



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

**M. Pearson
CLERK TO THE AUTHORITY**

**To: The Chair and Members of the Standards
Committee**

(see below)

**SERVICE HEADQUARTERS
THE KNOWLE
CLYST ST GEORGE
EXETER
DEVON
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Your ref :
Our ref : DSFRA/MP/SY
Website : www.dsfire.gov.uk

Date : 29 July 2020
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STANDARDS COMMITTEE
(Devon & Somerset Fire & Rescue Authority)

Thursday, 6 August, 2020

A meeting of the Standards Committee will be held on the above date, **commencing at 2.00 pm via Webex Video Conference** to consider the following matters.

M. Pearson
Clerk to the Authority

PLEASE NOTE This meeting will be livestreamed on the Devon & Somerset Fire & Rescue Service YouTube channel. This can be accessed by following the link below and then clicking on the Videos and Livestream buttons:

<https://www.youtube.com/dsfireupdates>

A G E N D A

PLEASE REFER TO THE NOTES AT THE END OF THE AGENDA LISTING SHEETS

- 1 Apologies**
- 2 Minutes (Pages 1 - 4)**
of the previous meeting held on 8 April 2019 attached.
- 3 Items Requiring Urgent Attention**
Items which, in the opinion of the Chair, should be considered at the meeting as matters of urgency.

PART 1 - OPEN COMMITTEE

4 Model Member Code of Conduct - Consultation Response (Pages 5 - 38)

Report of the Director of Governance & Digital Services (SC/20/1) attached.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Thomas (Chair), Bown, Brazil, Drean, Prowse, Redman and Trail BEM
(Vice-Chair)

NOTES

1.	<u>Access to Information</u> Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact the person listed in the “Please ask for” section at the top of this agenda.
2.	<u>Reporting of Meetings</u> Any person attending a meeting may report (film, photograph or make an audio recording) on any part of the meeting which is open to the public – unless there is good reason not to do so, as directed by the Chair - and use any communication method, including the internet and social media (Facebook, Twitter etc.), to publish, post or otherwise share the report. The Authority accepts no liability for the content or accuracy of any such report, which should not be construed as representing the official, Authority record of the meeting. Similarly, any views expressed in such reports should not be interpreted as representing the views of the Authority. Flash photography is not permitted and any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
3.	<u>Recording of Meetings</u> Given the social distancing measures introduced in response to the Covid-19 pandemic, Authority meetings will be held virtually and livestreamed on the Devon & Somerset Fire & Rescue Service YouTube channel. The meetings may also be recorded for subsequent viewing on the YouTube Channel. Any such recording does not constitute the official, Authority record of the meeting.
4.	<u>Declarations of Interests at meetings (Authority Members only)</u> If you are present at a meeting and you are aware that you have either a disclosable pecuniary interest, personal interest or non-registerable interest in any matter being considered or to be considered at the meeting then, unless you have a current and relevant dispensation in relation to the matter, you must: <ul style="list-style-type: none">(i) disclose at that meeting, by no later than commencement of consideration of the item in which you have the interest or, if later, the time at which the interest becomes apparent to you, the existence of and – for anything other than a “sensitive” interest – the nature of that interest; and then(ii) withdraw from the room or chamber during consideration of the item in which you have the relevant interest. If the interest is sensitive (as agreed with the Monitoring Officer), you need not disclose the nature of the interest but merely that you have an interest of a sensitive nature. You must still follow (i) and (ii) above. Where a dispensation has been granted to you either by the Authority or its Monitoring Officer in relation to any relevant interest, then you must act in accordance with any terms and conditions associated with that dispensation. Where you declare at a meeting a disclosable pecuniary or personal interest that you have not previously included in your Register of Interests then you must, within 28 days of the date of the meeting at which the declaration was made, ensure that your Register is updated to include details of the interest so declared.
5.	<u>Part 2 Reports</u> Members are reminded that any Part 2 reports as circulated with the agenda for this meeting contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Committee Secretary at the conclusion of the meeting for disposal.
6.	<u>Substitute Members (Committee Meetings only)</u> Members are reminded that, in accordance with Standing Order 37, the Clerk (or his representative) must be advised of any substitution prior to the start of the meeting. Members are also reminded that substitutions are not permitted for full Authority meetings.
7.	<u>Other Attendance at Committees (Standing Order 38)</u> Any Authority Member wishing to attend a meeting of a Committee of which they are not a Member should contact the Democratic Services Officer (see “please ask for” on the front page of this agenda) in advance of the meeting to obtain details of the Webex meeting invitation.

