

The new model Code of Conduct

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Why review the Code?

- Localism Act 2011 abolished national Code and allowed councils to adopt their own code
- Committee on Standards in Public Life – 10 year review of local standard arrangements
- Differences in Codes between tiers were confusing for members, officers and public alike
- Some Codes stuck to statutory minimum e.g. only required to declare interests of councillor and spouse, not other family members for example
- Councillors on different tiers covered by different rules

Why review the Code?

- Recommended a new model Code – not mandatory
- Must contain broader declarations of interest
- As a minimum same code should apply across one geographical area, with parishes adopting district Code

Acting as a councillor

- Code applies when acting as a councillor (Localism Act)
- But what about seeking to advantage/disadvantage/misuse your position in the community?
- *Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor*
- Reminder Code also applies in ‘virtual world’ – social media, virtual meetings etc

How does that apply?

- Misusing your position – ‘don’t you know who I am?’
- Social media? Profile says ‘councillor but all views are my own’
- Must still relate to a council function, not just personal views?

Acting or purporting?

- A drunken councillor says I'm on licensing committee and will have your licence taken away if you don't let me in.
 - Acting as councillor?
 - Purporting to act as a councillor?
 - Purely a private matter?

Acting or purporting?

- A councillor's twitter profile says 'councillor but all views are my own'.
- Tweets *Britain withstood the Blitz and got up, had a cup of tea and got on with rebuilding the next day. We will stand against the tide of Islam.*
 - Acting as councillor?
 - Purporting to act as a councillor?
 - Purely a private matter?

Respect

- Treat other councillors and members of the public with respect.
- Treat authority employees, employees and representatives of partner organisations and those volunteering for the authority with respect and respect the role that they play.
- Do not bully any person.
- Do not harass any person.
- Promote equalities and do not discriminate unlawfully against any person.

What is respect?

- 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.
- *Balance between freedom of speech, robust challenge and disrespect?*

Impartiality of officers and abuse of position

- Do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the authority.
- Do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.
- 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.

Information

- Do not disclose confidential information.
- Do not prevent anyone getting information that they are entitled to by law.

Disrepute

- Do not bring my authority or role into disrepute.
- *What does this cover that is not already covered? Must be something that damages reputation or standing of the authority or role of councillor not just an individual 'acting disreputably' .*

Council resources

- Do not misuse council resources.
- Examples include:
 - office support
 - stationery
 - equipment such as phones and computers
 - transport

Compliance

- Attend any Code of Conduct training provided by my authority.
- Cooperate with any Code of Conduct investigation and/or determination.
- Do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- Comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

Gifts and hospitality

- 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.
- Register any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- Register any significant gift or hospitality that I have been offered but have refused to accept.

Registration of interests

- Register Disclosable Pecuniary Interests – interests of you and your partner
- Register membership of outside organisations

Declaration of Disclosable Pecuniary Interests

- Where you have a Disclosable Pecuniary Interest you:
 - **must not** be involved in the discussion or decision-making (criminal offence)
 - **must** withdraw from the room while the matter is being debated

Declaration of other interests

- Other interests are something which relates to or affects the finances of:
 - any outside bodies in which you have a position of general control or management you are a member of ; or
 - you or people close to you
- You need to declare them at the relevant meeting

Other interests – non-participation

- If one of these other interests:
 - **directly relates to the matter you cannot take part**
- If one of these other interests is affected you apply a two-stage test to determine participation:
 - does it affect the finances or wellbeing of the outside body, you or people close to you more than the majority?; and
 - would a reasonable member of the public therefore think that affects your view of the public interest?
- If so, you would need to withdraw from the relevant meeting

Difference between 'relates to' and 'affects'

- If it is the member's own planning application it **relates to** his or her interest
- If it is the member's son's application it **relates to** the interest of a family member
- If it is a funding application by a body of which they are a member it **relates to** that organisation
- If it is next door to the member or their son it **affects** their interest
- If the outside body has campaigned on an issue it **affects** their interest

Bias and predetermination

- Underlying general principle:
 - taking public decisions means taking decisions in the public interest
 - must listen to all sides of the argument
 - must be willing to change your mind
 - must take decisions for proper reasons