



CHELTENHAM

BOROUGH COUNCIL

Notice of a meeting of Standards Committee

Thursday, 13 August 2020
6.00 pm

Virtual WEBEX video conference via YouTube -
<https://www.youtube.com/user/cheltenhamborough>

Membership	
Borough Councillors:	Max Wilkinson (Chair), Louis Savage, Karl Hoble, Martin Horwood, Jo Stafford, Klara Sudbury and John Payne
Independent Members:	Mr Martin Jauch, Mr Duncan Chittenden

Agenda

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST**
3. **MINUTES OF THE LAST MEETING** (Pages 3 - 8)
Minutes of the meeting held on 3 July 2020.
4. **CONSULTATION-LGA DRAFT MODEL CODE OF CONDUCT** (Pages 9 - 62)
Report of the Monitoring Officer
5. **ANY OTHER BUSINESS**
6. **DATE OF NEXT MEETING**
TBA

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Standards Committee

**Friday, 3rd July, 2020
10.00 - 11.00 am**

Attendees	
Borough Councillors:	Max Wilkinson (chair), Louis Savage, Martin Horwood, Klara Sudbury and John Payne
Independent Members:	Martin Jauch, Duncan Chittenden
Also in attendance:	Sara Freckleton, Borough Solicitor and Monitoring Officer

Minutes

- 1. APOLOGIES**
Councillors Stafford and Hobley.
- 2. DECLARATIONS OF INTEREST**
There were none.
- 3. MINUTES OF THE LAST MEETING**
RESOLVED that the minutes of the meeting held on 3 February 2020 be agreed as a correct record.
- 4. CHELTENHAM BOROUGH COUNCIL CODE OF MEMBERS' CONDUCT- COMPLAINT AGAINST COUNCILLOR DENNIS PARSONS**
The Monitoring Officer explained that the report before the Committee considered three complaints that had been received alleging that Councillor Dennis Parsons had failed to comply with the Council's Code of Members' Conduct arising from his contribution to a debate at the Council meeting held on 15 June 2020. She advised that the report set out in full, at Paragraph. 1.2, the substance of the complaints and the factual background was set out at Paragraph 3 of the report. In that respect, the facts were a matter of record and were not disputed. The Monitoring Officer indicated that, as required by the Council's arrangements for the determination of complaints, she had consulted with the Independent Persons and assessed the complaints made against a number of preliminary tests: whether the Member had acted in their capacity as a Member – which was clearly the case in this instance; whether the behaviour was likely to constitute a breach of the Code of Conduct – which in this case related to the requirements to treat others with respect and to promote high standards of conduct when serving in a public post by leadership and example; and whether it was necessary to seek any additional information before being able to determine where there had been a breach of the Code – in this case, the facts were clear, were not disputed and there had been no need for further investigation.

Having completed the preliminary investigation, the Monitoring Officer had considered the complaints in the context of the facts, the Code of Conduct and the views of the Independent Persons which were set out at Paragraph 5.6 of the report. It was clear from the analysis that Councillor Parsons' conduct at the Council meeting had fallen significantly short of the standards of conduct expected of holders of public office and had caused damage to both his own reputation and that of the Council. As well as being contrary to the general principles of conduct in public life which underpinned the Council's Code of Conduct, Councillor Parsons' comments were completely inappropriate and disrespectful, contrary to the provisions of Clause 7(1) of the Code which required Members to treat others with respect and also Clause 7(8) which required Councillors to promote high standards of conduct by leadership and example.

The Committee was advised that Councillor Parsons had acknowledged he had made a gross error of judgement which had contravened the Code of Conduct and attention was drawn to the supplemental report which attached two letters from Councillor Parsons that had been sent after the main report had been issued. In the first letter, Councillor Parsons recognised the inappropriateness of the comments made and apologised unreservedly to the Council and the public for his gross error of judgement and, in the second, which was to the Chair and Members of the Committee, he sought to clarify the facts surrounding his contribution to the Council meeting, specifically that neither his decision to contribute to the debate or the remarks made were pre-planned.

