

The Local Government Association Model Code of Conduct for Councillors

Induction Training

LGA Prepared this training material

- To ensure consistency of training across England
- The only changes to the Model code by B&NES relate to:
 - Gifts & Hospitality Threshold to declare reduced to £25 instead of £50
 - Also added a requirement that Councillors take into account advice from the Monitoring Officer and the Section 151 Finance Officer

LGA Guidance on the Code & training material

- The LGA has prepared Guidance on the Model Code
- [LGA Guidance link](#)
- Councillor e-learning module on the Councillor code of Conduct
- [LGA e-learning link](#)

4 Parts to the training

- Part 1 - we will reflect on the importance of standards in public life
- Part 2 - I will outline the provisions of the B&NES code of conduct including the general and specific requirements of conduct for councillors
- Part 3 - we will explore interests, bias and predetermination
- Part 4 - I will explain Roles & Process of complaints

Overall aim of the training

To allow you to gain a basic understanding of the provisions of the code.

Part 1: The importance of standards in public life

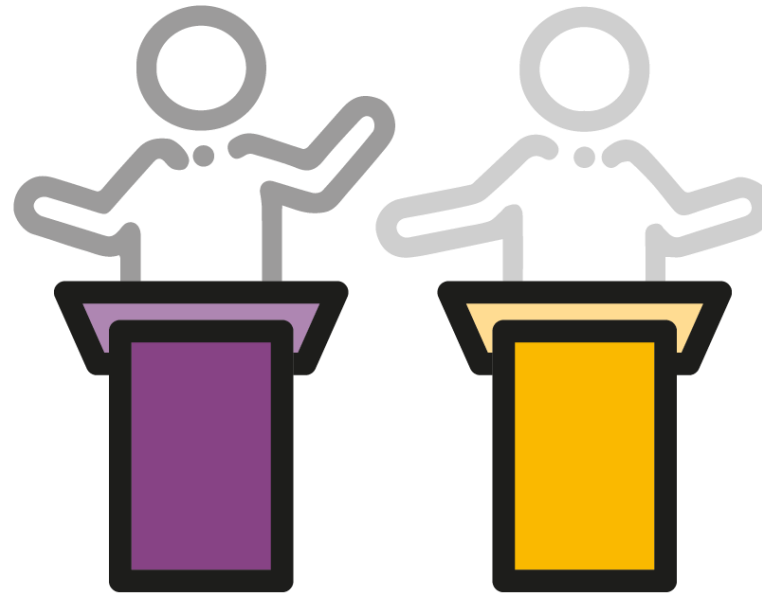
“Local government impacts the lives of citizens every day, providing essential services to those it serves. Its decisions directly affect the quality of life of local people. High standards of conduct in local government are needed to demonstrate that those decisions are taken in the public interest and to maintain public confidence”

The Committee on Standards in Public Life

Introduction and welcome
from Lord Evans of
Weardale
Chair of the Committee on
Standards in Public Life

[You Tube link](#)

Part 2 Provisions of B&NES Code of Conduct



Principles & Obligations

- Everyone in public office at all levels who serve the public or deliver public services should uphold the **Seven Principles** of Public Life, also known as the Nolan Principles
- The Model Code also includes **general obligations** which were developed specifically for the role of councillor **10 Obligations**

The Nolan Principles

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty
- Leadership

General obligations under the code of conduct

1. Treating others with respect
2. Not bullying, harassing or discriminating
3. Not compromising the impartiality of officers
4. Dealing properly with information
5. Not bringing the council or your office into disrepute
6. Improper use of your position
7. Improper use of resources
8. Cooperating with code of conduct issues
9. Registering and disclosing interests
10. Dealing properly with gifts and hospitality

Which gives rise to most complaints- straw poll/show of hands clue column 1 only

B&NES Statistics- Last 5 years For All Councils

Subject of the complaint	17/18	18/19	19/20	20/21	21/22	Total
BANES Councillor	11	13	0	5	13	42
Parish / Town Councillor	4	7	7	11	5	34
Total	15	20	7	16	18	76

Type of complaint	2017/18	2018/19	2019/20	2020/21	2021/22	Total
Failure to declare an interest	6	5	0	3	2	16
Bullying/Harassment/Discrimination	4	3	0	0	0	7
Bringing Council into disrepute	5	11	7	9	16	48
Improperly conferring advantage/disadvantage	0	0	0	0	0	0
Disclosure of confidential information	0	0	0	0	0	0
Lack of respect	0	1	0	4	0	5
Total	15	20	7	16	18	76

When does the Code Apply



The code applies...

