

Devon County Council Code of Conduct – Comparison with Model Local Government Association (LGA) Code and discussion points for the Committee

Issue	LGA Model Code	Devon County Council Code	Discussion Points
Joint Statement	Introductory statement to the role and expectations (P1)	No such introduction	Members to consider adopting a slimmed down supporting statement for DCC Code
Definition of Councillor	Means Member or Voting Co-opted Member or Elected Mayor and defines the word co-opted (P2)	Means Member or Co-opted Member (P1) (does not distinguish between voting and non-voting co-opted Member)	Does the DCC Code require a definition of 'Co-opted'? Assume we would want our Code to include non-voting co-opted members.
Purpose	Explanation of the aim of the Code (P2)	No explanation of the purpose of the Code	Does the DCC code require an explanation of purpose of code
General Principles	Refers to Nolan as well as some additional wording on lawfulness, integrity, fairness, respect etc (P3)	Explains the Nolan principles (para 1.2)	Appears the Nolan principles cover all the general principles of conduct (as in DCC Code)
Application of Code	The Code applies to all forms of communication and interaction, including: <ul style="list-style-type: none"> • face-to-face • online / telephone meetings • written / verbal communication • non-verbal communication and 	Scope covered (Section 3) Must comply with Code whenever acting in official capacity, when: <ul style="list-style-type: none"> (a) engaged on the business of the County Council; or (b) behave so as to give a 	Whether the Committee wishes to widen the DCC scope to include issues such as social media etc.

	electronic & social media communication, posts, statements and comments (p3)	reasonable person the impression you are acting as a representative of the Council.	
1. Standards of Councillor Conduct	<p>1. Respect</p> <p>1.1 I treat other councillors and members of the public with respect.</p> <p>1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.</p>	4(a) You must treat others with respect and courtesy	<p>Model code has a definition of respect / also that Councillors have a right to be treated with respect by the public.</p> <p>Also, model code refers to representatives of partner organisations and volunteers</p>
2. Bullying, harassment and discrimination	<p>2. Bullying, harassment and discrimination</p> <p>As a councillor:</p> <p>2.1 I do not bully any person.</p> <p>2.2 I do not harass any person.</p> <p>2.3 I promote equalities and do not discriminate unlawfully against any person.</p>	5(c) bully any person (bullying may be characterised as any single act or pattern of offensive, intimidating, malicious, insulting or humiliating behaviour; an abuse or misuse of power or authority which attempts to undermine or coerce or has the effect of undermining or coercing an individual or group of individuals by gradually eroding their confidence or capability which may cause them to suffer stress or fear);	<p>The Model Code gives examples of where bullying can happen (face to face / social media / phone etc) – However, the description (which was added approx. 2 years ago) appears full and descriptive.</p> <p>The guidance refers to the Equality Act however, DCC covers this at 5(b)</p> <p>It also refers to the Protection from Harassment Act (which</p>

			DCC code doesn't)
3. Impartiality of officers of the council	As a councillor: 3.1 do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.	5(e) Must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the County Council;	No difference
4. Confidentiality and access to information	4. Confidentiality and access to information As a councillor: 4.1 I do not disclose information: a. given to me in confidence by anyone b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless i. I have received the consent of a person authorised to give it; ii. I am 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: 1. reasonable and in the public	1.3 When acting in your capacity as a Member or Co-opted Member of the County Council – (a) you must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, a member of your family, close associate or relevant person; 1.3(c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit; 5 (a) must not attempt to use your position as a Member	The LGA Model Code suggest the MO is consulted otherwise DCC Code covers the issues adequately.

	<p>interest; and</p> <p>2. made in good faith and in compliance with the reasonable requirements of the local authority; and</p> <p>3. I have consulted the Monitoring Officer prior to its release.</p> <p>4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.</p> <p>4.3 I do not prevent anyone from getting information that they are entitled to by law.</p>	<p>improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;</p> <p>5(f)(g) Must not</p> <p>(f) 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—</p> <p>i) you have the consent of a person authorised to give it;</p> <p>ii) you are required by law to do so;</p> <p>iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person;</p> <p>or</p> <p>iv) the disclosure is:</p> <p>a. in the public interest; and</p> <p>b. made in good faith and</p> <p>c. in compliance with the reasonable requirements of the Council;</p>	
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		(g) prevent another person from gaining access to information to which that person is entitled by law	
5. Disrepute	<p>As a councillor:</p> <p>5.1 I do not bring my role or local authority into disrepute.</p> <p>(As a Councillor, you are trusted 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 you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.</p> <p>You are able to hold the local</p>	<p>1.3(b) you must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;</p> <p>1.3(c) when carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;</p> <p>1.3(d) you are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;</p> <p>1.3 (e) you must be as open as possible about your decisions and actions and the decisions</p>	All covered – DCC's Code appears to cover more bases.