In respect of the sanctions available to the Committee, the Monitoring Officer advised that these were limited to matters that would not prevent a Councillor from performing their duties. They were listed at Paragraph 6.3 of the report but included censure, an apology and undertaking training. Councillor Parsons had now made an unreserved apology directly to the Council and the public and, as such, the Committee may decide it was not necessary to require him to make another apology; however, it was open to the Committee to require that apology to be placed on the Council's website in addition to any other sanctions. As far as training was concerned, race, equality and diversity was already in the Member training programme and would be offered to every Member of the Council; however, it was a choice for the individual Member as to whether they took up the opportunity so the Committee may wish to consider requiring compulsory attendance.

The Chair thanked the Monitoring Officer for her introduction and reminded Members that the Committee did not have the power to suspend/dismiss the Councillor. In addition, the Council had made representations in response to the government consultation about the sanctions available to Standards Committees to ask that the legislation be changed but this was not something the government was addressing at this point.

The Independent Persons advised that their comments were included within the Committee report but added that Councillors may wish to reflect deeply on the fact that, even when things were carefully phrased, which the comments made in the current complaint had not been, they could still cause outrage and offence if spoken wrongly. The Independent Persons referred to one of the phrases in the report which noted that Councillor Parsons' contribution was ill-

judged in its conception – being a poor example and irrelevant to the issue – and that it was obvious to anyone that the vocabulary used was completely unacceptable. In terms of the possible sanctions, training was the obvious fall-back and was clearly necessary, but it was suggested that the challenge to the Council was to involve people from minority backgrounds in what it was doing and that should be a priority.

A Member asked that the Council follow up with representations to the Secretary of State to press for more sanctions. In addition, he questioned whether Councillor Parsons had been removed from all Outside Body appointments. In making a further general observation, the Councillor indicated that this had been a very serious breach of the Code of Conduct and the damage to the Council's reputation could be measured by the amount of times this story came up when searching the internet for Cheltenham Borough Council. The impact on people in the community and the context of motion that was being considered at the time, had been an opportunity to make a strong commitment to solidarity with minority communities but the comments of Councillor Parsons had achieved the opposite and instead highlighted an issue of racism within the Council. He felt censure would be a sensible sanction, as well as compulsory training for all Councillors, but did not feel it made sense to demand a further apology given that a written apology had already been made. In response, the Chair reiterated that legislative changes would be required before a Councillor could be removed from the Council; however, Councillor Parsons had been suspended from the Liberal Democrat group and was now serving as a non-aligned Councillor on the Council. In addition, the Monitoring Officer advised that representations could be made to the Secretary of State and confirmed that Councillor Parsons had voluntarily resigned from his Outside Body appointments; he also no longer served on any Committees or Sub-Committees. She confirmed that, as Councillor Parsons was no longer a member of a political group on the Council, under the rules of political balance, he had no entitlement to a place on a Committee/Sub-Committee - if he re-joined a political group in the future it would be a matter for that group as to whether or not he was given a Committee seat.

Another Member asked for clarification on what was meant by censure as well as whether any other complaints had been made by members of the public, Councillors or Officers against Councillor Parsons and, if so, whether those could be taken into account. In response, the Monitoring Officer indicated that censure was a way to express strong disapproval about an incident that should not have happened. In addition, she confirmed that no other complaints had gone through an investigation process and been heard by the Standards Committee in respect of Councillor Parsons. The Chair expressed the view that, if censure was chosen as a sanction, the Committee's views would feed into the form of words which was placed on the Council's website.

