



MELTON PARISH COUNCIL

MPC(22)50.01

New National Code of Conduct

Background

Section 27(2) of the Localism Act 2011 requires Councils to adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity. It is a criminal offence for a Councillor to fail to register a pecuniary interest in their Register of Interests or to participate in debate or vote where they have a pecuniary interest.

In January 2019 the Committee on Standards in Public Life (CSPL) published a report following their review of local authority standards. A key recommendation was directed to the Local Government Association (LGA) to create an updated model code of conduct to ensure consistency across all tiers of local government across England and reflect the common expectations of the public. Matters such as gifts and hospitality, social media use, bully and harassment should be covered by a model code.

Following extensive consultation - MPC contributed its views in August 2020 - the LGA issued a new model code in December 2020 ([MPC\(22\)50.01a](#)) for councils to adopt in whole and/or with local amendments. SALC is advising that all Parish and Town Councils should adopt this new code to replace the current Suffolk Code of Conduct.

Key Points

The LGA Model Code has “been designed to protect our democratic role, encourage good conduct, and safeguard the public’s trust and confidence in the role of councillor in local government. While it sets out the minimum standards of behaviour expected, together with the guidance, it is designed to encourage councillors to model the high standards expected of councillors, to be mutually respectful even if they have personal or political differences, to provide a personal check and balance, and to set out the type of conduct that could lead to complaints being made of behaviour falling below the standards expected of councillors and in breach of the code. It is also to protect councillors, the public, local authority officers and the reputation of local government.”

The LGA Model Code does not differ significantly in content from the Suffolk Code we adhere to, although some of the language used is different.

The new Code provides clarity that the requirements of the Code apply as soon as a councillor signs their declaration of acceptance of office or, in the case of a co-opted

member, attends the first meeting, and continues to apply until a member ceases to be a councillor.

Additional clarification is also provided as to the types of interactions that amount to duties of a councillor's elected office and that would so be captured under the Code's remit and application – these are when a councillor is: (a) Acting in their capacity as a councillor and/or a representative of the council; (b) Claiming to act as a councillor and/or as a representative of the council; (c) Giving the impression of acting as a councillor or a representative of the council; (d) Referring publicly to their role as a councillor and using knowledge that could only be obtained in that role.

The Code also provides clear guidance as to the forms and type of communication that are within scope: (a) at face-to-face meetings; (b) online or telephone meetings; (c) in written communication; (d) in verbal and non-verbal communication; (e) in electronic and social media communication, posts, statements and comments. There are new commitments to co-operate with any investigation, should a complaint be received, and to comply with any sanctions that may be imposed if a breach is proven. These are important to protect the integrity of the process.

Bullying, harassment and discrimination

With the current focus on behaviours towards elected representatives and officers, this expanded wording provides more explanation of what is unacceptable, alongside the commitment to equalities.

Confidentiality and Access to Information

Specific requirements in relation to confidentiality and access to information have been incorporated. This clause sets out standards of conduct relating to the proper use of information by councillors.

Gifts and Hospitality

The provisions extend those set out in the Suffolk Code in two ways: (a) by specifically referencing a requirement to not accept gifts or hospitality that could give rise to real or substantive personal gain or a suspicion of influence; and (b) by placing a responsibility on councillors to register any significant gift or hospitality that has been offered but refused.

Protecting the reputation of members and the local authority

The new model code uses the terminology of 'disclosable pecuniary interests' (see table 1 within the model code), 'other registerable interests' (see table 2 within the model code) and 'non-registerable' interests (see paras 7-10 within the model code). If adopted, members will be expected to use this terminology when registering and disclosing interests.

- 'Disclosable pecuniary interests': The model code reiterates the legal duty to register and disclose 'disclosable pecuniary interests' and lists what these are (see table 1 within the model code).
- 'Other registerable interests': It also confirms that councillors 'must' register a specific set of 'other registerable interests' (see table 2 within the model code).
- 'Non-registerable interests': The model code also covers the need to disclose interests, when a matter arises at a meeting, that do not fall into either of the above categories but which directly relate to a councillor's 'financial interest or wellbeing', or that of a relative or close friend. The code is clear that councillors 'must' disclose this

type of interest when it arises (para 7). The code sets out when this type of interest will be deemed to have arisen (para 8) and the two tests councillors should apply when considering whether or not they should participate and vote (para 9).

Training

A programme of training, based on LGA learning and guidance modules, will be coordinated by the Monitoring Officers.

Procedure for Considering Complaints Alleging a Failure to Comply with the Code of Conduct

It will continue to be for each local authority to follow its agreed procedures for managing complaints and deciding upon any action should it be concluded that there has been a breach of the Code.

Limitations

While the LGA Code is undoubtedly stronger than the current Suffolk Code, and should help to reduce conflict situation, it should be noted it does NOT introduce stronger sanctions; this will require legislation.

Recommendations

- That members agree to adopt the new Model Code of Conduct and that all members confirm their commitment to abide by the code.

Pip Alder

Clerk

May 2022