

**UPDATE ON RECENT DEVELOPMENTS IN STANDARDS IN LOCAL GOVERNMENT AND REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

**REPORT OF THE ASSISTANT DIRECTOR OF LAW AND GOVERNANCE**

**1 Purpose of Report**

- 1.1 The purpose of this Report is to update Members on recent developments in relation to ethical standards in local government and to invite the Committee to
- Consider the recommendations of the Committee on Standards in Public Life (CSPL) following their review of Local Government Ethical Standards and note the best practice recommendations identified
  - Note the consultation draft Model Code of Conduct for Members recently issued by the Local Government Association (LGA) in response to the recommendations of the CSPL, and delegate authority to the Monitoring Officer in consultation with the Chair of Standards Committee and Independent Person, to respond to the consultation on behalf the Committee
  - Endorse an amendment to the Council's current Member Code of Conduct in response to a resolution of full Council in September 2019
  - Note that further reports will be provided on developments in respect of the outcome of the LGA consultation on the Code and implementation of the recommendations from the CSPL.

**2 Background**

- 2.1 Since 2000, legislation has been in place with a view to supporting high ethical standards in local government. This legislation, amongst other matters, required local authorities to adopt a Code of Conduct for Members and associated procedures for the handling of alleged breaches of the adopted Code. The precise nature of these arrangements has changed over time with movement from a largely unregulated approach, through a highly centralised system involving the Standards Board for England, to the current local arrangements with which Members are familiar.
- 2.2 The Committee on Standards in Public Life (CSPL) is an advisory non-departmental body that advises the Prime Minister on ethical standards across the whole of public life in England. In that context the CSPL has previously published reports and made recommendations on ethical standards in local government and as the current legislative arrangements have been in place since the Localism Act 2011, the CPSL wished to look at the current framework to see whether it

remains conducive to promoting and maintaining good ethical standards in local authorities. To that end the CPSL undertook a review of the current framework and, following a period of consultation, in 2019 produced a report of their review “Local Government Ethical Standards”.

A copy of the executive summary of the report is attached at Appendix 1. The conclusions of the CSPL are referred to further below together with their recommendations to Government and to other specific groups of public-office holders, which largely require changes to primary and secondary legislation. A copy of the recommendations is attached at Appendix 2.

- 2.3 One of the CPSL recommendations is that the LGA “should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government”. A consultation draft of such a model code has now been produced by the LGA and the draft is attached at Appendix 3.
- 2.4 The CSPL also makes “best practice recommendations” to local authorities which may be adopted without legislative change. The best practice recommendations are attached at Appendix 4. The CSPL states that the best practice recommendations “should be considered a benchmark of good ethical practice”. These recommendations are of note as they relate to practice and procedure in the handling of complaints about Member behaviour and where these are not currently in place within the authority, the CSPL urges that they are implemented to improve ethical standards in local government. The CSPL have stated their intention to review implementation of their best practice recommendations during 2020, however, the subsequent onset of the current Covid 19 crisis will have impacted on such stated timescales. Many of the recommendations are already reflected in the Council’s arrangements, for example, the inclusion in the Code of a prohibition on bullying, accessibility of the Code, involvement of the Independent Person in decisions on whether to undertake a formal investigation, and publication of gifts and hospitality as part of the Register of Interests, which is updated on an ongoing basis. There are however some differences, for example, the Code does not expressly prohibit harassment, nor contain definitions or examples of behaviour that would amount to bullying or harassment. Also, the Council previously appointed two Independent Persons but in recent years has appointed only one. This has not however created any difficulties. In addition, while the Code has been amended since it’s initial adoption, it is not formally reviewed on an annual basis.
- 2.5 At the meeting of full Council on 16 September 2019 Council expressed its support for the adoption of the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism and expressed the view that the definition be implemented in a range of ways within the Authority.

This included the introduction of a reference to the IHRA Working Definition in the Code of Conduct for Members.

### **3 The CPSL Report- Local Government Ethical Standards**

- 3.1 The CSPL notes in its report that the vast majority of councillors uphold high standards of conduct, but also states that there is “clear evidence of misconduct by some councillors”. The majority of those cases relate to bullying, harassment or other disruptive behaviour. The CSPL also found evidence of “persistent or repeated misconduct by a minority of councillors”.