In agreeing with the previous speakers, a Member expressed the view that Councillor Parsons' actions had brought the Council into disrepute during the particularly sensitive debate and his actions had polarised views even further. He felt that Councillor Parsons was usually someone that followed protocol and he had found it difficult to comprehend his actions at the Council meeting in question. He was of the view that the Councillor had, to some extent, imposed

his own sanctions through public humiliation. In response, the Chair advised that it was the responsibility of the Council to deal with the matter despite what Councillor Parsons may be feeling upon reflection of his words. Another Member advised that he had not been present at the Council meeting referred to but he, like so many others, had been appalled and horrified by the comments made. He questioned whether the Councillor's previous conduct could be taken into consideration and indicated that the comments made by Councillor Parsons had resulted in a spectacular own goal for the Council and it must be made clear that the Councillor had been speaking for himself and not for any other Members who had all been horrified by the situation and wished to disassociate themselves from the comments made. The good standing of the Council and other Councillors should not be allowed to be brought into disrepute by Councillor Parsons. The Chair agreed that, in issuing censure, it would be important to include points about being one Councillor's comments and not the view of the Council.

Another Member agreed that the comments made had been highly offensive, not just the offensive word, but also a preamble, further incendiary comments and an apology which had clearly not been made sincerely. She felt that being silent on the matter was not an act of neutrality and did not show Councillors to be allies of people of minority backgrounds so everyone had to speak out against the comments made. She was of the view that the Councillor had caused offence in the past by the use of unacceptable language and was concerned that requiring Councillor Parsons to undertake intensive training may not have an effect given that he had already undertaken training on unconscious bias with the Liberal Democrat group. She was saddened by the fact that the Council had had an opportunity to do something great through the Motion which was being considered by the Council but that had been taken away by the words of one person. The Committee agreed this was a compelling case for using the strongest possible censure and that it was unfortunate that there were no stronger sanctions available.

Having listened to the comments made, the Chair noted that the type of phrases which may be included in the censure were: the enormous damage to the reputation of the Council; staying silent was not being neutral; that the Councillor had only been speaking for himself and not the Council; and the expressions of outrage at the choice of language used. There was also a need to discuss training; he felt it was absolutely the right thing for the whole Council to engage and accept that, as a Council comprised of entirely white members, they would never fully understand the hurt and pain felt by people of minority backgrounds that was caused by the words used by Councillor Parsons. He questioned whether the Committee felt that additional and intensive training should be provided to Councillor Parsons given the demonstrable need for him to receive one to one training. It was agreed that training would be delivered to the whole Council and that the Committee would be advised of any member who refused to attend. It was hoped this would show how seriously the issue was being taken by the Standards Committee; it was also agreed that additional training would be provided to Councillor Parsons. A Member indicated that the Council needed to reflect on why Cheltenham Borough Council was seemingly not seen as a place for people of all backgrounds to stand for election and this was obviously something for political parties to address going forward. It was

also agreed that the point should be made within the censure that, were stronger sanctions available, they would have been considered by the Committee and that the Council would be asking the Secretary of State to change the legislation to strengthen available sanctions for breaches of the Code of Members' Conduct.

Accordingly, it was unanimously

RESOLVED

1. That the Committee issue a censure, with the wording delegated to the Chair in consultation with the Monitoring Officer, to be accompanied by the written apology from Councillor Parsons.
2. That the Council make representations to the Secretary of State to request that the government bring forward, as soon as possible, the legislation to allow greater sanctions for breaches of the Code of Members' Conduct.
3. That training on race, equality and diversity, be made compulsory for all Members and that the Standards Committee be advised of anyone that refused to attend.
4. That Councillor Parsons be required to undertake intensive training on race, diversity and equality matters.