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STANDARDS COMMITTEE

(Devon & Somerset Fire & Rescue Authority)

8 April 2019

Present:

Councillors Thomas (Chair), Bown, Drean, Redman and Trail BEM.

Also in attendance:

Councillor Randall Johnson.

Apologies:

Councillors Ellery and Prowse.

* **SC/10**

Minutes

RESOLVED that the Minutes of the meeting held on 3 December 2018 be signed as a correct record.

SC/11

Review of Code of Conduct and Complaints Guidance

The Committee considered a report of the Director of Corporate Services (SC/19/1) on proposed revisions to the Authority's Code of Conduct, its arrangements for dealing with alleged breaches of the Code and the associated guidance documents for making a complaint and outlining the complaints process followed.

The review had been prompted by publication of the findings by the Committee on Standards in Public Life following its review of local government ethical standards as introduced by the Localism Act 2011; and by a local review in light of recent experience in dealing with complaints.

The review report by the Committee on Standards in Public Life contained a number of recommended changes to the legislation for ethical standards along with a number of "best practice" recommendations that all public authorities were encouraged to adopt. While the Devon & Somerset Fire & Rescue Authority arrangements already complied with the majority of the best practice recommendations, the report proposed amendments to give effect to those recommendations not currently addressed. Stemming from the more local review, the report identified possible changes both to the composition of the Standards Committee and arrangements for dealing with complaints which had been subject to investigation.

RESOLVED

- (a) that the Authority be recommended:
 - (i) to delegate authority to the Monitoring Officer to undertake a process for and determine the appointment of two Independent Persons (as required by the Localism Act), with the term of office for each Independent Person to be limited to two years, renewable once;
 - (ii) to approve remuneration for the Independent Persons on the basis of £100 for each standards issue they are involved in;

- (iii) to grant an indemnity for the Independent Person(s) required by the Localism Act, in line with the Authority's indemnity for officers and Members, to meet any reasonable costs incurred in securing appropriate legal advice and representation in respect of any civil or criminal proceedings that may arise from their involvement in Authority standards matters – this indemnity to include the requirement that any expenditure incurred by the Authority under the indemnity be refunded in the event of any court sanction not subsequently overturned on appeal;
- (iv) to amend the Approved Code of Members' Conduct by:
- A. incorporating the following definition of harassment in paragraph 2.4:
- “harassment” may be defined as any unwanted behaviour which the individual subject to that behaviour finds offensive or which makes them feel intimidated or humiliated. This can happen on its own or alongside other forms of discrimination. Examples of unwanted behaviour include:
- spoken or written words or abuse;
 - offensive tweets, e-mails or comments on social networking sites;
 - images and graffiti;
 - physical gestures;
 - facial expressions; and
 - jokes;
- B. inserting the following into the General Obligations paragraph of the Code (paragraph 4.1)(you must...)
- (6) comply and co-operate fully and openly in any formal standards investigation in which you are either the Subject Member or a witness;
- C. inserting the following into paragraph 4.2 of the Code (you must not...)
- (10) make trivial or malicious allegations against a fellow Member (or Members) of the Authority;
- (b). that the Guidance on Making a Complaint be amended by adding the words (the Public Interest Test) to the “Other Assessment Criteria” sub-heading and amending the introductory paragraph of this sub-section to read “If your complaint meets the above criteria, the Monitoring Officer (following consultation with the Independent Person) may still decide to take no further action in respect of your complaint if it is felt that further action would not be in the public interest. This is likely to be the case where one or more of the following applies:”
- (c). that the complaints handling arrangements be amended as follows in relation to complaints that have been subject to investigation:

- (i) for those instances where an investigation concludes a breach of the Code and indicative sanctions, the matter be determined by a Hearings Panel comprising five Members of the Standards Committee selected by the Monitoring Officer in consultation with the Committee Chair;
 - (ii) for those instances where an investigation concludes no breach of the Code or where no further action is recommended, the Monitoring Officer be delegated authority to determine the matter following consultation with the Independent Person; and
 - (iii) for all cases where a complaint has been subject to investigation, the Monitoring Officer should produce and publish on the Authority's website as soon as possible after the matter has been determined a Decision Notice setting out a brief statement of the facts, the provisions of the Code engaged by the allegations, the view of the Independent Person, the reasoning of the decision maker and any sanction (or other action) applied. In the case of investigation reports where it is determined that there has been no breach of the Code or no further action is recommended, then the Subject Member concerned will not be named in the resulting Decision Notice;
- (d). that the revised arrangements at (c) above take effect for all complaints received from the date of this meeting (i.e. from 8 April 2019);
- (e). that the Clerk be authorised to:
- (i) revise the current Guidance on Making a Complaint to produce two separate documents (a Guide to Making a Complaint; and Procedures to be Followed on Receipt of a Complaint), both to be published on the website; and
 - (ii) amend the Procedures document to reflect the new arrangements as set out at (c) above.

(SEE ALSO MINUTE SC/12 BELOW).

* SC/12

Hearing Process - Right of Representation

The Committee considered a report of the Director of Corporate Services (SC/19/2) on issues relating to representation by Subject Members at hearings to determine Code of Conduct breaches and sanctions.

Previous hearing procedures used by the Authority had been adopted from those formerly used by the Standards Board for England. The former regime, however, had the ability to impose significant sanctions (e.g. suspending a Member) which were no longer available. Consequently, it was felt that the hearing and pre-hearing processes and explanatory documentation should be amended to provide a more proportionate approach.

RESOLVED that the pre-hearing and hearing process and associated explanatory documentation be amended to indicate that a Subject Member may be accompanied at hearings.

(SEE ALSO MINUTE SC/11 ABOVE)

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.00 am and finished at 11.55 am

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Agenda Item 4

REPORT REFERENCE NO.	SC/20/1
MEETING	STANDARDS COMMITTEE
DATE OF MEETING	6 AUGUST 2020
SUBJECT OF REPORT	MODEL MEMBER CODE OF CONDUCT – CONSULTATION RESPONSE
LEAD OFFICER	Director of Governance & Digital Services
RECOMMENDATIONS	<i>That the Committee considers the contents of this report with a view to approving, subject to the incorporation of any amendments as may be indicated at the meeting, the draft consultation response attached at Appendix and authorising the Clerk to submit it to the Local Government Association on behalf of the Authority.</i>
EXECUTIVE SUMMARY	<p>On 8 June 2020 the Local Government Association launched a consultation on a Model Code of Conduct. The closing date for responses to the consultation is Monday 17 August 2020.</p> <p>This report:</p> <ul style="list-style-type: none"> • identifies the outcome of a gap analysis between the Authority’s existing Code and the proposed Model Code; • indicates where revisions to the Authority’s Code, informed by the gap analysis, might be appropriate to align it with the Model Code; and • proposes a response to the consultation for consideration by the Committee.
RESOURCE IMPLICATIONS	Nil.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	Not applicable
APPENDICES	<p>A. Model Member Code of Conduct – Local Government Association Consultation Document</p> <p>B. Proposed response to the Model Code consultation.</p>
LIST OF BACKGROUND PAPERS	<p>A. The Localism Act 2011</p> <p>B. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012</p> <p>C. Model Member Code of Conduct Consultation Document issued by the Local Government Association – available on the following link:</p> <p style="text-align: center;">https://www.local.gov.uk/local-government-association-model-member-code-conduct-consultation</p>