In addition, CSPL is concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision – making. It considered whether there is a need for a central body to govern and adjudicate on standards but concluded there is “no reason to reintroduce” that.

- 3.2 The recommendations by the CSPL set out in Appendix 2 relate to codes of conduct, declaring interests, investigations and safeguards, sanctions, parish councils and leadership and culture and are described further below.

- 3.2.1 **Codes of Conduct:** the CSPL notes the variation in length, quality and clarity of Codes of Conduct which “creates confusion” among members of the public and Councillors representing different tiers of local government. Many Codes do not address areas such as the use of social media and bullying and harassment. The CSPL has therefore recommended that the LGA create an updated model Code of Conduct. The model code is voluntary and able to be adapted by an Authority to reflect local circumstances. The LGA has undertaken this work in consultation with local government stakeholders and the consultation draft Code is attached at Appendix 3.

In addition, it recommends that the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to make it clear that the “land” category does not require a Councillor to register his/her home address.

It also recommends that Councillors should be presumed to be acting in an official capacity in their public conduct. This would include their comments on publicly accessible social media.

- 3.2.2 **Declaring Interests:** The CSPL received evidence that the current Disclosable Pecuniary Interests arrangements are “not working”: they are unclear and too narrow. It recommends that the current requirements for registering interests should be

amended to include unpaid directorships, trusteeships, management roles in a charity or a body of a public nature and membership of any organisations that seek to influence opinion or public policy.

Most of the codes seen by the CSPL required Councillors to register gifts and hospitality in some way. However, there was a variation in thresholds. The CSPL was concerned about the use of high thresholds. It therefore recommends that Councillors should be required to record gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source.

In addition, it recommends that the current rules about not participating in a discussion, or voting, where the Councillor has “a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting”, should be repealed and replaced with an objective test. The Localism Act does not specify how closely related an interest must be to the matter under consideration to count as an interest “in” that matter. Therefore, the CSPL recommends that local authorities should be required to include in their code that a Councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision- making in relation to that matter”.

It also recommends that the current criminal offences relating to Disclosable Pecuniary Interests should be abolished.

**3.2.3 Investigations and Safeguards:** The CSPL acknowledges that the Independent Person is an important safeguard in the current system and concludes that the role should be strengthened and clarified. It recommends that the Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of 2 years, renewable once. In addition, the view of the Independent Person should be formally recorded in a decision notice or minutes.

It also recommends that local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed.

CSPL states that local authorities should maintain a standards committee and recommends that councils should be given the power to establish decision-making standards committees with voting independent members and voting members from parish councils, to decide on allegations and impose sanctions.

3.2.4 **Sanctions:** The CSPL states that “the current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct”. It therefore recommends that local authorities should be given the power to suspend Councillors, without allowances, for up to 6 months.

In addition, it recommends that a local authority should only be able to suspend a Councillor where the Independent Person agrees with the finding of breach and also agrees that suspension would be a proportionate sanction.

The CSPL recommends that a Councillor or Parish Councillor who is suspended should be given the right to appeal to the Local Government Ombudsman. The Ombudsman’s decision would be binding.

In addition, the power to bar Councillors from local authority premises or withdraw facilities as sanctions should be clarified and “put beyond doubt in legislation if necessary”.

3.2.5 **Parish Councils:** The CSPL recommends that parish councils should be required to adopt the code of their principal authority, with the necessary amendments, or the new model code.

It also recommends that the Localism Act 2011 should be amended to state that any sanction imposed on a Parish Councillor following the finding of a breach is to be determined by the principal authority.

3.2.6 **Leadership and culture:** The CSPL considers that an ethical culture needs leadership from a local authority’s Standards Committee, its Chief Executive, political Group Leaders and the Chair of Council. As part of this, the CSPL recommends that Councillors should be required to attend formal induction training by their political groups.

3.3 The Best Practice recommendations to local authorities do not require legislative changes and include the following:

- Codes of Conduct should include prohibitions on bullying and harassment and a requirement to comply with formal standards investigations
- an annual review of the Code of Conduct
- access to at least 2 Independent Persons, and
- regular meetings of senior officers and political Group Leaders or Group Whips to discuss standards issues.