5. **DATE OF NEXT MEETING**
TBA

Max Wilkinson
Chairman

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**Cheltenham Borough Council
Standards Committee
13 August 2020**

**Report of Monitoring Officer
Consultation - LGA Draft Model Code of Conduct**

Report Summary This report informs the Committee on the consultation by the Local Government Association on its draft Model Member Code of Conduct

Recommendation The Committee is asked to note the report and

1. consider whether it wishes to make a response to the draft consultation
2. if so, to determine its response to be submitted to the LGA on its behalf by the Monitoring Officer

1. Background

- 1.1 Cheltenham Borough Council Code of Members' Conduct has been in effect since July 2012 and it forms part of the Constitution (Part 5A). This Code of Conduct (attached at Appendix 1) has, in accordance with the recommendation of the Standards Committee, also been adopted by the 5 Parish Councils within Cheltenham Borough.
- 1.2 In 2018 the Committee on Standards in Public Life ("the CSPL") undertook a review of local government ethical standards. The CSPL considered that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct and to protect ethical practice in local government. A consultation period ran from 29 January to 18 May 2018 with which the Standards Committee engaged.
- 1.3 The terms of reference for the review were to:-
 - i. Examine the structures, processes and practices in local government in England for
 - maintaining Codes of Conduct for local Councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
 - ii. assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
 - iii. make any recommendations for how they can be improved
 - iv. note any evidence of intimidation of Councillors and make recommendations for any measures that could be put in place to prevent and address such intimidation

- 1.4 The CSPL published the [Local Government Standards report](#) (“the Report”) on 30 January 2019 and the Standards Committee considered the Report on the 16 September 2019.
- 1.5 As the Committee is aware, the requirement under the Localism Act 2011 is for Councils to adopt their own Code of Conduct based on the 7 principles of public life. Therefore there is no consistency of Codes either nationally or locally. The CSPL researched the local Codes of Conduct and found that there was considerable variation in terms of length, breadth, clarity and detail of Codes of Conduct. They believed that this created confusion amongst members of the public and among Councillors who represent more than one tier of local government. It was found that many Codes of Conduct failed to address important areas of behaviour such as bullying and harassment. Consequently, they recommended that a Model Code of Conduct should be available to local authorities in order to enhance the consistency and quality of local authority codes. It was recommended by the CSPL that “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”.
- 1.6 The Local Government Association (“the LGA”) has now released a draft Model Member Code of Conduct and is seeking views on it to be submitted using an on-line form by the 17 August 2020.

LGA Model Code of Conduct

- 1.7 On 8 June 2020 the LGA released a draft [Model Code of Conduct](#) for consideration (Appendix 2) together with a consultation questionnaire (Appendix 3). The LGA has stated that “the draft Model Member Code of Conduct 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 behaviours which falls below the standards that would be expected of council members.” The LGA states that the draft 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.
- 1.8 The LGA has drafted a Model Member Code of Conduct incorporating the recommendations from the CSPL. Other recommendations from the CSPL require, as the Committee is aware, changes in legislation and therefore are outside of the scope of the LGA Model Code. Nevertheless, the LGA has sought to incorporate some of the possible changes by using square brackets where legislative changes would be necessary. These relate to the application of the Code and are highlighted in paragraph 1.10 in bold type to assist the Committee in identifying them.
- 1.9 A Model Code would create consistency across England and would reflect expectations of the public regardless of geography or tier of authority. The draft Model Code does not differ significantly in content from the Code of Conduct which is already in operation at the Council, although some of the language used is different. Once finalised, following consultation, the LGA Model Code is intended to be offered as a template to Councils to adopt in whole and / or with local amendments. The LGA intends to review the Model Code annually to ensure that it continues to be fit for purpose.
- 1.10 The Standards Committee will note that the Code is intended to apply
- I. to Members when acting [**or claiming or giving the impression that they are acting**] in [**public or in**] their capacity as a Member or representative of the Council, although Members are expected to uphold high standards of conduct and show leadership at all times;
 - II. to all forms of Member communication and interaction including written, verbal, non-verbal, electronic and via social media [**where the Member could be deemed to be representing the Council or if there are potential implications for the Council’s reputation**]. The LGA consultation specifically raises the question whether there should

be a separate social media code or whether provision for guidance on the use of social media should be included in the main body of the code

note: The parts shown in square brackets in bold in I and II above, would require legislation to amend the provisions of the Localism Act 2011