1. BACKGROUND AND INTRODUCTION

- 1.1. The Localism Act 2011 (“the Act”) and Regulations¹ made thereunder removed the previous, national standards regime in favour of a more localised approach. All relevant authorities (including fire and rescue authorities) were required to develop their own Codes of Members Conduct which, when taken as a whole, were consistent with the Nolan principles of public life. There was a requirement for certain interests (pecuniary interests) to be registered, for which failure to do so is a criminal offence. By way of enforcement, authorities were required to have in place procedures (to include an “independent person”) to deal with breaches of the Code of Conduct, other than where these breaches related to a pecuniary interest (which, by virtue of the Act, could only be dealt with by the Director of Public Prosecutions).
- 1.2. Other than the above, there was no prescription on what areas should be covered in the Code of Conduct. Additionally, sanctions that could be imposed for breaches relating to non-pecuniary issues were considerably curtailed from those available for the former Standards Board for England.
- 1.3. At the outset, the Authority adopted a Code of Conduct based largely on the former Model Code produced by the Standards Board for England, the initial model code produced by the LGA being considered not sufficiently expansive or detailed. The Authority Code has been subject to revision over time, to reflect amongst other things actual experience. The most recent revision was in April 2019 to reflect, as far as was practicable, those recommendations made by Committee on Standards in Public Life (“CSPL”) following its review of the local government ethical regime introduced by the Act. It was acknowledged at that time, however, that certain recommendations made by the Committee would require legislative change. To date, this has not happened.
- 1.4. The Committee also recommended that the Local Government Association (LGA) should review its model Member Code of Conduct. At the end of 2019 the LGA held an event on Civility in Public Life with a range of stakeholders. A further three workshops were held by the LGA at the beginning of 2020. LGA consultants have also examined examples of good practice, both in local government and other professions. The result of this initial work has been the production of a Model Code of Conduct (“the Model Code”), a consultation on which commenced on 8 June 2020 with a closing date for responses of 17 August 2020. A copy of the consultation document, incorporating the proposed Model Code, can be found by following this link:
<https://www.local.gov.uk/local-government-association-model-member-code-conduct-consultation>
- 1.5. Responses to the consultation can be submitted either by an online consultation questionnaire and/or by submitting a narrative response to ModelCode@local.gov.uk

2. GAP ANALYSIS BETWEEN MODEL CODE AND CURRENT AUTHORITY CODE

- 2.1. As a precursor to and to assist in formulating a draft response to the consultation, a gap analysis has been undertaken of the current Authority Code compared to the Model Code. By and large the two Codes contain the same content, for example:
1. application of the Code;
 2. reference to and identification of the Principles of Public Life;
 3. identification of specific obligations on Members in complying with the Code;

¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

4. identification both of pecuniary interests (as stipulated by Regulations) and other registerable interests (referred to in the Authority Code as “personal interests”), for example membership of any body exercising functions of a public nature or whose principal purpose includes the influence of public opinion or policy (including any political party or trades union);
5. identification of what interests should be declared at meetings and what course of action should be taken (e.g. withdrawal from the meeting) having declared an interest.

2.2. Nonetheless, depending on the outcome of the consultation, the Authority’s Code could be amended to secure greater alignment with any Model Code eventually produced by the LGA. Such amendments might include:

1. re-ordering of the content of and headings used in the Code to align with the order of content and headings as per the Model Code;
2. inclusion of a new section on Model Conduct and Expectations (drawn from the Model Code);
3. expansion of the descriptions of the General Principles of Public Life to reflect the content/descriptions in the Model Code;
4. expansion of the descriptions of the Specific Obligations to reflect the descriptions on the Model Code and specifically to:
 - a. include a new Specific Obligation on the registration of gifts and hospitality; and
 - b. amend the definitions of “bullying” and “harassment” to match those in the Model Code;
5. inclusion of membership of a body directed to charitable purposes as a registerable “personal” interest.