- 3.4 The Best Practice recommendations are set out in full in Appendix 4. As referred to above, the Committee will see that there are a small number of aspects of practice and procedure which would require adjustment to secure consistency with the CSPL recommendations. As the Government is yet to respond to the CSPL recommendations, and the consultation process on the LGA Model Code is ongoing, the Committee may consider it appropriate to await further developments in these areas, prior to considering any further amendments to the current Code of Conduct, in addition to the amendment required to reflect Council's resolution on antisemitism. It is however proposed that in the meantime, officers review the Arrangements for Dealing with Complaints in the light of experience, and also having regard to the best practice recommendations, and bring a further report to Committee on any updates recommended to the procedure document.
- 3.5 Although the CSPL Report Executive Summary, the Recommendations to Government and other specific groups of public office holders, together with the Best Practice recommendations to local authorities are attached to this report, a full copy of the CSPL report can be accessed here: [CSPL report](#)

#### **4 Member Code of Conduct**

- 4.1 At paragraph 3.2.1 above it is noted that the variation in length, quality and clarity of Member Codes of Conduct "creates confusion" among members of the public and Councillors representing different tiers of local government. It is also noted that many Codes do not address areas such as the use of social media and bullying and harassment. As a result, one of the CSPL recommendations requested that the LGA produce a model Member Code of Conduct to be used as a template (with local amendments as appropriate) for adoption by all tiers of local government, thereby enabling a consistency in approach.
- 4.2 As referred to above, the LGA have recently produce a consultation draft model Member Code of Conduct in consultation with the local government sector and this is attached at Appendix 3. The LGA have stated that "it is the intention to create additional guidance, working examples and explanatory text. We very much welcome comment on the consultation draft. We would particularly like to know if it stands up to the new ways of working that have been introduced [as a result of the Covid-19 emergency] and gives enough of a steer on social media and online activity." The consultation period runs until Monday 17 August 2020. It is recommended that in order to respond within that timescale, the Committee delegates authority to the Monitoring Officer in consultation with the Chair of the Standards Committee and Independent Person, to respond on its behalf.

- 4.3 Although the LGA have now produced a consultation draft Code of Conduct, it is not known when a final draft will emerge and, depending on the nature and volume of responses to the consultation now underway, this may not be for a significant period of time. In the meantime, at the meeting of full Council in September 2019, a motion was considered and agreed which, amongst other matters, stated that the Working Definition of Antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) should be used by the Authority when considering complaints of breaches of the Member Code of Conduct relating to antisemitism. It is proposed that this be reflected in the current Member Code of Conduct in accordance with the wording shown in italics in the extract of the Code as set out in Appendix 5, to reflect the resolution of full Council.
- 4.4 The amendment proposed provides that the Working Definition of Antisemitism will be used, in conjunction with the examples of antisemitism identified and agreed by the IHRA Plenary in Bucharest on 26 May 2016, where relevant allegations of breaches of the Code of Conduct are made against Members. The amendment encompasses instances where antisemitism is alleged to have arisen or is identified following a complaint.

## **5 Recommendations**

- 5.1 The Committee is recommended to:
- 5.1.1 Consider the recommendations of the Committee on Standards in Public Life (CSPL) following their review of Local Government Ethical Standards and note the Best Practice recommendations.
  - 5.1.2 Note the consultation draft Model Code of Conduct for Members recently issued by the Local Government Association (LGA) in response to the recommendations of the CSPL and delegate authority to the Monitoring Officer, in consultation with the Chair of Standards Committee and Independent Person to respond to the consultation on behalf of the Committee.
  - 5.1.3 Endorse the amendment of the Council's current Member Code of Conduct to include reference to the International Holocaust Remembrance Alliance Working Definition of Antisemitism as set out in Appendix 5 to this report.
  - 5.1.4 Note that further reports will be provided on developments in respect of the outcome of the LGA consultation on the Code and implementation of the recommendations from the CSPL.