- 1.11 The specific obligations under the Model Code are expressed as individual commitments by a Councillor and are set out in the table below:-

Model Code Commitment	Commitment No.
To treat all persons with “civility” which is defined as meaning “politeness and courtesy in behaviour, speech and in the written word”;	1 & 2
<p>Not bullying or harassing any person and definitions are provided as follows:-</p> <p><i>Bullying [ACAS definition]</i></p> <p>“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”.</p> <p><i>Harassment [Equality Act 2010 definition]</i></p> <p>“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.</p>	3
Not to compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of the Council	4
Not to disclose confidential information without consent or required by law and not to prevent anyone getting information that they are entitled to by law.	5 & 6
Not bringing role or Council into disrepute	7
Not using / attempting to use position to advantage / disadvantage of themselves or anyone else	8
Not misusing Council resources	9
Not to accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the	11

<p>Council or from persons who may apply to the Council for any permission, licence or other significant advantage.</p>	
<p>Registering with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt. The draft goes on to advise that Members should exercise caution in accepting any gifts or hospitality which are (or reasonably believed to be) offered because you are a Member.</p>	<p>12</p>
<p>Registering and declaring interests. The draft Model Code references registrable interests in two tables, Table 1 being the statutory Disclosable Pecuniary Interests and Table 2 being "Other Registrable Interests". It states that where a matter arises at a meeting which directly relates to an interest in Table 1 (Disclosable Pecuniary Interests) a Member must not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.</p> <p>If a matter arises at a meeting which directly relates to an interest in Table 2 (other registrable interests) a Member must declare the interest and would only be able to speak on the matter 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 granted a dispensation.</p> <p>The Model Code then goes on to provide that where</p> <ol style="list-style-type: none"> 1) a matter arises at a meeting which directly relates to a Member's financial interest or well-being (and is not a disclosable pecuniary interest) or that of a relative or close associate 2) a matter arises at a meeting which affects: <ul style="list-style-type: none"> a Member's own financial interest or well-being; a financial interest or well-being of a friend, relative, close associate; a body covered by Table 2; 3) a matter arises which affects the financial interest or well-being of a Member 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 of the facts would believe that it would affect that member's view of the wider public interest. <p>The Member may only speak if members of the public are allowed to speak and cannot take part in the</p>	<p>10</p>

discussion or vote and must leave the meeting unless a dispensation has been granted.	
[Note: The nature of sensitive interests does not need to be declared at a meeting.]	

1.12 The consultation draft of the Model Code provides an example and recommendations about an internal resolution procedure for the determination of complaints. The draft confirms the requirements of the Localism Act to have mechanisms in place to deal with allegations that Members have breached the Code of Conduct. It goes on to say that Councils must have an internal resolution procedure to address any behaviour that is in breach of the Member Code of Conduct. It says “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.”

2.0 **CHELTHENHAM BOROUGH COUNCIL CODE OF MEMBERS’ CONDUCT**

- 2.1 As referred to above, the draft Model Code, albeit worded slightly differently, is not dissimilar in its requirements to that already in place at the Council.
- 2.2 The Cheltenham Borough Council Code of Members’ Conduct, contains provisions equivalent to items 3 (but no reference to harassment) 4, 5, 6, 8, 9 and 10 of the LGA Model Code.
- 2.3 The Council’s Code does not refer to civility (LGA Model Code items 1 & 2) but requires Members to treat others with respect and the Council’s Code requires Members to promote and support high standards of conduct when serving in their public post by leadership and example rather than as the LGA Model Code item 7 requires Members not to bring their role or Council into disrepute.
- 2.4 The Council’s Code requires Members to register with the Monitoring Officer the name of any person, organisation or other body from whom the Member has received, by virtue of their office, gifts or hospitality worth £50 or more. However, the specific requirements about the treatment of gifts and hospitality (LGA items 11 & 12) are not contained in the Council’s Code of Conduct but in a separate Protocol that is complementary to the Code. The Protocol provides a general consent regime within which low level gifts and hospitality may be accepted by Members without