	<p>authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.)</p>	<p>and actions of the County Council and should be prepared to give reasons for those decisions and actions in accordance with any statutory requirements and any reasonable additional requirements imposed by the County Council or contained in its Constitution,</p> <p>1.5. Do nothing as a Member which you could not justify to the public.</p> <p>1.6. The reputation of the County Council depends on your conduct and what the public believes about your conduct.</p> <p>1.7. It is not enough to avoid actual impropriety, you should at all times avoid any occasion for suspicion or appearance of improper conduct.</p> <p>5(h) Must not conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you</p>	
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		have brought your office or the Council into disrepute.	
6. Use of position	<p>As a councillor: 6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.</p> <p>(Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly)</p>	5. You must not – (a) attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.	No difference although the LGA Code (again) gives a wider explanatory context.
7. Use of local authority resources and facilities	<p>As a councillor: 7.1 I do not misuse council resources. 7.2 I will, when using the resources of the local authority or authorising their use by others: a. act in accordance with the</p>	<p>1.3 When acting in your capacity as a Member or Co-opted Member of the County Council –</p> <p>(g) you must, when using or authorising the use by others of the resources of the County Council, ensure that such</p>	Issue appears to be adequately covered.

	<p>local authority's requirements; and</p> <p>b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.</p>	<p>resources are not used improperly for political purposes (including party political purposes) and that any use is in accordance with the County Council's reasonable requirements.</p>	
<p>8. Complying with the Code of Conduct</p>	<p>As a Councillor:</p> <p>8.1 I undertake Code of Conduct training provided by my local authority.</p> <p>8.2 I cooperate with any Code of Conduct investigation and/or determination.</p> <p>8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.</p>	<p>No reference to training</p> <p>1.8 It is your responsibility to comply with the provisions of this Code and also any formal Standards process / investigation that may occur.</p> <p>5 (d) must not intimidate or attempt to intimidate any person who is or is likely to be – i) a complainant, ii) a witness, or iii) involved in the administration of any investigation or proceedings,</p>	<p>Whilst training is always offered and regularly repeated there is no compulsion on Members to attend.</p> <p>This is adequately covered.</p> <p>This aspect is adequately covered.</p>

	<p>8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.</p>	<p>in relation to an allegation that any Member has failed to comply with the Council's Code of Conduct.</p> <p>1.8 It is your responsibility to comply with the provisions of this Code and also any formal Standards process / investigation that may occur.</p> <p>1.3 (i) you must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.</p>	<p>This paragraph could be amended to include the word 'sanction' although it is implicit in 1.8.</p>
<p>Protecting your reputation and the reputation of the local authority 9. Interests</p>	<p>As a councillor: 9.1 I register and disclose my interests.</p>	<p>1.3(f) you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner</p>	<p>The basic premise is covered – see separate table to comparison of the approach to interests in the LGA Code compared to current DCC Code</p>

		conforming with the procedures set out at Part 2 of this Code.	
10. Gifts and hospitality	<p>As a Councillor:</p> <p>10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.</p> <p>10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.</p> <p>10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have</p>	<p>Standing Orders states Every Member of the Council and every Officer shall disclose details of every offer of gift or hospitality in line with the County Council's Policy Statement on the Proper Conduct of Business and any such notification shall be recorded in a Register kept by the Monitoring Officer for that purpose.</p> <p>Financial Regulations.....</p> <p>Hospitality</p> <p>13.Members and employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of community life or where the</p>	<p>The issue is well covered in financial regulations, Inside Devon and Standing Orders.</p> <p>However, there is no value as such of £50. A baseline guide has been £25.</p> <p>The current system of every gift / hospitality being registered is more thorough.</p> <p>Members' registrations are published on the website.</p> <p>Staff declarations are kept in a file with the County Solicitor.</p>

	refused to accept.	<p>Authority should be represented. It should be properly authorised and recorded.</p> <p>14. When hospitality has to be declined, those making the offer should be courteously but firmly informed of the Authority's procedures and standards.</p> <p>15. Members and employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority will allow employees to keep insignificant tokens such as pens, diaries, etc.</p> <p>16. When receiving authorised hospitality, members and employees should be sensitive to the timing of decisions which the Authority may be taking affecting those providing the hospitality</p> <p>Gifts and hospitality - tasks and guides (devon.gov.uk)</p>	
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Communications	No reference in LGA Code	(h) you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986 or any similar Communications Protocol or Code produced by the County Council;	The Council's Code is clearly stronger in this regard.
Interests (DPI)	<p>Disclosable Pecuniary Interests - Appendix B Introduction and paragraphs 1 – 5 and Table 1</p> <ul style="list-style-type: none"> a) Employment, Office, Trade, Profession or Vocation b) Sponsorship c) Contracts d) Land and Property e) Licenses f) Corporate tenancies g) Securities 	<p>In DCC Code – para's 1.3(f) and 2 and Part 2 Para's 6, 6.1, 6.2, 6.3, 6.4, 7.1.</p> <ul style="list-style-type: none"> (a) Employment, office, trade, profession or vocation; (b) Sponsorship (c) Securities: Interests in Companies (d) Contracts (d) Landholding and Licenses (e) Corporate Tenancies 	No difference identified.
Interests (sensitive)	2. A 'sensitive interest'could lead to the Councillor, or a person connected with the Councillor, being subject to violence or	7.4. Where the County Council's Monitoring Officer agrees that any information relating to your interests is "sensitive information" namely information	No difference identified, although DCC Code clearer on declaration when the sensitive interest has ceased.