## **6 Background Papers**

Local Government Ethical Standards: A Review by the Committee on Standards in Public Life (January 2019)

[CSPL Report on Local Government Ethical Standards](#)

Local Government Association Model Member Code of Conduct (Consultation Draft) June 2020

[LGA Model Member Code of Conduct \(Consultation Draft\)](#)

International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism

[IHRA Working Definition of Antisemitism](#)

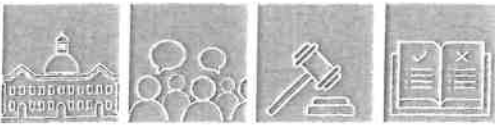
Minutes of the meeting of full Council 18 September 2019

[Minutes of Council Meeting 18 September 2019](#)



**Local Government Ethical Standards: A Review by the Committee on  
Standards in Public Life**

**Executive Summary**



# Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

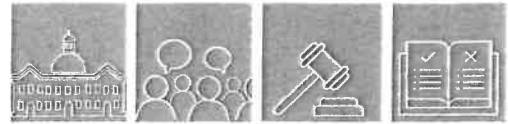
Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

## Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

### **Declaring and managing interests**

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

### **Investigations and safeguards**

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

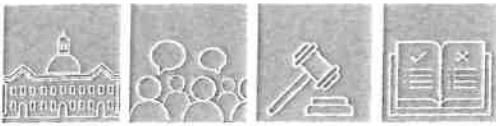
Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

### **Sanctions**

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



### **Town and parish councils**

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

### **Supporting officers**

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

### **Councils' corporate arrangements**

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

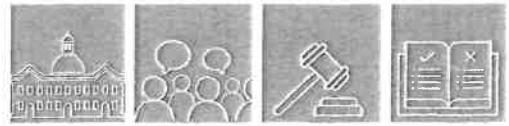
Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

### **Leadership and culture**

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.

**Local Government Ethical Standards: A Review by the Committee on Standards in Public Life**

Number	Recommendations	Responsible Body
1.	The Local Government Association should create an updated model Code of Conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government.	Local Government Association
2.	The Government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an Authority's register of interests.	Government
3.	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4.	Section 27(2) of the Localism Act 2011 should be amended to state that the local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5.	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government

6.	Local Authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over the value of £50 or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government
7.	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government
8.	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9.	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10.	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11.	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12.	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting	Government

	independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	
13.	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government
14.	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15.	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying, conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16.	Local authorities should be given the power to suspend councillors without allowances, for up to 6 months.	Government
17.	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18.	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government



19.	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish Councils
20.	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.	Government
21.	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22.	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government
23.	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24.	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25.	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political Groups / National Political Parties
26.	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

**Local Government Association: Consultation Draft Member Code of Conduct**

# Local Government Association Model Member Code of Conduct

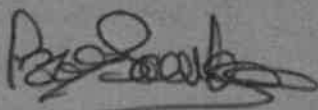
# Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

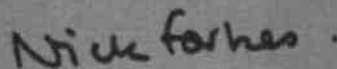
The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.




**Councillor Izzi Seccombe OBE**  
Leader, LGA Conservative Group



**Councillor Nick Forbes CBE**  
Leader, LGA Labour Group



**Councillor Howard Sykes MBE**  
Leader, LGA Liberal Democrats Group



**Councillor Marianne Overton MBE**  
Leader, LGA independent Group

## Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

## Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]<sup>1</sup> in [public or in]<sup>2</sup> your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

## The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

## Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

## Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

## As a councillor I commit to:

### Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility 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 civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

### Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The 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 not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

### Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council 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. Although 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, 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.

### Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone 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 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 council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## Disrepute

### **7. Not bringing my role or council into disrepute.**

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted 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 other councillors and/or your council.

## Your position

### **8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

## Use of council resources and facilities

### **9. Not misusing council resources.**

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

## Interests

### **10. Registering and declaring my interests.**

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare 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 declared by you or other members, 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. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

## Gifts and hospitality

### **11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.**

### **12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**

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 member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

## Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.



# Example

## LGA guidance and recommendations

### Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

## Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details [www.gov.uk/government/news/the-principles-of-public-life-25-years](http://www.gov.uk/government/news/the-principles-of-public-life-25-years)
5. ACAS’s definition of bullying

# Appendices

## Code Appendix A

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 declare 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.

