



Meeting	Council
Date and Time	Wednesday, 6th November, 2024 at 6.30 pm.
Venue	Council Chamber, Castle Hill, Winchester SO23 8UL

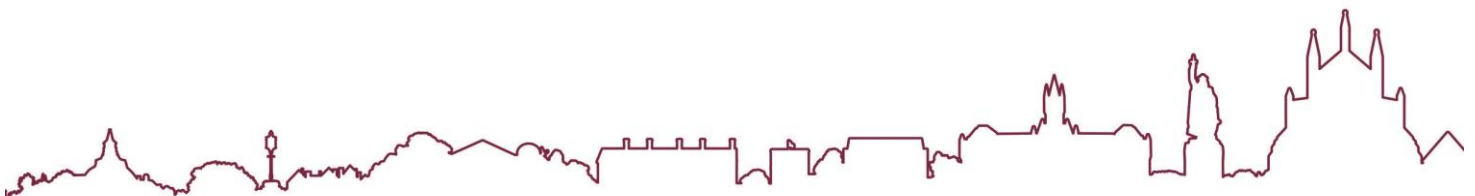
NOTICE IS HEREBY GIVEN that an Ordinary Meeting of the Council will be held at 6.30 pm on Wednesday, 6th November, 2024 in the Council Chamber, Castle Hill, Winchester SO23 8UL and all Members of the Council are summoned to attend.

Note: This meeting is being held in person at the location specified above. Members of the public should note that the meeting will be streamed live to the council's You Tube channel (www.youtube.com/WinchesterCC).

A limited number of seats will be made available at the above named location, however attendance must be notified to the council at least 3 working days before the meeting. Please note that priority will be given to those having registered to speak during the Public Question session over those wishing to attend and observe. Please note that Questions must be received in writing by Democratic Services (democracy@winchester.gov.uk) prior to **10am**, five working days preceding the day of the council meeting.

AGENDA

- 1. Minutes of the Ordinary Meeting of the Council held on 18 September 2024** (Pages 7 - 12)
- 2. Disclosure of Interests**
To receive any disclosure of interests from Members or Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with the Council's Code of Conduct.
- 3. Announcements from the Mayor, Leader and Chief Executive**



4. **Questions from Members of the Public**
To receive and answer and questions from the public.
(Questions must be received in writing by Democratic Services – democracy@winchester.gov.uk – no later than 10am on Wednesday 30 October 2024)

5. **Appointment of Monitoring Officer (CL172)** (Pages 13 - 14)

RECOMMENDATION:

That Gareth John, Director (Legal) is appointed Monitoring Officer for the Council with effect from 6 November 2024

6. **To consider and determine the following Recommended Minutes: Audit and Governance held 26 September 2024 - Committee Code of Conduct for Councillors (AG140)** (Pages 15 - 38)

RECOMMENDED (TO COUNCIL):

1. **That the Local Government Association Model Code of Conduct for Councillors be adopted as the Winchester City Council Code of Conduct to come into force on 1 January 2025.**

2. **That the recommendation for all councillors to attend training on the new code on the 14 November 2024 be endorsed.**

3. **That the Monitoring Officer advise all Parish and Town councils of the adoption of the Code.**

7. **Notices of Motion**

a) **To consider the following Motion to be proposed by Councillor John Tippett-Cooper (seconded by Councillor Kathleen Becker):**

Winchester City Council Motion: Request for Smartphone Ban Guidance in Hampshire Schools

This Council notes:

1. The growing body of evidence indicating that the unrestricted use of smartphones in schools can negatively affect academic performance, mental health, and social development. Research from 2023 highlights that smartphone distractions impair focus and exacerbate anxiety and cyberbullying among students.

2. The recent "Parent Pact" organised by the campaign group

Smartphone Free Childhood in Hampshire received over 3,000 signatures. This involved parents of school students signing a "pact" that they will wait to give their child a smartphone until at least the end of Year 9.

3. That Winchester City Council offers a wide variety of active opportunities for young people across the district, encouraging physical, mental, and social wellbeing. Examples include the successful School Holiday Activity Programmes, which promotes sports and physical activity, as well as support to a number of youth groups and funding of various outdoor facilities such as skate parks, play parks and multi-use games areas (MUGAs), providing valuable alternatives to screen-based activities.