<p>Interests – Other Registerable</p>	<p>intimidation.</p> <p>3. Where you have a 'sensitive interest' you notify the Monitoring Officer with the reasons. If the Monitoring Officer agrees they will withhold the interest from the public register.</p> <p>Disclosure of Other Registerable Interests Appendix B paragraph 6 and Table 2</p> <ul style="list-style-type: none"> - Unpaid directorships - Body of which you are a member or in a position of general control and to which you 	<p>whose availability for inspection by the public is likely to create a serious risk that any person may be subjected to violence or intimidation, you need not include that information when registering that interest, or, as the case may be, any change to that interest.</p> <p>7.5. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded is no longer sensitive information, notify the County Council's Monitoring Officer asking that the information be included.</p> <p>Personal interests</p> <ul style="list-style-type: none"> - membership of any body to which you have been appointed by the County Council - or exercising functions of a public nature directed to charitable purposes - or whose principal purposes include influence of public 	<p>The model code states that you must disclose the interest and 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</p>
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	<p>are appointed by the authority - Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) whose principal purpose includes the influence of public opinion or policy (including any political party or trade union) (in all cases) of which you are a member or in a position of general control or management</p> <p>Where 'directly relates' to the financial interest or well-being of one of your other registerable interests must disclose.</p> <p>May speak only if members of the public are allowed to speak. Must not take part in any discussion or vote and must not remain in the room unless granted a dispensation.</p>	<p>opinion or policy - membership of any other local Authority and of any political party or trade union.</p> <p>- membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a County Councillor, such as membership of the Freemasons or any similar body.</p> <p>Can declare and still vote</p>	<p>the room unless you have been granted a dispensation. The DCC Code permits participation and voting</p> <p>Unpaid directorships not explicit on DCC form.</p>
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	<p>Disclosure of Non-Registerable Interests (Appendix B – Para’s 7-10)</p> <p>Two aspects</p> <p><u>Directly Relates</u>covers matters directly relating to your financial interest or well-being (but isn’t a DPI) or those of a relative or close associate</p> <p>Must disclose and may only speak if members of the public are allowed to speak at the meeting. Otherwise no part in any discussion or vote and must leave the room (unless granted a dispensation).</p> <p>affects – covers matters which affect your own financial interest or well-being or those of a relative or close associate; or that of a included under Other Registrable Interests.</p> <p>You must disclose the interest and you can stay in the room if</p>	<p>DCC code appears to have a catch all</p> <p>you must declare any private interests, whether disclosable or personal, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out at Part 2 of this Code; and</p> <p>In addition to those interests listed at 7.1 (DPI) and 7.2 (personal), you may wish also to declare membership of any body which, in your view, might create a conflict of interest in carrying out your duties as a County Councillor</p> <p>The DCC code also states you must act solely in the public interest and never improperly confer an advantage or disadvantage on any person or</p>	<p>DCC code silent on referring to the interests of family / friends – could be strengthened ?</p> <p>Wording from East Devon</p> <p><i>You also have a personal interest in any business of the Council where a reasonable person with knowledge of the relevant facts would regard your interest (including those of a relative or close friend) as greater than would affect the majority of residents or inhabitants in the affected area such that it is likely to prejudice your judgment of the public interest</i></p>
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	<p>you apply the following test.</p> <p>Where a matter affects the financial interest or well-being to a greater extent than the financial interests of the majority of inhabitants of the ward affected and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.</p> <p>May only speak if members of the public are allowed to speak at the meeting. Otherwise no part in any discussion or vote on the matter. Must not remain in the room unless you have a dispensation.</p>	<p>act to gain financial or other material benefits for yourself, a member of your family, close associate or relevant person.</p> <p>You can remain and vote but must disclose</p>	
Other Issues	The Model Code guidance advises that Members who have an allowance from another Authority / Body have a DPI		Consider amendment to Declaration of Interests form and dispensation ??