2.3. There are some areas where it is considered the existing Authority Code has either greater clarity or is more consistent with the General Principles of Public Life in seeking to promote good standards of conduct. These are:

1. the Model Code introduces a concept of “civility” rather than “respect, which is currently in the Authority’s Code. It is suggested that this Authority may wish to retain the concept of “respect” for the following reasons. Civility can be defined as formal politeness and courtesy in behaviour of speech. Respect, however, implies a more positive obligation – to have due regard to the feelings, wishes and rights of others and to behave accordingly. “Respect” encompasses “civility” but is considered more appropriate in light of the overall context of the General Principles of Public Life and the purpose of the Model Code, which should be about those in public office demonstrating, through their conduct and behaviours, firmly held beliefs;
2. the specific obligation not to disclose confidential information (paragraph 6.3(7) in the Authority Code; page 4, point 5 in the model Code). It is considered that the description in the current Authority code has more clarity in that it also provides for those instances where it might be permissible to disclose information that would otherwise be confidential (i.e. legally required to do so; and “whistleblowing”);

3. this Authority's Code currently places the following additional specific obligations on Members:
 - (a). when reaching decisions on any matters, to do so on the merits of the case, acting in the public interest, giving reasons (where required) for decisions and having reasonable regard to any relevant advice provided by an officer of the Authority (e.g. the Chief Fire Officer, Chief Financial Officer and Monitoring Officer).
 - (b). as recommended as best practice by CSPL:
 - (i). a requirement to comply and co-operate fully and openly with any formal investigation in which a Member is either the Subject Member or a witness; and
 - (ii). a requirement not to make trivial or malicious allegations against a fellow Member (or Members) of the Authority.

In relation to 3(a) above, the requirements to reach decisions on merit, act in the public interest and give reasons for decision are consistent with the General Principles of Public Life (objectivity, selflessness and openness). As such, it is felt that these should be reflected as specific obligations. Similarly, the requirement to have due regard to relevant advice provided by an officer of the Authority is consistent with the General Principles of Public Life of objectivity, openness, respect for others and duty to uphold the law.

In relation to 3(b)(i) above, it is suggested that this Committee may wish to recommend to the Authority that this is expanded to include a requirement to comply and co-operate fully with any sanction that might have been imposed for a proven breach of the Code;

4. the requirement to register as a "personal" interest any non-pecuniary directorship or membership (within the meanings of the Companies Act 2006) or any non-pecuniary interest in a contract between the Authority and a company in which the Member or relevant person as a beneficial interest. As indicated, it may be that such interests/connections are not necessarily pecuniary in nature but nonetheless it would maintain confidence in the Authority and promote transparency if such interests, which might otherwise be perceived as conflicting, were declared. Additionally, the requirement to declare non-pecuniary directorship/membership of companies or trusts was recommended by CSPL following its review.

- 2.4. Any Model Code that may ultimately be published by the LGA will not be mandatory. Rather, it will set out minimum standards which the Authority is free to expand on should it so wish. It is proposed, therefore, that the above are retained in the Authority's Code and that, in responding to the consultation, this Committee may wish to recommend their incorporation into the Model Code.