This Council believes:

1. Schools should be safe, focused environments conducive to learning, free from the distractions and pressures associated with smartphone use during school hours.
2. Clear guidance from Hampshire County Council is necessary to support schools in managing smartphone use effectively.

This Council resolves:

1. To call on Hampshire County Council to develop and issue guidance for schools across Hampshire to consider introducing restrictions or bans on smartphone use during school hours, ensuring that students benefit from a more engaged and supportive learning environment. This request (and points 2 and 3) below are to be made to Hampshire County Council through a letter from the Leader of Winchester City Council.
2. To request that Hampshire County Council provide schools with resources, training, and consultation opportunities to ensure the effective implementation of these measures, including engagement with teachers, parents, and students.
3. To ask Hampshire County Council to monitor the impact of any smartphone restrictions on academic performance, pupil behaviour, and mental health, and to report back on the outcomes to enable informed decision-making.
4. Requests the relevant WCC Cabinet lead to engage with the Smartphone Free Childhood campaign to identify potential adjustments to WCC activities that support the aims of the campaign.

By passing this motion, Winchester City Council seeks to support the health, wellbeing, and academic success of school students in the district.

b) To consider the following Motion to be proposed by Councillor Neil Bolton (seconded by Councillor Caroline Horrill):

MOTION: Changes to the Winter Fuel Allowance and protecting pensioners from fuel poverty

Council Notes:

- The Labour Government's recent decision to restrict the Winter Fuel Payment to only pensioners in receipt of means-tested benefits like Pension Credit, as announced by Chancellor Rachel Reeves.
- The estimated impact of this decision, which Age UK says will mean 2 million pensioners who badly need the money to stay warm this winter will not receive it.
- The significant role that Winter Fuel Payments play in helping older residents of the Winchester district and across the UK afford heating during the coldest months, thereby preventing 'heat or eat' dilemmas and safeguarding health.
- The criticism from Age UK, the Countryside Alliance and other charities, highlighting the social injustice and potential health risks posed by this sudden policy change.
- The additional strain this decision will place on vulnerable pensioners, many of whom do not claim Pension Credit despite being eligible, further exacerbating their financial hardship.

Council believes:

- That the Winter Fuel Payment has been a lifeline for many older people across the UK and that restricting its availability solely to those on Pension Credit risks leaving many pensioners in financial hardship.
- While some pensioners currently in receipt of the Winter Fuel Payment may not require it, many thousands across the Winchester district sit just above the cut-off for Pension Credit and will now lose their allowance.
- The decision to means-test Winter Fuel Payments, especially with such short notice and without adequate compensatory measures, is deeply unfair and will disproportionately affect the health and well-being of our poorest older residents.
- The government's approach fails to consider the administrative barriers and stigma that prevent eligible pensioners from claiming Pension Credit, leaving many without the support they desperately need.

Council resolves to:

- Bring forward a Council-led local awareness campaign to alert those eligible of Pension Credit which in some respects will help access to the Winter Fuel Payment for those most in need.
- Request that the Council Leader write to the Chancellor of the Exchequer, urging a review of the decision to means-test the Winter Fuel Payment and asking the government to ensure that vulnerable pensioners, particularly those who do not claim Pension Credit, are protected from fuel poverty.
- Commit the Council to signing the 'Save the Winter Fuel Payment for Struggling Pensioners' petition being run by Age UK and write to all members offering them the opportunity to sign the petition themselves.
- Encourage local efforts to promote Pension Credit uptake through council services and partnerships with local charities and community organisations to ensure that all eligible pensioners in the Winchester district are supported in claiming their entitlement.

8. Changes to Committee Memberships

To receive any resignations from committees and to make any necessary re-appointments.

9. Questions from Members of Council

The total time for questions and the answer and supplementaries thereto shall not exceed 40 minutes.

LAURA TAYLOR
Chief Executive

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



29 October 2024

Agenda Contact: David Blakemore, Democratic Services Team Manager
Tel: 01962 848217 Email: dblakemore@winchester.gov.uk

Quorum = 15 members

PUBLIC PARTICIPATION

Members of the public may ask questions of the Leader, Cabinet Members and Committee Chairs at Ordinary Meetings of the Council. The total time allocated for questions by the public shall normally be limited to 20 minutes.

