

## **Summary of the differences between the Local Government Association New Model Councillor Code of Conduct and Bradford Council's current Members' Code of Conduct**

### Councillor Conduct

The section called 'general principles of councillor conduct' is included in the Local Government Association New Model Councillor Code of Conduct but not in Bradford Council's current Members' Code of Conduct (albeit covered to some extent in Part One Standards of Conduct which details the seven Principles of Public Life (the Nolan Principles)). The 'general principles of councillor conduct' section builds on the Nolan principles. It requires councillors to:

- act with integrity and honesty
- act lawfully
- treat all persons fairly and with respect
- lead by example and act in a way that secures public confidence in the role of councillor
- impartially exercise their responsibilities in the interests of the local community
- not to 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 in accordance with the local authority's requirements and in the public interest

The LGA Code is more detailed as to when the Code applies (for example it applies if a councillor's actions would give the impression to a reasonable member of the public with knowledge of all the facts that they are acting as a councillor and makes clear that it applies to all forms of communication and interaction, including on line, social media etc).

There is also a section in the Local Government Association New Model Councillor Code of Conduct called 'standards of councillor conduct', which is more detailed than the Standards of Conduct in Part One of the current Members' Code. The LGA Code specifically includes a section on bullying, harassment and discrimination. It sets out obligations, which are the minimum standards required. A complaint may be made against the Councillor if they fall short of these standards. These are:

- Respect
- Bullying, harassment and discrimination
- Impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the code

- Interests
- Gifts and hospitality

Each of these is defined and expanded in the Local Government Association New Model Councillor Code of Conduct.

### Registration and disclosure of interests

The Local Government Association New Model Councillor Code of Conduct also has sections on registering interests which is mostly similar to the section on registration and disclosure of interests in Bradford Council's current Members' Code of Conduct. The differences are:

1. The LGA Code requires members within 28 days of becoming a member or re-election or re-appointment to office to register with the Monitoring Officer Disclosable Pecuniary Interests. Under the Council's current Members' Code where a member is re-elected/reappointed notification is only required of any new disclosable pecuniary interests within 28 days of election or co-option.
2. The LGA New Model Code states councillors should also register details of other personal interests identified as "Other Registerable Interests" (Appendix B Table 2 of the LGA Code) as follows:
  - a) any unpaid directorships
  - b) any body of which the Councillor is a member or are in a position of general control or management and to which they are nominated or appointed by the authority
  - c) any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the Councillor is a member or in a position of general control or management.

These other registerable interests must be disclosed where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of the Other Registerable Interests. The Councillor 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 they have been granted a dispensation.

3. Disclosure of non-registrable interests: Councillors must also disclose an interest:
  - a) where a matter arises at a meeting which directly relates to their 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.
  - b) where a matter arises at a meeting which affects (i) the Councillor's own financial interest or well-being; (ii) a financial interest or well-being of a relative or close associate; or (iii) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in Appendix B Table 2.

In relation to non- registrable interests the LGA Code then sets out provisions as to when councillors may speak /take part/vote in the meeting (page 11 of the LGA Code)

The Council's current Members' Code requires Councillors at meetings to 'identify any other interests which they feel should be declared in the public interest' and "such interests may be declared to the meeting". In such circumstances they must consider whether their continued participation in the matter relating to their interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

The LGA Code also includes interest provisions for an Executive member exercising Executive functions.

### Best Practice recommendations

Appendix C of the Local Government Association New Model Councillor Code of Conduct refers to the 15 best practice recommendations made by the Committee on Standards in Public Life in their report Local Government Ethical Standards which are not included in the Council's current Members' Code.

### Matters in current Members' Code not included in LGA Code

Please see paragraphs 3.2 – 3.2.5 of this Report .