3. OTHER CONSIDERATIONS

- 3.1 The Consultation Document contains an example LGA Internal Resolution Procedure. This Authority already has in place full and robust procedures for dealing with complaints alleging a breach of the Code of Conduct, as required by the Localism Act. These were amended in April of last year to reflect best practice recommendations (for example, a clear definition and application of the public interest test) by CSPL. While it is a statutory requirement to have these procedures in place, they need not form part of the Code of Conduct itself, provided that they are readily available to the public. For this Authority, these procedures, together with guidance on making a complaint, are published on the website.
- 3.2 The Consultation Document does contain some views on sanctions to apply in the event of a proven Code breach. Many of these are already in place for this Authority (with the exception of a proposed two month suspension). Legislative change would, however, be necessary to enable any more meaningful sanctions to be imposed. This was recognised by CSPL which recommended that the government amend the legislation to allow for a sanction of suspension for six months, without allowances, for the most serious Code breaches. It is suggested that this Authority may wish to ask the Local Government Association to lobby the government to implement the CSPL recommendations. Similarly, it is suggested that this Authority may wish to ask the Local Government Association to lobby the government to implement the CSPL recommendation of a right of appeal for Councillors to the Local Government Ombudsman on sanctions that may have been imposed following a proven breach of the Code.
- 3.3 Finally, CSPL recognised that there was some potential for friction between Members and statutory officers (in particular, the Monitoring Officer) stemming from the statutory duty in the Localism Act 2011 to promote and maintain high standards of conduct by Members. In recognition of this, CSPL recommended an amendment to the relevant Regulations to extend the disciplinary protections for statutory officers to all types of disciplinary action, not just dismissal. It is suggested that, in responding to the consultation, this Authority may also wish to advocate that the Local Government Association lobbies the government for this amendment.

4. DRAFT RESPONSE TO CONSULTATION

- 4.1. A draft response to the consultation (using the online questionnaire format) is attached at Appendix B to this report. The draft response incorporates those points identified in Sections 2 and 3 above of this report. The Committee is invited to consider the draft response with a view to authorising the Clerk to submit it (subject to incorporation of any amendments as may be indicated at the meeting) on behalf of the Authority.

MIKE PEARSON
Director of Governance & Digital Services

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Local Government Association Model Member Code of Conduct

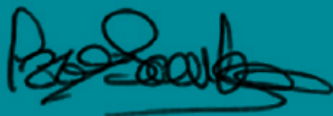
Introduction

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.

Note – 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' to advise on and investigate alleged breaches, 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 should 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

Appendices

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.

Table 1: Disclosable Pecuniary Interests

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 of 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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please contact us on 020 7664 3000.
We consider requests on an individual basis.

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

MIKE PEARSON

Your name _____

Are you...

- A councillor
- An officer
- Answering on behalf of a whole Council (Please provide council name below)
- Other (please specify below)

THE DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Please indicate your council type

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Other (please specify below)

COMBINED FIRE & RESCUE AUTHORITY

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.		X			
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.	X				
3. Not bullying or harassing any person.	X				
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.	X				
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.	X				
6. Not preventing anyone getting information that they are entitled to by law.	X				
7. Not bringing my role or council into disrepute.	X				

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	X				
9. Not misusing council resources.	X				
10. Registering and declaring my interests.	X				
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.	X				
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.		X			

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:

This Authority considers that there should be a specific obligation of “respect” rather than “civility”. Civility can be defined as formal politeness and courtesy in behaviour of speech. Respect, however, implies a more positive obligation – to have due regard to the feelings, wishes and rights of others and to behave accordingly. “Respect” encompasses “civility” but is considered more appropriate in light of the overall context of the General Principles of Public Life and the purpose of the Model Code, which should be about those in public office demonstrating, through their conduct and behaviours, firmly held beliefs.

This Authority considers that the following additional obligations should be included:

- (1). you must not, in relation to any allegation that a Member has failed to comply with the Authority’s Code of Conduct, intimidate or attempt to intimidate any person who is or is likely to be either a complainant; or a witness; or is otherwise involved in the administration of any investigation or proceedings in respect of the allegation;

- (2). you must, when reaching decisions on any matters, do so on the merits of the case, act in the public interest, given reasons (where required) for decisions and have reasonable regard to any relevant advice provided by an officer of the council (for example, the Head of Paid Service, the Chief Financial Officer and the Monitoring Officer);
- (3). you must comply and co-operate fully and openly:
 - (a). in any formal standards investigation in which you are either the Subject Member or a witness; and
 - (b). with any sanction that may have been imposed on you for a proven breach of the Code;
- (4). you must not make trivial or malicious allegations against a fellow Member (or Members) of the council.

