



## LGA Model Member Code of Conduct

### Explanatory Note

#### 1. Introduction

- 1.1 The LGA have published their Model Code of Conduct following consultation with the sector. At the time of writing this explanatory note, the LGA have temporarily withdrawn the publication. A revised LLG note will be produced with a live link to the code of conduct once it is re-published.

#### 2. Consultation

- 2.2 An online questionnaire was available for 10 weeks between Monday 8 June until Monday 17 August. A total of 1,463 responses were received by the LGA including members, officers, councils, stakeholder organisations and individuals.

#### 3. Key Results from the Consultation

The LGA have published the following key results from the consultation responses they received.

- Almost all survey respondents (97 per cent) supported 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.
- Just over half of the survey respondents (55 per cent), thought that the code was sufficiently clear about which parts of the code are legal requirements, which are obligations, and which are guidance. A third (36 per cent) thought it was not clear while nine per cent did not know.
- Respondents were generally evenly split regarding their preference for the tense of the wording used in the code, however, there was slightly more support for the personal tense (“I will”) which was chosen by 45 per cent over the passive tense (“Councillors should”) (40 per cent).
- Almost all survey respondents supported each of the 12 specific obligations to either a great or a moderate extent. However, there was slightly less support for the obligation to register any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt than the others – 96 per cent compared to 99 to 100 per cent.
- Four in five survey respondents (80 per cent) thought that the concept of ‘acting with civility’ is sufficiently clear to a great or moderate extent. A further 12 per cent thought it was clear to a small extent while just seven per cent did not think it was clear.
- A combined total of 85 per cent of survey respondents thought the concept of ‘bringing the council into disrepute’ is sufficiently clear to a great or moderate extent. Nine per cent thought it was clear to a small extent while five per cent did not think it was clear.
- Most survey respondents (93 per cent) supported the definition of bullying and harassment used in the code in a local government context to a great or moderate degree while four per cent did so to a small extent.



- Respondents were evenly split about whether there was sufficient reference to the use of social media in the code, however, a slightly higher proportion of respondents (43 per cent) said no, than those who answered yes (41 per cent).
- Over four in five survey respondents (81 per cent) were in support of the code going beyond the current requirement to declare interests of the councillor and their partner to a great or moderate degree. A further eight per cent supported it to a small degree and another eight per cent did not support it at all.
- Almost all survey respondents (97 per cent) supported the proposed requirement that councillors do not accept significant gifts to a great or moderate degree. Two per cent supported it to a small degree while less than one per cent did not support it at all.
- Most survey respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality, although almost four in ten (39 per cent), felt that the amount should be reviewed annually with the code's review. Nine per cent of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher.
- Respondents most commonly ranked explanatory guidance on the code as the most useful type of accompanying guidance, followed by supplementary guidance that focuses on specific areas, e.g., social media and case studies and examples of good practice.

#### **4. Key Points from the Final Member Code of Conduct**

(Numbers in brackets refer to pagination in the code of conduct)

##### **4.1 Definitions**

- 4.1.1 Councillor is defined as 'a member or co-opted member of a local authority or a directly elected mayor'.
- 4.1.2 A "co-opted member" is defined pursuant to the [Localism Act 2011 Section 27\(4\)](#)
- 4.1.3 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'.

##### **4.2 Tense**

- 4.2.1 First person direct to Councillors.

##### **4.3 Nolan Principles**

- 4.3.1 Encompasses the Nolan principles. Also includes that 'public resources are used prudently in accordance with a local authority's requirements and in the public interest'.

##### **4.3 Application of the Code**

- 4.3.1 The Code applies to councillors when they are: -



- Acting in that capacity
- Representing the Council
- Claiming to act or represent
- Give the impression they are claiming to act or represent
- Refer publicly to their role
- Use knowledge obtained from their role

4.3.2 The Code specifically applies 'in electronic and social media communication, posts, statements and comments'.

#### 4.4 Standards

4.4.1 The word **Respect** (1.1) has replaced Civility (which was originally suggested in the draft code).

#### 4.5 Bullying, harassment and discrimination

4.5.1 There is a specific obligation to promote equalities and not to discriminate unlawfully against any person (2.3.1) with reference to the Equalities Act.