A question may only be asked if notice has been given by delivering it in writing to Democratic Services no later than 5 working days preceding the Council meeting. For example, if the Council meeting is being held at 7pm on a Wednesday then the question would need to be received by 10am on the preceding Wednesday. Please email to democracy@winchester.gov.uk.

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#).

DISABLED ACCESS:

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

COUNCIL

Wednesday, 18 September 2024

Attendance:

Councillors Present

Gordon-Smith (The Mayor)

Achwal S	Latham
Aron	Learney
Batho	Lee
Becker	Miller
Bolton	Murphy
Brook	Pett
Brophy	Pinniger
Chamberlain	Porter
Clear	Power
Cook	Reach
Cramoysan	Rutter
Cunningham	Small
Cutler	Thompson
Eve	Tippett-Cooper
Godfrey	Tod
Greenberg	Wallace
Horrill	Westwood
Laming	White
Langford-Smith	Williams
	Wise

Apologies for Absence:

Councillors Bennett, Achwal V, Morris, Scott and Warwick

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1. **MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON 16 JULY 2024 AND THE EXTRAORDINARY MEETING OF THE COUNCIL HELD ON 28 AUGUST 2024**

RESOLVED:

That the minutes of the Ordinary meeting of the Council held on 16 July 2024 and the Extraordinary Meeting of the Council held on 28 August 2024 be approved and adopted.

2. **DISCLOSURE OF INTERESTS**

Councillor Becker declared a pecuniary interest in respect of the Recommended Minute of Cabinet – Housing Revenue Account Nutrient Mitigation Proposal (Report CAB3459 refers). She left the room during consideration of this item and took no part in discussion or the decision thereon.

Councillors Porter, Tod and Wallace each declared personal (but non prejudicial) interests in respect of agenda items that may be related to their role as County Councillors.

3. **ANNOUNCEMENTS FROM THE MAYOR, LEADER AND CHIEF EXECUTIVE.**

The Mayor drew attention to forthcoming events that he was to attend, including those in aid of his charities.

The Leader provided an update regarding devolution and reported that Hampshire County Council and the Solent upper tier authorities had recently submitted an expression of interest to government for a combined authority arrangement. The Leader would continue to seek assurances that the best interests of the district were properly represented as more detailed discussions take place.

The Leader then reported on the completion of the new 3G pitch at the football ground at Hillier Way, Winchester. This was to benefit many users in the community, including Winchester City Football Club. Subject to ground grading assessment, the first competitive fixture using the new pitch was to be the clubs FA Cup third round qualifying fixture.

The Chief Executive announced apologies for the meeting.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

One written question had been received from members of the public, who attended the meeting to present their question. A supplementary question was also asked. The question received and the response was subsequently set out on the [council's website](#).

5. **TO RECEIVE PETITIONS**

In accordance with Council Procedure Rule 22, a petition was submitted by Highcliffe Community Forum regarding the Council providing a space for a community hub to serve Highcliffe and the local area in any redevelopment of the Bar End Depot site. The Mayor apologised for an error in the agenda as the petition had contained 353 signatures, and not 329.

Janet Berry (on behalf of the Highcliffe Community Forum) introduced the petition.

The Leader then responded to the matters in the petition as summarised as follows:

- The Council was to consider options regarding any potential expansion of the Boxing Club facilities at Bar End and would also take a wider strategic view of youth provision across the district.
- Since the Highcliffe Community Plan had been published, the new King George V Pavilion had opened, and this contained community facilities. The Plan also did not reference the Winchester Sports & Leisure Park which has subsequently been constructed adjacent to the site. The Bar End Design Framework consultation had highlighted the need for community space at a redeveloped pavilion.
- No representations had been received regarding a community space at the depot site during the Regulation 19 Local Plan consultation. The Council's community consultation regarding the depot site had concluded that a convenience store was the highest priority for local residents.
- Highcliffe has had considerable Community Infrastructure Levy allocated, although the spending here serves a districtwide purpose. Other areas across the district have a more pressing requirement for improvements to their community facilities.
- The matters referred to in the petition would be included in the cabinet report of 15 October 2024 in order that the cabinet can consider them as part of that decision in respect of the depot site. The report would also be considered by the Scrutiny Committee on 3 October 2024.