Although (1) is arguably covered by existing obligations (notably 1 to 4 inclusive, 7 and 8), it is nonetheless considered that setting this out as an additional obligation adds clarity to the Model Code. (2) is considered to be consistent with the General Principles of Public Life of objectivity, selflessness, openness, respect for others and duty to uphold the law. (3)(a) and (4) were recommended as best practice by CSPL. 3(b) is considered to be consistent with 3(a).

Each of these obligations is currently contained in this Authority's Code.

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

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:

As stated in the answer to question 4, this Authority considers that there should be a specific obligation of “respect” rather than “civility”. Civility can be defined as formal politeness and courtesy in behaviour of speech. Respect, however, implies a more positive obligation – to have due regard to the feelings, wishes and rights of others and to behave accordingly. “Respect” encompasses “civility” but is considered more appropriate in light of the overall context of the General Principles of Public Life and the purpose of the Model Code, which should be about those in public office demonstrating, through their conduct and behaviours, firmly held beliefs.

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:

While in the main the concept is well described, it is considered it could be clarified further by the addition of the words “and/or could be viewed as intimidating” i.e.

“Behaviour that is considered as dishonest and/or deceitful and/or could be viewed as demeaning or intimidating can bring the Authority into disrepute.”

As with the answer to question 5, it is felt that this addition would add further clarification and amplify the other aspects of the Code dealing with bullying and harassment.

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.

While alternative definitions are not proposed, it is felt that the Model Code would benefit from the inclusion of examples of what may constitute “unwanted conduct” and the following are suggested:

- spoken or written words or abuse;
- offensive tweets, e-mails or comments on social media;
- images and graffiti;
- physical gestures;
- facial expressions; and
- jokes.

The above examples are currently included in this Authority's Code.

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:

While it is a step forward that the Model Code references social media, this Authority considers that in today's world this is an area where Members are most likely to fall foul of a Code breach. While a separate Code for use of social media is not felt necessary, it is felt there would be considerable benefit in producing specific guidance for Members on appropriate use of social media, to include examples of what is and is not acceptable.

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 to 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:

This Authority's Code already contains the provisions as proposed in the Model Code.

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	X				
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	X				
Any organisation, association, society or party directed to charitable purposes	X				
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)	X				

Q13a. If you would like to propose additional or alternative categories for registration, please provide them here:

It is considered that the way the other registerable interests are prefaced in Table 2 at Appendix B is too restrictive in that it would seem to apply only to those bodies to which a Member is appointed by the relevant local authority in question.

Many Members are, however, dual or more “hatted” in that they serve on, for example, a District Council, a County Council and/or a town or parish council even though they would not necessarily have been appointed to these by the local authority to which the relevant Code applies. In the interests of transparency it is felt that Members should register all public bodies on which they serve, irrespective of who made that appointment.

This Authority’s Code already requires Members to register those other public bodies on which they serve. For this Authority this is particularly relevant as it is not subject to direct election but rather appointments are made by four constituent authorities (Devon and Somerset County Councils, Plymouth City Council and Torbay Council). Nonetheless, by virtue of the regulatory Combination Scheme establishing the Authority, it is an authority in its own right and required to have its own Code of Conduct.

Additionally, this Authority’s Code also requires the registration of the following personal interests:

- (a). directorship of membership (within the meanings of the Companies Act 2006) or any company, where such directorship or membership **does not** constitute a disclosable pecuniary interest; and
- (b). any contract between the Authority and the Member or a relevant person (or a body in which the Member or relevant person has an interest):
 - (i) under which goods or services are to be provided or works are to be executed; and
 - (ii) which has not been fully discharged

but where neither the Member nor the relevant person has a disclosable pecuniary interest.

The Committee on Standards in Public Life recommended that (a) should be included as a registerable interest and (b) is considered to be a logical extension of this. If one of the primary purposes of the Code is to uphold and promote public confidence in local government, then it is suggested that the above should be included for transparency purposes and to help prevent any suggestion that Members are taking decisions on matters in which they might otherwise be conflicted.