specific consent. It further provides that the consent of the Monitoring Officer is required for gifts / hospitality outside of that general consent regime and that gifts / hospitality received of a greater value than £25 be declared and registered. The Protocol imposes a greater obligation in the value of gifts that need to be registered (£25 rather than £50) than the Code of Conduct and the Committee may wish to consider, in a review of the Protocol in due course, whether it wishes to maintain this value.

- 2.5 Finally, the interests which are recommended to be declared within Tables 1 & 2 of the Model Code are almost identical to those contained in the Council's Code of Conduct, as are the requirements for declaration and restriction on participation
- 2.6 It is reassuring to know that the Code which has already been adopted by the Council is so similar to the proposed Model Code.
- 2.7 The Council has made arrangements, in accordance with the provisions of the Localism Act 2011, for the determination of complaints that any Councillor has failed to comply with the Council's Code of Members' Conduct. All complaints must be made to the Monitoring Officer to whom the Council has delegated authority to consider and determine complaints and to seek to resolve complaints including, where necessary, arranging for an allegation to be investigated. The Monitoring Officer must, when assessing and determining complaints, consult with the two Independent Persons (who are neither Councillors nor Officers of the Council) appointed by the Council under the Localism Act 2011. The Council also provided the option for the Monitoring Officer to refer the matter to the Standards Committee where more appropriate to do so. The Council's arrangements were designed to give flexibility and enable the informal resolution of complaints by the Monitoring Officer and lend themselves to the escalating approach recommended in the LGA Model Code consultation draft.

3.0 THE LGA CONSULTATION

- 3.1 The LGA says that it is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the CSPL recommendations.
- 3.2 The current consultation is expected to address key areas upon which the LGA is seeking views to help finalise the Code. It is aimed at Councillors and Officers from all tiers of Local Government. The consultation on the draft Member Code of Conduct runs until Monday 17 August.
- 3.3 Appendix 4 contains some suggested comments / replies on the questions raised in the LGA consultation questionnaire, to assist the Committee when considering its response.

4.0 CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The Committee is asked to consider this report and the suggested comments at Appendix 4 in order to determine its response to the consultation which it is proposed will be submitted on line by the Monitoring Officer by the 17 August 2020.

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Appendices	Appendix 1 - Cheltenham Borough Council Code of Members Appendix 2 – LGA Draft Model Code of Conduct Appendix 3 – Consultation Questionnaire Appendix 4 – Suggested response to Consultation Questionnaire
Background information	Localism Act 2011



CHELTENHAM BOROUGH COUNCIL

CODE OF MEMBERS' CONDUCT

**Adopted on the 25th June 2012 taking effect on the
1st July 2012**

Contents and Definitions

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I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Authority's duty to promote and maintain high standards of conduct by Members of the Council.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of Cheltenham Borough Council, including
 - (a) when engaged in the business of Cheltenham Borough Council including Ward business or representing the Council externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Cheltenham Borough Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Authority and any Protocols and Policies which may be adopted from time to time by the Authority.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.¹

¹ Section 34 Localism Act 2011

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

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

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

General Requirements

- (1) **Do** treat others with respect.
- (2) **Do not** bully any person.
- (3) **Do not** do anything which may cause your Authority to breach any of the equality enactments.
- (4) **Do not** use your position improperly, to confer on or secure for yourself or any other person, an advantage or disadvantage.

- (5) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, your Authority.
- (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are 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 –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Authority.
 - (v) before making any disclosure under the provision and (iv) above, the written advice of the Borough Solicitor must be sought and considered.
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (8) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.