## Code Appendix B

### **Registering interests**

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

### **Declaring interests**

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare 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 declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare 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 declare the nature of the interest.
6. 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 friend, relative, close associate; or
  - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare 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 declare the nature of the interest.

**Table 1: Disclosable Pecuniary Interests**

Subject	Description
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	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.  This includes any payment or financial benefit from a trade union within the meaning of the <b>Trade Union and Labour Relations (Consolidation) Act 1992</b> .
<b>Contracts</b>	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 —  (a) under which goods or services are to be provided or works are to be executed; and  (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council.  '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.
<b>Licences</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)—  (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.
<b>Securities</b>	Any beneficial interest in securities* of a body where—  (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and  (b) either—  (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 has 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 Registerable Interests**

<b>Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;</b>	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) 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.	





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REF 11.197



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PLEASE USE THE ONLINE SURVEY FORM TO SUBMIT YOUR RESPONSE**

## **LGA Consultation on Draft Model Member Code of Conduct**

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standards in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

### **Instructions and privacy notice**

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF [here](#).

## About you

Your name \_\_\_\_\_

### Are you...

- A councillor
- An officer
- Answering on behalf of a whole council (Please provide council name below)

\_\_\_\_\_

- Other (please specify below)

\_\_\_\_\_

### Please indicate your council type

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Other (please specify below)

\_\_\_\_\_

### Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

**Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q1a. If you would like to elaborate on your answer please do so here:**

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**Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?**

- Yes
- No
- Don't know

**Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?**

- Personal tense ("I will")
- Passive tense ("Councillors should")
- No preference

### **Specific obligations**

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

**Q4. To what extent to you support the 12 specific obligations?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.					
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.					
3. Not bullying or harassing any person.					
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.					
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.					
6. Not preventing anyone getting information that they are entitled to by law.					
7. Not bringing my role or council into disrepute.					
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.					

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9. Not misusing council resources.

10. Registering and declaring my interests.

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

**Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:**

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**Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?**

- As a list
- Each specific obligation followed by its relevant guidance
- No preference

**Q7. To what extent to you think the concept of 'acting with civility' is sufficiently clear?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

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**Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:**

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**Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q9a. If there are other definitions you would like to recommend, please provide them here.**

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**Q10. Is there sufficient reference to the use of social media?**

- Yes
- No
- Don't know/prefer not to say

**Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?**

- Separate code
- Integrated into the code
- Don't know/prefer not to say

**Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:**

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**Registration and declarations of interests**

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in Appendix B of the Code.

**Q11. To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

**Q11a. If you would like to elaborate on your answer please do so here:**

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**Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?**

- In the main body of the code
- In the appendix
- Other (please specify below)
- Don't know/prefer not to say



**Q12a.** If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

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It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in **Table 2 of the Appendix** and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

**Q13. To what extent do you support the inclusion of these additional categories for registration?**

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council					
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management					
Any organisation, association, society or party directed to charitable purposes					
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)					

**Q13a.** If you would like to propose additional or alternative **categories** for registration, please provide them here:

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**Q14. To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?**

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q14a. If you would like to elaborate on your answer please do so here:

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**Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?**

- Yes
- Yes, but the amount should be reviewed annually with the code's review
- No, it should be lower (please specify amount) \_\_\_\_\_
- No, it should be higher (please specify amount) \_\_\_\_\_
- Don't know/prefer not to say

**Q16. The LGMA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.**

- \_\_\_\_\_ Regularly updated examples of case law
- \_\_\_\_\_ Explanatory guidance on the code
- \_\_\_\_\_ Case studies and examples of good practice
- \_\_\_\_\_ Supplementary guidance that focuses on specific areas, e.g., social media
- \_\_\_\_\_ Improvement support materials, such as training and e-learning packages

**Q16a. If you would like to suggest any other accompanying guidance please do so here:**

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**Q17. If you would like to make any further comments about the code please do so here:**

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Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

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### Committee on Standards in Public Life Best Practice Recommendations

#### Best Practice Recommendation

**Best Practice 1.** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best Practice 2.** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

**Best Practice 3.** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best Practice 4.** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best Practice 5.** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best Practice 6.** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best Practice 7.** Local authorities should have access to at least two Independent Persons.

