

# **Local Government Association**

## **Second Draft Model Councillor Code of Conduct**

### **Introduction**

Under review

### **Definitions**

For the purposes of this Code of Conduct a “councillor” means a member or co-opted member of a local authority. 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 local authority, or;
- b) is a member of, and represents the local 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. 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 obligations in relation to standards of conduct. The overarching aim is to create and maintain public confidence in the role of councillors and local government.

In addition to this Code, everyone in public office at all levels – such as ministers, civil servants, members, local authority 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.

### **Application of the Code of Conduct**

The Code of Conduct applies to you as soon as you sign your declaration of acceptance of office of councillor and continues to apply to you until you cease to be a councillor.

You are expected to uphold high standards of conduct and show leadership at all times. The Code of Conduct applies to you when you are acting in your capacity as a member or representative of your local authority and applies to all forms of councillor communication and interaction. This includes at meetings, whether face-to-face or

online, as well as written, verbal, non-verbal, electronic and social media communication.

You are also encouraged to follow the Code at all other times where you use your position as a councillor.

## **General principles of councillor conduct**

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

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

In undertaking my role, I:

- impartially exercise my responsibilities in the interests of the local community
- do 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 in accordance with my local authority's requirements and in the public interest

## **Standards of councillor conduct**

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

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

### **General Conduct**

#### **1. *Respect***

**As a councillor I:**

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

**1.2 treat authority employees, employees and representatives of partner organisations and those volunteering for the 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 its elected representatives.

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

## **2. *Bullying, harassment and discrimination***

**As a councillor I:**

**2.1 do not bully any person.**

**2.2 do not harass any person.**

**2.3 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 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 I:**

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

### **4. Confidentiality and access to information**

**As a councillor I:**

**4.1 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 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 do not prevent 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 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 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 I:**

### **5.1 do not bring my role or 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/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your authority into disrepute.

## **6. *Use of position***

**As a councillor I:**

### **6.1 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 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 I:**

### **7.1 do not misuse council resources.**

### **7.2 will, when using or authorising the use by others of the resources of the local authority:**

- a. act in accordance with the 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 authority or of the office to which the member has 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.

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 authority's own policies.

## **8. *Complying with the Code of Conduct***

**As a councillor I:**

- 8.1 attend any Code of Conduct training provided by my authority.**
- 8.2 cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 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 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 undermining public trust in the authority or its governance.

### **Protecting your reputation and the reputation of the authority**

## **9. *Interests***

**As a councillor I :**

### **9.1 Register and declare my interests.**

You need to register your interests so that the public, 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 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 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 declare a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

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

## **10. *Gifts and hospitality***

**As a councillor I:**

- 10.1 Do not accept gifts or hospitality 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 authority or from persons who may apply to the authority for any permission, licence or other significant advantage.**
- 10.2 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 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 reputation and the reputation of the 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 although 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.

# 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 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.

## Appendix B

### Registering interests

1. Within 28 days of this Code of Conduct being adopted by the authority 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.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.
4. A sensitive interest is defined in the Localism Act as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

### Declaring interests

5. 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 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 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.
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) 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.
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 friend, relative, close associate; or
  - c. a body covered by table 1 below you must disclose the interest.
9. Where the matter 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 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**

*To be reformatted*

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## CSPL recommendations

1. Under the Localism Act 2011 the Code of Conduct can only apply to a Councillor when they are carrying out their duties as a councillor or acting as a representative of the Authority. CSPL recommended in their 2019 Report to Government that this narrow scope should be broadened so that a local authority's code of conduct would also apply to a councillor when they claim to act, or give the impression they are acting, in their capacity as a councillor or as a representative of the local authority". If the law is changed to accept that recommendation the Code would need to be updated to reflect that change.
2. CSPL also recommended that there should be a rebuttable presumption that a councillor's behaviour in public is in an official capacity. This would include statements on publicly accessible social media and that 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." Again, if the law is changed to accept that recommendation the Code would need to be updated to reflect that change.
3. Other recommendations include:
  - a. Sanctions
  - b. Appeals through the Local Government Ombudsman
4. See CSPL website for further details  
[www.gov.uk/government/news/theprinciples-of-public-life-25-years](http://www.gov.uk/government/news/theprinciples-of-public-life-25-years)