When using the resources of the Authority, or authorising the use of those resources by others:

- (9) **Do** act in accordance with the Authority's reasonable requirements including the requirements of the Authority's IT Policy;
- (10) **Do** make sure that such resources are not used improperly for political purposes (including party political purposes); and
- (11) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;
- (12) **Do not** improperly use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When making decisions on behalf of, or as part of, the Authority:

- (13) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (14) **Do** have regard to any relevant advice provided to you by the Council's Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to his or her statutory duties.
- (15) **Do** be as open as possible about your own decisions and actions and those of your authority and be prepared to give reasons for those decisions and actions.
- (16) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

8. Members shall observe the following rules when registering their interests.

- (1) **Do**, within 28 days of the adoption of this Code by the Council or within 28 days of taking office as a Member (or co-opted Member), whichever is sooner, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other interest as defined in Appendix B.
- (2) **Do**, within 28 days of re-election as a Member or re-appointment as a co-opted Member, notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other interest as defined in Appendix B which has not already been entered in the Authority's register in accordance with (1) above.

- (3) **Do**, within 28 days of the date of a disclosure referred to in paragraph 9(1) of this Code, notify the Monitoring Officer of the interest (unless it is the subject of a pending notification).
- (4) **Do** notify the Monitoring Officer of any changes to interests required within 28 days of the date of that change to be registered under Appendix B.
- (5) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of interests and Restrictions on Participation

Members should observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** ensure, that if your interest is not entered in the Authority's Register, you disclose the interest to the meeting (unless the Authority's Monitoring Officer considers that it is a sensitive interest in which case you do not need to disclose the nature of the interest); and that you notify the Monitoring Officer of the interest within 28 days in accordance with paragraph 8(3) of this Code.

- (2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted).

10. Other Interests

Where a matter, in which

either you have an interest as specified in Appendix B (other interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent that it would affect the majority of other council taxpayers, ratepayers or inhabitants of the ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (3) **Do** ensure that you disclose the interest to the meeting.
- (4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
- (a) it affects your financial position or the financial position of an interest specified in Appendix B (other interests) or the member of your family or person with whom you have a close association described above or who has a contractual relationship as described above

or

- (b) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described above

and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in paragraph 10(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

VII. Duties in respect of the Standards Committee

11. Members shall observe the following:-

- (1) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Authority pursuant to the Act² .
- (2) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an

² Section 28(b) of the Localism Act 2011

allegation that a Member has failed to comply with his or her Authority's Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in paragraph 10 of this Code, the Member may apply to the Borough Solicitor for a dispensation.

13. The Authority may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in paragraph 10 of this Code.

IX. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. "The Act" is the Localism Act 2011.

2. "The Authority" is Cheltenham Borough Council.

3. "Meeting" is a meeting of the Authority, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority.

4. "Committee" includes the Cabinet of the Authority.

5. "Standards Committee" is the Standards Committee of Cheltenham Borough Council.

6. "Member" is an elected Member or a co-opted Member of the Authority.
7. "Co-opted Member" is a person who is not a Member of the Council but who is either a Member of any Committee or Sub-Committee of the Council, or a Member of, and represents the Council on any joint Committee or joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
8. "Monitoring Officer" is the Monitoring Officer to Cheltenham Borough Council.
9. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Authority's register in consequence of that notification.
10. "Member of your family" means:
 - Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons.
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
11. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage.
12. "well-being" means general sense of contentment and quality of life.

13. Excepted functions are functions of the Authority in respect of
- (i) housing, where the Member is a tenant of your authority provided that those functions do not relate particularly to the Member's tenancy or lease;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) any ceremonial honour given to members; and
 - (iv) setting council tax or a precept under the Local Government Finance Act 1992.

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member or of any of the following**:

- the Member’s spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, Profession or Vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;

- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "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(b) and other securities of any description, other than money deposited with a building society.