**Best Practice 8.** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

**Best Practice 9.** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

**Best Practice 10.** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best Practice 11.** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

**Best Practice 12.** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best Practice 13.** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best Practice 14.** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

**Best Practice 15.** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues

## Code of Conduct for Members

The Council of the City of Sunderland (“the Council”) has adopted the following Code which took effect from 1 July 2012 and which was amended on 27 March 2013 and which sets out the conduct that is expected of elected and co-opted Members of the Council when they are acting in that capacity.

**This means the Code applies whenever you (a) conduct the business of the Council (including the business of your office as an elected Councillor or co-opted Member) or (b) act, claim to act or give the impression you are acting as a representative of the Council.**

‘Co-opted Member’ means any person who is a Member of any Committee or Sub-Committee of the Council with a right to vote but is not one of its elected Members. The Code is intended to be consistent with Nolan’s Seven Principles of Public Life, and should be read in the light of those principles, namely that Council Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

*In addition, the Council adopts the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism (set out below<sup>1</sup>) and associated examples, where relevant in the consideration and any investigation of an allegation of a breach of this Code. The associated examples can be found at <https://www.holocaustremembrance.com/working-definition-antisemitism>*

### General Conduct

1. You must treat others with respect, including Council officers and other elected Members.
2. You must not bully any person (including specifically any Council employee) and you must not intimidate or improperly influence or attempt to intimidate or improperly influence any person who is involved in any complaint about any alleged breach of this Code of Conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a Member of the Council, into disrepute.

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<sup>1</sup> ***“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”***

5. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected Members or co-opted Members and which the Council has specifically declared should fall within the provisions of this Code of Conduct and which is listed in the annex to this Code.
7. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council's reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
  - a) You have the consent of a person authorised to give it; or
  - b) You are required by law to do so; or
  - c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
  - d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the Council which is subsequently subject to scrutiny by an Overview and Scrutiny Committee of the Council, you must not take part in that scrutiny process except to the extent you may be invited by the Committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Council in order to reach a view as to its merits or effectiveness.

### **Registration of Interests**

11. Subject to paragraph 12, you must register in the Council's Register of Members' Interests information about your personal interests. In this Code of Conduct 'your personal interests' means:
  - (a) any 'Disclosable Pecuniary Interest' (as defined by regulations made from time to time by the Secretary of State) which you know about and which is held by
    1. you, or



2. your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners.

(b) any person or organisation from whom you have received an offer of a gift or hospitality with an estimated value of £50 or more (whether or not you accept the offer) which is attributable to your position as an elected or co-opted Member of the Council. In addition to recording the identity of the person or organisation who made the offer, you should record the nature of the gift or hospitality.

(Note: Paragraph 11 (b) relates only to your interests and not those of your spouse or civil partner)

You must register information about your personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a Member of the Council; and
- any change taking place in your personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code. A list of Disclosable Pecuniary Interests as currently defined by regulations is set out in Annex 2)

12. Where you think that disclosure of the details of any of your personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, you may inform the Monitoring Officer; and if the Monitoring Officer agrees, a note will be made in the Register to the effect that you have a personal interest, details of which are withheld under Section 32 of the Localism Act 2011.

### **Declaration of Interests**

13. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are, or ought reasonably to be, aware that any of your Disclosable Pecuniary Interests are relevant to an item of business which is being considered, then unless the interest is one which has been noted under paragraph 12, you must disclose to that meeting the existence and nature of that interest at the start of that item of business, or when the interest becomes apparent, if later.
14. When you attend a meeting of the Council or Cabinet, or one of their Committees or Sub-Committees, and you are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being

considered at that meeting, you may not (unless you have a relevant dispensation granted under section 33 of the Localism Act 2011):

- a) participate (or further participate) in any discussion of the matter at the meeting; or
  - b) participate in any vote (or further vote) taken on the matter at the meeting.
15. If a function of the Council can be discharged by you as a Member acting alone and you are aware you have a Disclosable Pecuniary Interest in any matter to be dealt with by you in the course of discharging that function, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraph 14 or 15 is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this Code)

16. You must comply with any standing order adopted by the Council which requires Members to leave the room during any meeting at which a matter in which they have a Disclosable Pecuniary Interest is being discussed.