

Runnymede Borough Council New Member Induction

Code of Conduct

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Legal Background

Localism Act 2011 (the Act) introduced a regime for dealing with conduct of local government Councillors, it requires that ‘relevant authorities’:

- Must promote and maintain high standards of conduct – Section 27 (1) of the Act
- Adopt a Code dealing with the conduct expected of Councillors (when acting as Councillors) – Section 27 (2) of the Act
- Runnymede is a “relevant authority” for the purposes of the legislation

Different types of Members

The regime applies to what are termed co-opted members

- Co-opted members are defined as a person who is not an elected Councillor 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.

Code Principles

Codes adopted must be consistent with what are called the 7 Nolan principles of standards in public life:

Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty, Leadership

Councils given freedom to determine their Code

What is expected of you

The following general principles have been developed specifically for the role of a 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.

What is expected of you (cont.)

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

The Code 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.

The Code applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a 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

Application of the Code (cont.)

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.

Do's and Don'ts

As a councillor:

I treat other councillors and members of the public with respect.

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.

Do's and Don'ts (Cont.)

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.

Do's and Don'ts (Cont.)

As a councillor:

I do not bully any person.

I do not harass any person.

I promote equalities and do not discriminate unlawfully against any person.

Do's and Don'ts (Cont.)

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.

Do's and Don'ts (Cont.)

As a councillor:

I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Do's and Don'ts (Cont.)

- 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

Do's and Don'ts (Cont.)

As a councillor:

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;

Do's and Don'ts (Cont.)

- 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;

Do's and Don'ts (Cont.)

- 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

Do's and Don'ts (Cont.)

As a councillor:

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.

I do not prevent anyone from getting information that they are entitled to by law.

Do's and Don'ts (Cont.)

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.

Do's and Don'ts (Cont.)

As a councillor:

I do not bring my role or local authority into disrepute.

I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

I do not misuse council resources.

Do's and Don'ts (Cont.)

As a councillor:

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.**

Do's and Don'ts (Cont.)

As a Councillor:

I undertake Code of Conduct training provided by my local authority.

I cooperate with any Code of Conduct investigation and/or determination.

I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Do's and Don'ts (Cont.)

As a councillor:

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.

Gifts and hospitality

I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

Help for you if you have a problem

The Council must arrange for appointment of what is termed an Independent Person who will do the following:

- (a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and
- (b) whose views may be sought—
 - (i) by the Council in relation to an allegation in circumstances not within paragraph (a),
 - (ii) by a councillor, or co-opted member, of the authority if that person's behaviour is the subject of an allegation

Who deals with matters

Matters are dealt with by the Monitoring Officer or the Hearing Panel

Hearing Panel membership is drawn from members of the Standards and Audit Committee (judged by your peers)

What penalties can be imposed

- Publish its findings in respect of the Member's conduct;
- Report its findings to Council for information;
- Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Instruct the Monitoring Officer to arrange training for the Member;

What penalties can be imposed (Cont.)

- Recommend that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council;
- Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

What can't happen

The Hearing Panel has no power to suspend or disqualify a Councillor or to withdraw a Councillor's Basic or Special Responsibility Allowance.

Under the old system, pre 2012, a Councillor could be suspended or disqualified from being a Councillor if serious offence.

Any Questions?