Other Interests

The interests set out below are "other interests" which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management and to which he/she is appointed or nominated by the Council.
Public/Charitable and Other External Bodies	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 the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.

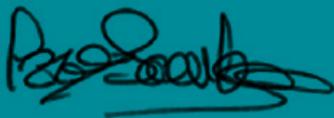
Local Government Association Model Member Code of Conduct

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]¹ in [public or in]² 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.

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
5. ACAS’s definition of bullying

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.

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	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 Trade Union and Labour Relations (Consolidation) Act 1992 .
Contracts	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.
Land and Property	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.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	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.
Securities	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 or 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

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;	
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

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 Standard's 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:

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.					

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:

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

For information only - Do not complete

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:

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:

For information only. Do not complete

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.

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:

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 do 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:

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:

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:

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:

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 LGA 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:

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

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](#)

For information only - Do not complete

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SUGGESTED RESPONSES TO LGA CONSULTATION ONLINE SURVEY

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.

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

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

No. The Committee may like to suggest what might be helpful in providing this clarity?

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

Committee will need to state preference – suggestion would be that the personal tense shows commitment in line with the Nolan principles.

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. Choices for response in each case are “To a great extent” “To a moderate extent”, “To a small extent”, “Not at all”, “Don’t know / Prefer not to say”

Q4. To what extent do you support the 12 specific obligations

1. Treating other councillors and members of the public with civility

To a great extent

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

To a great extent

3. Not bullying or harassing any person

To a great extent

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

To a great extent
5. Not 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
To a great extent
6. Not preventing anyone getting information that they are entitled to by law
To a great extent
7. Not bringing my role or council into disrepute
To a great extent
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else
To a great extent
9. Not misusing council resources
To a great extent
10. Registering and declaring my interests
To a great extent
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
To a great extent
12. Registering with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt
To a great extent
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:
<p>Would suggest that Obligation 1 be reworded to read "Treating other Councillors and the public with civility and respect"</p> <p>Would also suggest that Obligation 2 be reworded to read "Treating Council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respect"</p>
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?
Each specific obligation followed by its relevant guidance
Q7. To what extent do you think the concept of 'acting with civility' is sufficiently clear?
To a moderate extent.
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:
Whilst the guidance is helpful, civility is, ultimately a subjective judgment and therefore any alleged breach is open to different interpretations. As stated in the response to Q5, it would be suggested that the requirement be broadened to refer to civility and respect, acknowledging that both are, a matter of interpretation and judgment on the individual facts of any case.
Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?
To a moderate extent
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:
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
Q9a. If there are other definitions you would like to recommend, please provide them here.
Q10. Is there sufficient reference to the use of social media?
Committee view required
Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?
Integrated into Code, so that it is all in one place and easily accessible.
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:

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 do you support the code going beyond the current requirement to declare interests of the councillor and their partner?
To a great extent
Q11a. If you would like to elaborate on your answer please do so here:
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
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:
Q13. To what extent do you support the inclusion of these additional categories for registrations?
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
To a great extent
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.
To a great extent
Any organisation, association, society or party directed to charitable purposes.
To a great extent
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).
To a great extent
Q13a. If you would like to propose additional or alternative categories for registration, please provide them here:
This is not an additional category, but it is suggested that some clarification required. It is possibly a presentational issue. As presented, the bodies described in (a) (b) and (c) appear to be under the “umbrella” heading “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”. This may lead to confusion as, at a glance, it would appear that Members have only to register those bodies upon which they serve as a result of an appointment by the Council whereas clearly it is intended to cover membership of those named organisations / bodies whether they are appointed as a result of nomination by the council

or otherwise.

It is suggested that, the heading be amended to read “Positions of Control or Management” and the current “heading” is included as an item within the table.

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

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

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

The Committee should consider what is the appropriate threshold to be included within the response.

Q16. The LGA 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

All equally useful

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

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

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