Council then proceeded to debate the petition and matters therein and in summary, the following matters were raised:

- Janet Berry's advocacy on behalf of the residents of Highcliffe was commended and that this was of great assistance to the three ward councillors representing the St Michael's ward.
- A quality redevelopment of the depot site to complement the adjacent leisure centre and King George V pavilion was crucial. The final development must be absolutely right for the local community and include a shop as had been requested by residents.

RESOLVED:

That the petitioner be thanked for bringing the matter forward and it be noted that that the points raised in the petition would be included in the Cabinet report of 15 October 2024 for decision and in addition the report would also be before the Scrutiny Committee on 3 October 2024.

6. **TO CONSIDER AND DETERMINE THE FOLLOWING RECOMMENDED MINUTES: OF CABINET HELD 11 SEPTEMBER 2024 - HOUSING REVENUE ACCOUNT NUTRIENT MITIGATION PROPOSAL (CAB3459) - DRAFT MINUTE OF CABINET TO BE CIRCULATED SEPARATELY**

Councillor Becker left the room during consideration of this item and took no part in discussion or decision thereon.

Councillor Westwood (Cabinet Member for Housing) moved that the recommended minute of Cabinet (Recommendation 1 of Report CAB3459) be approved and adopted (seconded by Councillor Porter, Cabinet Member for Place and Local Plan).

Council proceeded to ask questions and then debate the matters in the recommended minute.

At conclusion of debate and following the proposer (Councillor Westwood) being provided an opportunity to sum up, Council voted on the Recommended Minute before it.

RESOLVED:

That an HRA capital budget of £900,000 to implement works on plant upgrades funded by and on behalf of Partnership for South Hampshire (PfSH), be approved.

7. **INFORMATION FOR COUNCIL**

Councillor Pett provided a verbal report to the Council regarding the South Downs National Park Authority (SDNPA) for which he was the Council's representative.

Councillor Pett firstly reminded Council that 16 December 2024 was the 75th anniversary of Royal Assent being granted to the National Parks; however, it was not until 1999 when the South Downs (and the New Forest) were then both put forward for designation as National Parks. He then set out the two statutory purposes of the National Park and advised that he had been appointed by the Council on a four-year term and was one of 27 members, 13 of which were appointed by district and unitary councils.

Councillor Pett explained that the SDNPA was the local planning authority for its whole area and planned strategically for the whole of the park, rather than each district or unitary exercising control of its own part. The SDNPA contracted out the day-to-day work of development control (and enforcement) to Winchester City Council and there were arrangements for the park to call-in some larger and more contentious applications. He recognised that these arrangements occasionally caused some difficulties for the ward councillors within the area of the park.

The SDNPA was currently reviewing its own local plan and had commissioned a housing and economic development needs assessment as part of its evidence

base and it was to meet later in the autumn to agree site allocations. The Cabinet Member for Place and Local Plan (Councillor Porter) was to meet with SDNPA strategic partners to discuss how to best resolve the government's proposals for Winchester City Council to meet housing targets based on its total area (when a large proportion was located within the park).

Councillor Pett then reported on various initiatives of the SDNPA, such as re-naturing schemes and support to agricultural businesses and opportunities to purchase biodiversity credits.

Councillor Pett then responded to questions.

8. **CHANGES TO COMMITTEE MEMBERSHIPS**

RESOLVED:

That for the Economy and Housing Policy Committee, Councillor Murphy to replace Councillor Scott.

9. **QUESTIONS FROM MEMBERS OF COUNCIL**

15 written questions had been received which were heard at the meeting along with associated supplementary questions. The questions received and their response were subsequently set out on the [council's website](#).

The meeting commenced at 6.30 pm and concluded at 8.50 pm

The Mayor

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REPORT TITLE: APPOINTMENT OF MONITORING OFFICER

COUNCIL 6 NOVEMBER 2024

REPORT OF THE CHIEF EXECUTIVE

Contact Officer: Laura Taylor Email: ltaylor@winchester.gov.uk

WARD(S): ALL

PURPOSE

The role of Monitoring Officer is one of three statutory posts that the Council must have in place and due to a change in staffing arrangements, Council are recommended to appoint the Director (Legal) to this role.