This Authority’s Code requires a Member with a personal interest in a matter to declare this and leave the meeting during consideration of that matter, unless they have a current and relevant dispensation. In relation to this latter point, this Authority’s Code currently stipulates that participation by a Member in discharging the following functions does not constitute a personal interest requiring either registration or disclosure of meetings:

1. the setting of any Authority allowance, payment or indemnity to Members; and
2. the setting of the Authority budget and associated Council Tax precept.

The rationale for these exemptions is self-explanatory (it avoids the requirement for a blanket dispensation) and it is considered that the explicit inclusion within the Code aides transparency and clarity on those matters which do and do not require registration and declaration.

Q14. To what extent to 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:

Consistency with and amplification of conduct in public office being consistent with the Principles of Public Life, in particular avoiding conflicts of interest and ensuring that decisions are taken (and seen to be taken) purely on merit.

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)

Single value of £50, or totalling £100 over a twelve month period from a single source (as recommended by the Committee on Standards on Public Life)

- 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.

- 1 Regularly updated examples of case law
- 1 Explanatory guidance on the code
- 1 Case studies and examples of good practice
- 1 Supplementary guidance that focuses on specific areas, e.g., social media
- 1 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 here:

This Authority's Code is, by and large, already consistent with the proposed Model Code. Additionally, this Authority's Code also advises Members (under Application of the Code) that:

- (a). where they are appointed by the Authority to serve as its representative on another authority with a Code of Conduct, then when acting for that other authority they must comply with both its Code of Conduct and the Code of Conduct of this Authority; and
- (b). where they are appointed by the Authority to serve as its representative on another body (for example, an Authority controlled company) then they must, when acting for that other body, comply with the Authority's Code of Conduct except in so far as this might conflict with any lawful obligations the other body may be subject to.

The sections on Breaches of the Code of Conduct and Example LGA Guidance and Recommendations on an internal resolution procedure would seem, from the consultation document, to form part of the Model Code. This Authority acknowledges that it is required by the Localism Act to have arrangements (to include an independent person) in place to address breaches of the Code but does not feel that these arrangements should form part of the Code of Conduct itself. The arrangements should, though, be readily available to the public (and currently are for this Authority).

The Committee on Standards in Public Life (CSPL), while acknowledging that the current variations in length, quality and clarity of existing Codes was a source of confusion to the public and councillors, also highlighted that there were benefits in local authorities being able to amend and have ownership of their own Codes of Conduct. As such, the view of CSPL was that any updated Model Code should be voluntary and able to be adapted by local authorities. This Authority would support that view and while it would support adoption of the contents of any Model Code as an absolute minimum, the Authority would also wish to have the flexibility to format and add to the Model Code as it considered appropriate.

It is unfortunate (although perhaps understandable given the time between the two publications) that the Model Code has been produced in advance of any Government proposals that might be forthcoming based on the recommendations made by CSPL. Most notably, CSPL commented and made recommendations on sanctions (or more pertinently, the lack of them) available to local authorities in the event of proven breaches of the Code of Conduct. It is appreciated the ability to impose more meaningful sanctions (for example, suspension for up to six months without allowances for the most serious cases, as recommended CSPL) would require legislative change. This Authority would wish to see the Local Government Association lobby the government for the legislative changes recommended by CSPL as a Code unsupported by an effective range of sanctions can at best have only limited effect and meaning. Similarly, the Authority would wish to see the Local Government Association lobby the government to implement the CSPL recommendation of a right of appeal for Councillors to the Local Government Ombudsman on sanctions that may have been imposed following a proven breach of the Code

Finally, CSPL recognised that there was some potential for friction between Members and statutory officers (in particular, the Monitoring Officer) stemming from the statutory duty in the Localism Act 2011 to promote and maintain high standards of conduct by Members. In recognition of this, CSPL recommended an amendment to the relevant Regulations to extend the disciplinary protections for statutory officers to all types of disciplinary action, not just dismissal. This Authority would wish to see the Local Government Association lobby the government for this amendment.