- Must not use position improperly
- Must not use resources for political purposes
- Agree to undertake code of conduct training and co-operate with investigations.
- Interests - DPIs/Other registrable interests
- Gifts and Hospitality (£50 or more)

What are we doing?

- New LGA Model Code Considered by Standards Committee
- Draft code based on model code being prepared.
- To be considered by BDBC Constitution Working Group
- Engage and seek views of BDAPTC/Parish/Town Councils
- How would you like to feed in?

*Thank
You*

Fiona Thomsen

Head of Law & Governance and Monitoring Officer