- When you are acting in your capacity as a councillor which includes when.....
 - You misuse your position as a councillor or
 - Your actions would give the impression to a reasonable member of public aware of all the facts that you are acting as a councillor

The code applies...

- Face-to-face meetings
- Online or telephone meetings
- Written communication
- Verbal communication
- Non-verbal communication
- Electronic and social media communication, posts, statements and comments

Examples from the Guidance

- An argument with your neighbour ?
- A councillor and an officer having a personal relationship ?
- Writing on **council notepaper** using **council e mail**, **using councillor business** cards or **wearing council regalia** ?
- An argument with a taxi driver and a threat to their licence ?

Social Media

- It is **Now** explicitly covered by the code
- Can be the main source of code of conduct complaints **much more prevalent in B&NES, recently**
- Useful guidance from the LGA on dealing with social media
- [Social Media Guidance link](#)

Examples from the Guidance

- Calling yourself a councillor (or not doing so) is not conclusive
- There must be a link within the posting or thread to your role as a councillor or to local authority business
- Councillor posted on Facebook (as a member of the public) that an officer should be sacked – covered by the code or not ?
- Councillor made insulting remarks about the Prime Minister – covered by the code or not ?

Part 3 interests



Interests -3 Types- DPI, ORI & NRI

If something **directly relates** to

- your DPIs
- the financial interest or well-being of an ORI
- your financial interest or well-being (which is not a DPI) or
- the financial interest/well-being of a relative or close associate ...

You must

- **Disclose** the interest, not participate in any discussion and leave the room
- You can **only** speak on a matter if you have a dispensation
- You can **only** speak on the matter if members of the public are also allowed to speak at the meeting (**except** if it relates to a **DPI**)

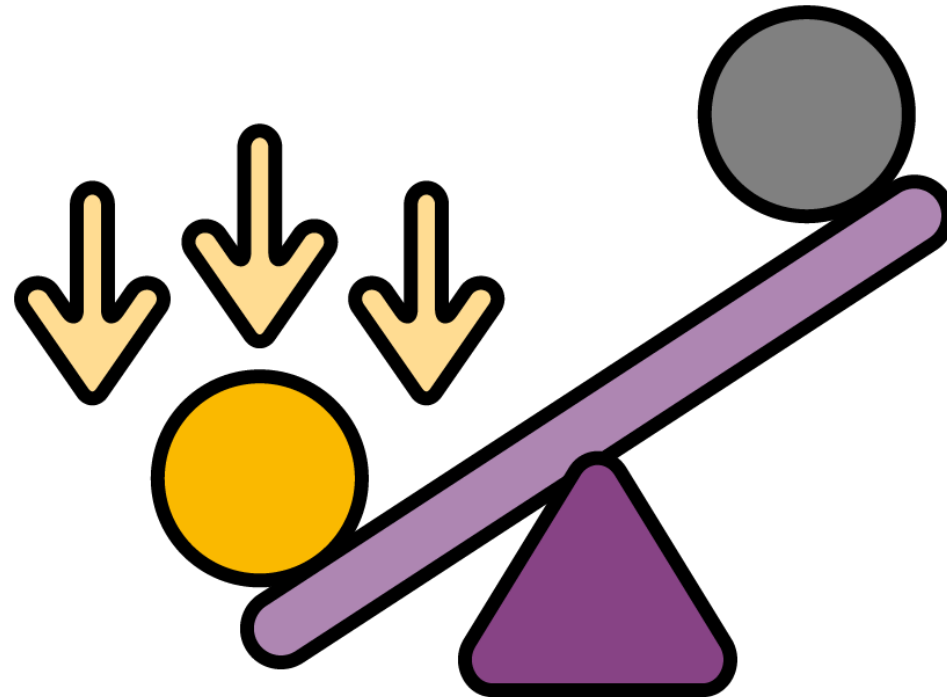
If something **affects**

- your financial interest or well-being
- the financial interest or well-being of a relative or close associate or
- the financial interest or well-being of an ORI ...

You Must

- **Disclose** the interest.
- You can **stay, speak and vote unless** you/they are affected to a greater extent than most people and the Public would think your judgment might be clouded
- If so, you must not participate in any discussion and leave the room (though you can speak if you have a dispensation or if the public are allowed to)

Bias and predetermination



Bias and predetermination

- Not explicitly covered in the code of conduct
- But important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interest.