RECOMMENDATION:

1. That Gareth John, Director (Legal) is appointed Monitoring Officer for the Council with effect from 6 November 2024

1 SUPPORTING INFORMATION:

- 1.1 The Monitoring Officer is a statutory appointment and has specific responsibilities in respect of ensuring good governance within the authority. Section 5 of the Local Government and Housing Act (1989) as amended sets out the legal basis. There is no requirement for the Monitoring Officer to be legally trained, but if they are not, they must have access to legal advice.
- 1.2 The Monitoring Officer has a range of functions that they need to perform. Some of the key elements are:
- (i) Reporting to the Authority in any case where the Monitoring Officer is of the opinion that any proposal or decision of the Authority has or is likely to give rise to any illegality or maladministration
 - (ii) To be responsible for matters relating to the conduct of members and officers, including investigations into allegations about the conduct of Members
 - (iii) To be responsible for the operation of the constitution
- 1.3 Gareth John is a qualified solicitor and has been Monitoring Officer at another authority. He is appropriately qualified and experienced for the role and as a Director of the Council has appropriate seniority to fulfil the role.

2 OTHER OPTIONS CONSIDERED AND REJECTED

- 2.1 The role of Monitoring Officer is a statutory post and an appointment must be made.

AUDIT AND GOVERNANCE COMMITTEE

26 September 2024

Draft Minute Extract

CODE OF CONDUCT FOR COUNCILLORS

(AG140)

The Monitoring Officer introduced the report which recommended that the Local Government Association Model Code of Conduct be adopted. The proposal had been supported by the cross-party Constitution Working Group at a meeting on 6 September 2024. She outlined the main changes in the new code compared to the Council's current code of conduct and advised that training for all Members would be provided.

The Monitoring Officer responded to questions from Councillors including confirming that a further report updating the accompanying guidance and complaints process would be submitted to the November meeting of the committee for onward recommendation to Council.

RECOMMENDED (TO COUNCIL):

- 1. That the Local Government Association Model Code of Conduct for Councillors be adopted as the Winchester City Council Code of Conduct to come into force on 1 January 2025.**
- 2. That the recommendation for all councillors to attend training on the new code on the 14 November 2024 be endorsed.**
- 3. That the Monitoring Officer advise all Parish and Town councils of the adoption of the Code.**

RESOLVED:

That the report be noted.

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REPORT TITLE: CODE OF CONDUCT FOR COUNCILLORS

26 SEPTEMBER 2024

REPORT OF THE MONITORING OFFICER

Tel No: 01962 848501 Email lkirkman@winchester.gov.uk

WARD(S): ALL

PURPOSE

This report outlines the work undertaken by the Constitution Working Party in respect of the review of the Code of Conduct for Councillors and asks Audit and Governance Committee for their support and endorsement of their recommendations.

RECOMMENDATIONS:

That the Audit & Governance Committee:

- 1) Notes the report; and
- 2) Recommends to Full Council that they:
 - a) Agree the adoption of the Local Government Association Model Code of Conduct for Councillors as the Winchester City Council Code of Conduct to come into force on 1 January 2025.
 - b) Endorse the recommendation for all councillors to attend training on the new code on the 14 November 2024.
 - c) Agree that the Monitoring Officer advise all Parish and Town councils of the adoption of the Code.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 This committee is responsible for maintaining high governance standards within the Council pursuant to its duties under the [Localism Act 2011](#). The committee has the role of ensuring that the ethical standards regime forming part of the governance framework of the Council is robust, thereby engendering public confidence that the Council can deliver upon its priorities within the Council Plan.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no direct financial consequences of adopting the LGA Model Code of Conduct. There is already an existing code in place that is administered by a small core team of officers led by the Monitoring Officer.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 Section 27(1) of the Localism Act 2011 requires the Council to promote and maintain high standards of conduct by its members and co-opted members when they are acting in the capacity of members.
- 3.2 Section 27(2) requires that the Council must adopt a code dealing with the conduct that is expected of members and co-opted members in order to discharge this duty.
- 3.3 Section 28 requires any code to be consistent with the Nolan principles of selflessness; integrity; objectivity; accountability; openness; honesty and leadership. There is also a requirement to include appropriate provisions in respect of the registration in its register, and disclosure of pecuniary interest and non-pecuniary interests. Subsection 6 provides the power for the Council to adopt a code of conduct to replace its existing code of conduct.

4 WORKFORCE IMPLICATIONS

- 4.1 Whilst there will be some increased resource requirements around the promotion of and any additional training needed in the new City Council Code of Conduct this has been accounted for in existing resources.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None from this report.