#### 4.6 Impartiality

4.6.1 Councillors must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority (3.1)

#### 4.7 Confidentiality

4.7.1 Councillors must not disclose information they have received which they believe or ought reasonably to be aware is of a confidential nature (4.1a&b).

4.7.2 Disclosure in the public interest and in good faith is allowed provided the councillor has consulted the Monitoring Officer prior to its release (4.1iv1,2&3)

#### 4.8 Disrepute

4.8.1 Councillors must not bring their role or authority into disrepute ((5.1).

#### 4.9 Use of Position

4.9.1 Councillors must not use their position improperly to their advantage or disadvantage (6.1).

#### 4.10 Use of Council Resources

4.10.1 Councillors must ensure that resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or their office (7.2b).

#### 4.11 Compliance

4.11.1 Councillors must commit to undertaking code of conduct training (8.1), cooperate with investigations (8.2) and comply with sanctions (8.4).



#### 4.12 Reputation

4.12.1 Declarations of interest must be registered and declared (9.1). Detailed provisions are contained within Appendix B. The code states 'If in doubt, you should always seek advice from your Monitoring Officer'.

#### 4.13 Appendix B

4.13.1 Registration of interests required are those which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests) of the code.

#### 4.13.2 Declaring Interests and Meeting Participation

- Disclosable Pecuniary Interests: -  
Councillors must declare, not participate, or vote and leave the room (subject to dispensation)
- Other Registrable Interests: -  
Councillors must declare, only speak if the public are allowed to speak, not participate in the discussion or vote and leave the room (subject to dispensation).
- Non-Disclosable Pecuniary Interest Directly Relating to Finance or Well-Being of Councillors or Relative or Close Associate: -  
Councillors must declare, only speak if the public are allowed to speak, not participate in the discussion or vote and leave the room (subject to dispensation).

#### 4.13.3 Table 1- Pecuniary Interests

Sets out an explanation of Pecuniary Interests and includes: -

- Employment or Trade
- Sponsorship
- Contracts (including partners lived with)
- Land or Property (including partners lived with)
- Licences
- Corporate Tenancies (including partners lived with)
- Securities (including partners lived with)

(Note a director includes a member of the committee of management of an industrial and provident society).

#### 4.13.4 Table 2- Other Registerable Interests

Sets out an explanation of Other Registrable Interests in respect of bodies to which councillors are appointed or nominated to by the council and includes: -

- exercising functions of a public nature



- directed to charitable purposes; or
- 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.

#### 4.14 Gifts & Hospitality

4.14.1 Councillors receiving gifts or hospitality with a value of £50 or more must register these with the Monitoring Officer within 28 days (10.2). Any significant gift or hospitality refused must also be registered with the Monitoring Officer (10.3) (*note no timescale is placed against refused gifts*).

4.15 The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

### 5. **Committee on Standards In Public Life (CSPL) Recommendations**

5.2 It is accepted that many of the recommendations made by the CSPL would require changes to the law. However, the following is noted: -

- Despite the Draft Member Code of Conduct including a bar on attending committees for up to 2 months as a sanction, the published code **contains no reference to a sanction of any kind**.
- Therefore, there is no power to suspend councillors, without allowances, for up to six months
- There is no reference to a role for the Local Government Ombudsman
- There is no discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes
- There is no mention of an independent person.
- The code does not reference section 31 Localism Act 2011 (but it gives a nod towards it)
- Gifts and Hospitality has risen from the proposed £25 to £50 recommended by the CSPL
- There is some support evidenced for a change to the authorities for Disclosable Pecuniary Interests but only where a member is nominated or appointed by the council
- Broadly the Code encompasses the CSPL recommendation when a member is acting in an official capacity which includes reference to social media but this does require a change of legislation to engage presumption ((s27)(2) Localism Act 2011)