

Code of Conduct Review

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The purpose of a Code

- For councillors
 - Promoting high standards and trust
 - Clarity about where boundaries are crossed
- For the public
 - What they can expect from their representatives
- For officers
 - Charged with ensuring compliance

The approach to the Code

- Principles – broad statements – about ‘the spirit’ – need practical interpretation
 - E.g. “Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first”
- Rules – ‘do’s and don’ts’ – focus on simple statements/red lines
 - E.g. “Do not disclose confidential information”

The approach to the Code

- Consensus from workshops was:
 - A Rules based approach is preferable as easier to understand for members and the public and easier to apply
 - Better to have a short Code with a few rules and supporting guidance rather than a very lengthy document
 - It should strike an appropriate balance between promoting positive behaviour and setting boundaries

When should the Code apply?

- Old national Code
 - Code applies ‘when acting as a councillor or purporting to act as a councillor’
- Localism Act Code
 - Code applies only ‘when acting as a councillor’
- CSPL recommendation
 - Reinstate ‘purporting’ test and cover social media postings
 - But would need legislative change

When should the Code apply?

- Key questions
 - Should recommended Code include this wider definition pending legislation?
 - Should any ‘private matters’ be caught e.g. criminal convictions?
 - Social media – ‘right to offend’ balanced against encouraging greater civility and raising tone of political debate

Use of social media

- Does there need to be something explicit? Or is it captured by general idea of civility?
- How should the Code capture boundary between insulting, offensive and discriminatory behaviour and the right to freedom of expression?
- What should be dealt with by the Code and what should be left alone as private matters?

Civility, respect and bullying

- Is 'civility' the right word to capture this concept?
- Does the Code need an explicit reference to bullying?
- Where is boundary between 'disrespect/bullying' and robust challenge?
- How do we avoid capturing political debate/free speech?

Registration and declaration of interests

- At moment as minimum must include ‘Disclosable Pecuniary Interests’ i.e. certain interests which you have to register for you and your partner and which stop you from participating in that business

Registration and declaration of interests

- Register just 'paid interests' or other unpaid outside interests?
- Declare just your and partner's interests? Or other family members, friends and associates?
- When to participate and when to withdraw?

What the Code can't deal with

- Sanctions – power to suspend for ‘gross misconduct’ would need new legislation
- The public – how they speak to/abuse you or making vexatious complaints
- This is about you demonstrating high standards and clear rules

Over to you!