6 CONSULTATION AND COMMUNICATION

- 6.1 The Constitutional Working Party, comprising of members from all political groups represented on the council met on the 6 September 2024 to consider whether to recommend to this committee to adopt the LGA Model Code of Conduct.

6.2 The meeting concluded that it supported the proposal to adopt the code unamended. They did also recommend further expansion of the accompanying guidance regarding issues such as economic disadvantage, bullying and the use of social media. This work is currently being undertaken to report to a meeting at a future date.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None from this report.

8 PUBLIC SECTOR EQUALITY DUTY

8.1 The adoption of the code of conduct will be carried out in accordance with Council's duties under the Equality Act 2010 and in accordance with the principles in the Council's Corporate Equality, Diversity, and Inclusion Plan.

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None from this report.

10 RISK MANAGEMENT

Risk	Mitigation	Opportunities
Financial Exposure	Ensuring that that the Council adopts an approved model code of conduct will assist to ensure independent oversight and mitigate against improper decision-making which in turn protects the Council's strong financial arrangements.	Will meet best practice requirements for independent oversight, strengthening governance and in turn ensuring reputation, and public confidence
Exposure to challenge	Compliance with the code will assist in mitigating against poor decision making and inappropriate behaviours, aiding overall good governance.	Will meet best practice requirements for independent oversight, strengthening governance and in turn ensuring reputation, and public confidence
Reputation	The Code of Conduct is one of the tools used to demonstrate good governance. The good reputation of the City Council is in all members	Where there are occasions where alleged bad behaviour has occurred a sound code of conduct, process and timely conclusion also

	interests and the Code of Conduct goes to the heart of members behaving in a way that should overall enhance that reputation.	enhances the reputation of the City Council.
Achievement of outcome	The Council is required by law to adopt a code of conduct and the recommendations in this report achieve that critical outcome.	
Community Support	Parish and Town Councils will be advised of the update to the Winchester City Council Code of Conduct	A training and Q&A session will be offered to all Parish and Town Council's to aid their understanding of the City Councils decision to adopt the Model Code and the contents of the code itself.
Timescales	The Council should move to adopt the Model Code in a timely fashion.	

SUPPORTING INFORMATION:

- 11.1. The Audit & Governance Committee advises the Council on the adoption or revision of the Councillors' Code of Conduct and monitors the operation of the Code of Conduct, overseeing arrangements for dealing with complaints against councillors.
- 11.2. At its meeting in [November 2023](#), this Committee noted that work on reviewing the existing Code of Conduct from 2019 would commence in the new year including meetings of the Constitutional Working Party – this was to specifically take into account the LGA Model Code of Conduct that had been published.
- 11.3. All councils are required to have a Code of Conduct. The Council's current Code was agreed by Full Council in 2019 as part of the adoption of the then new Constitution. The adoption of a Code of Conduct for Members must be agreed by Council under article 15 of the constitution.
- 11.4. The LGA published a Model Code of Conduct stating that '*This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.*' The LGA had undertaken consultation with stakeholders and examined good practice in local government and other professions prior to the issue of the Model Code.

- 11.5. The LGA state that the purpose of the Code is “to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.”
- 11.6. The City Council states in its introduction to the code that “Winchester City Council is committed to upholding the highest standards of conduct among its councillors. To reinforce this commitment, the council is adopting the Local Government Association’s Model Code of Conduct. This model provides a robust framework designed to promote accountability, transparency, and integrity in public office. By adopting this code, Winchester City Council aims to ensure that councillors act lawfully, fairly, and with respect, which will foster public trust and maintain the integrity of the council’s operations.”
- 11.7. The Model Code seeks to address issues arising through more communication taking place remotely and online between councillors and residents, particularly through social media. The Code states that it applies when a Councillor acts or gives the impression that they are acting, as a Councillor.
- 11.8. The Code continues to be in-line with the seven principles of public life, namely, selflessness; integrity; objectivity; accountability; openness; honesty; and leadership.
- 11.9. The LGA will undertake regular reviews of the Model Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.
- 11.10. The Model Code is a template for councils to adopt in whole and/or with local amendments. It is proposed by the Constitution Working Party that the Model Code should be adopted without amendment.
- 11.11. The Model Code is written in the personal tense, and covers: - General Conduct: Respect; Bullying, harassment and discrimination; Impartiality of officers of the Council; Confidentiality and access to information; Disrepute; Use of position; Use of local authority resources and facilities; Complying with the Code of Conduct; Protecting your reputation and the reputation of the local authority; Interests; Gifts and hospitality and Appendix A: The Seven Principles of Public Life
- 11.12. The Model Code includes ‘Disclosable pecuniary interests.’ It reiterates the legal duty to register and disclose ‘disclosable pecuniary interests’ and lists

what these are (see table 1). There is no change to these interests as they are statutory interests.

