

MEMBER CODE OF CONDUCT

REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER



For Approval

1. PURPOSE OF REPORT

- 1.1 To inform the Fire Authority of the recommendations made by the Audit and Governance Committee at their meeting on 26 February, 2021, to incorporate parts of the Local Government Association's (LGA) 'Model Councillor Code of Conduct 2020' into the Cleveland Fire Authority's Code of Conduct.

2. RECOMMENDATION

- 2.1 That Members approve the incorporation of parts of the LGA Model Code as detailed within this report (paragraph 4.1 refers).
- 2.2 Ethical governance training is provided to Elected Members (with the attendance of the Independent Persons) during the municipal year 2021/22.

3. BACKGROUND

- 3.1 Following the publication of the Committee on Standards in Public Life (CSPL) 'Local Government Ethical Standards' (January, 2019), the LGA published a draft Model Code of Conduct and an accompanying consultation exercise, upon which the Audit and Governance Committee responded. On 23 December, 2020, the LGA published its finalised version of the 'Model Councillor Code of Conduct 2020' which was the subject of a report to the Committee on 26 February, 2021. A copy of that report with appendices is annexed herewith (**Appendix A**) for the information of Members.

4. LGA MODEL CODE OF CONDUCT

- 4.1 As indicated in the report to the Committee, there are some similarities in the LGA Model Code with the Authority's existing Code, but, by way of example, the Authority's Code additionally references the ten general principles of conduct in public life (the Localism Act, 2011 simply requires compliance with the original seven principles) and the LGA's earlier 'Template Code and Guidance Note on Conduct' is also referenced but not in the present LGA model. However, the LGA Model Code gives a wider definition on 'Bullying, harassment and discrimination' and in the area of 'Disrepute' namely;

Bullying, harassment and discrimination

As a Member of the Authority:

- (i) You must not bully any person.*
- (ii) You must not harass any person.*
- (iii) You must promote equalities and 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

Disrepute

As a Member of the Authority:

You must not bring your role or that of the Authority into disrepute.

As a Member, 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 Members and your Authority and may lower the public's confidence in your or your Authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute.

You are able to hold the Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Authority whilst continuing to adhere to other aspects of this Code of Conduct.

- 4.2. Any changes to a Code of Conduct, particularly with any reference to sanctions will require legislation and the LGA have indicated that their Model Code would also be subject to an annual review to ensure it remained '*fit for purpose*'. Members of the Committee did feel that a wider definition and interpretation on the themes of 'bullying, harassment and victimisation' and also in the area of a Member bring the Authority into 'disrepute' would be useful additions to the Fire Authority's Code.
- 4.3. The above additional wording, if approved by the Authority, would be included under the 'General Obligations' section of the Authority's Code of Conduct.

5. CONCLUSION

- 5.1. The Authority has a Code of Conduct which is fully compliant with the Localism Act, 2011 but it is felt that the addition of the text under paragraph 4.1 into the Authority's Code would be beneficial.

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