Bias and predetermination

- Bias – where a decision maker's connections make it **appear** that there is a real danger of bias when s/he makes the decision **Relates to Interests**
- Pre-determination – where a decision maker has completely made up his/her mind before the decision is taken. **Relates to decisions**

Bias and predetermination

- The risk in both cases is that the decision maker does not approach the decision with an objective, open mind
- This makes the local authority's decision challengeable
- **B&NES addition to the Model Code**
- **Take account of MO or CFO advice**

Section 25 Localism Act 2011

Predisposition

- An elected or co-opted member is not to be taken to have had, or to appear to have had a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision maker took or would or might take in relation to a matter and the matter was relevant to the decision

Example from the guidance (1)

- A councillor said publicly that he was “inclined to go along with” a barrister’s recommendation in relation to a TVG application. He then voted on the decision making committee. **Predetermination or Not ?**

Example from the guidance (2)

- A district councillor also belongs to a parish council that has complained about the conduct of an officer of the district council. The officer has been disciplined. The officer has appealed to a councillor panel and the councillor seeks to sit on the panel hearing the appeal
- Bias or Not?

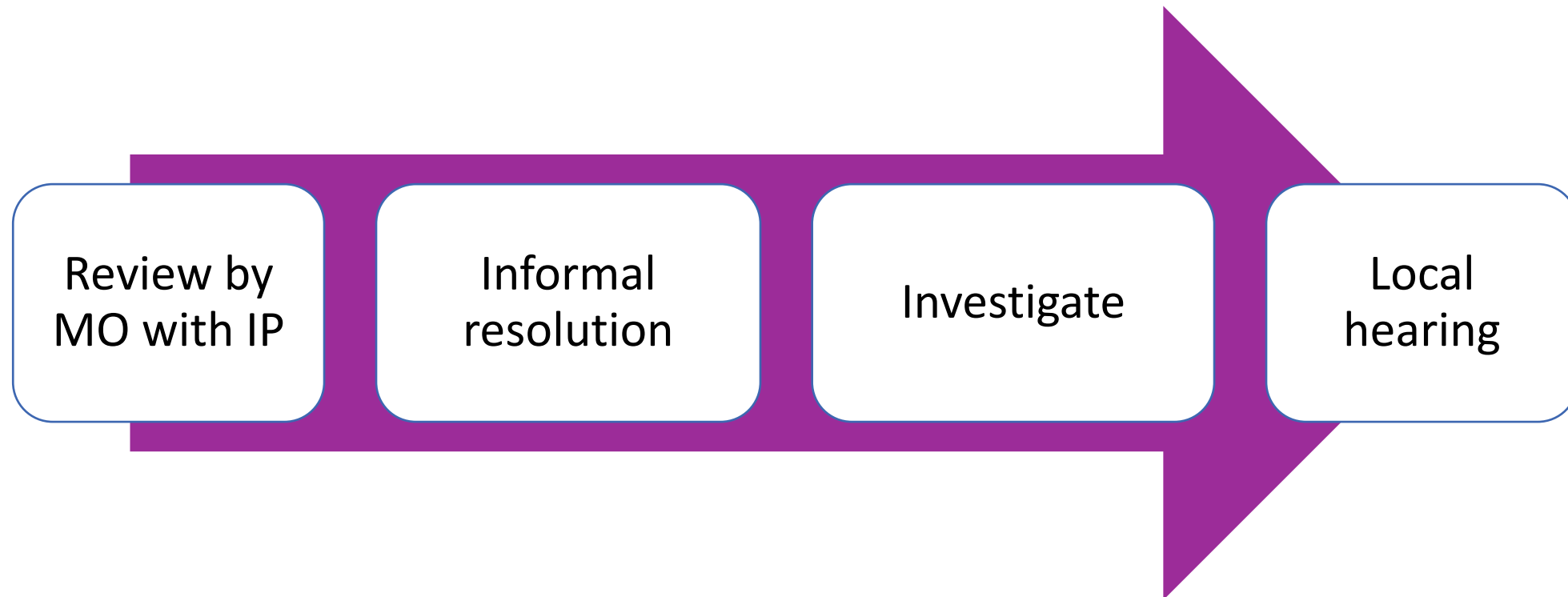
Roles and process for dealing with code of conduct complaints



Part 4 Role of the Monitoring Officer re: standards

- Ensure the investigation of complaints
- Maintain the registers of interests
- Supporting councillors and complainants

Usual arrangements for dealing with standards complaints



Conclusions and close

Register for October/November Half day training
Joint Training with Avon Fire Authority

Dates

30 Oct	10:00-12:30	Keynsham in person
10 Nov	2:00- 4:30	Avonmouth in person
15 Nov	5:00- 7:30	via zoom/Teams online