11.13. 'Other registerable interests' – these confirm that councillors 'must' register a specific set of 'other registerable interests' (see table 2).

11.14. 'Non-registerable interests' -The Model Code also covers the need to disclose interests, when a matter arises at a meeting, that do not fall into either of the two previous categories, but which directly relate to a councillor's 'financial interest or wellbeing'. The Model Code is clear that councillors 'must' disclose this type of interest when it arises (para 7). The Model Code sets out when this type of interest will be deemed to have arisen (para 8) and the two tests councillors should apply when considering whether or not they should participate and vote (para 9).

11.15. The LGA have also produced supporting guidance, containing example situations which is aimed to help understanding and consistency of approach towards the code, [which is available here](#).

12 OTHER OPTIONS CONSIDERED AND REJECTED

Not to adopt the Code

12.1. Most authorities have decided that it is best practice, and in their Councils best interests, to adopt the Model Code. The argument for adopting the Model Code is strengthened by the publication of the Guidance to support the use of the Code, which is practical, informative and makes the complex area of members interests more understandable. It is therefore recommended that the Code should now be adopted. All members will be offered training on the Code to help them understand the changed requirements and Council is asked to endorse training for members.

Make amendments and updates to the Model Code to suit the City Council and adopt that version

12.2. This was debated by the Constitution Working Group who ultimately all agreed that it was best to adopt the Model code as drafted without amendment. This was the most straightforward position to take with the number of Parish and Town Council's in the district. What the group have asked is that the guidance is updated with some expansion on some examples and text. There is currently guidance for complainants but this can be expanded to be a guide for all. This is currently being worked on by Officers and will come to this Committee alongside the process for dealing with complaints. This will ensure complete consistency with language used.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[AG117 Constitution review report v2.pdf \(winchester.gov.uk\)](#) – Audit & Governance Committee 9 November 2023.

Other Background Documents:-

[Guidance on Local Government Association Model Councillor Code of Conduct | Local Government Association](#)

APPENDICES:

Appendix 1. The Local Government Association Model Code of Conduct.

Winchester City Council's

Code of Conduct for Members

September 2024

Introduction

Winchester City Council is committed to upholding the highest standards of conduct among its councillors. To reinforce this commitment, the council is adopting the Local Government Association's Model Code of Conduct.

This model provides a robust framework designed to promote accountability, transparency, and integrity in public office. By adopting this code, Winchester City Council aims to ensure that councillors act lawfully, fairly, and with respect, which will foster public trust and maintain the integrity of the council's operations.

Definitions

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member 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".

For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of 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.

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 of Conduct

This Code of Conduct 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.

This Code of Conduct 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;

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.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

- 1.1. I treat other councillors and members of the public with respect.**
- 1.2. 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.**

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.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor- officer protocol.

2. Bullying, harassment and discrimination As a councillor:

2.1. I do not bully any person.

2.2. I do not harass any person.

2.3. I promote equalities and do 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, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

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

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.

4. Confidentiality and access to information

As a councillor:

4.1. 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;
 - 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.

4.2. 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.

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

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. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute**As a councillor:**

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 than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

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

6. Use of position

As a councillor:

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

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1. I do not misuse council resources.

7.2. I will, when using the resources of the local authority 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.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

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

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

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

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

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9 . Interests

As a councillor:

9.1. I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1. 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.**
- 10.2. I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3. I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise

must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which *affects* –

- a) your own financial interest or well-being;
- b) a financial interest or well-being of a relative or close associate; or
- c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) *affects* the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>—</p> <ul style="list-style-type: none"> a) under which goods or services are to be provided or works are to be executed; b) and which has not been fully discharged.

Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <ul style="list-style-type: none"> a) the landlord is the council; and b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	<p>Any beneficial interest in securities* of a body where—</p> <ul style="list-style-type: none"> a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and b) either— <ul style="list-style-type: none"> i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a member or in a position of general control or management