

LGA Model Councillor Code of Conduct Training Pack

Speaker's Notes

This document comprises the following sections:

Section 1: How to use the presentation

Section 2: General guidelines on training techniques

Section 3: Detailed notes to accompany the PowerPoint presentation

Section 4: Transcript of Lord Evans' opening comments

It is designed to be read and used by officers who are going to be presenting the material to councillors at your training session(s).

Please note that the material is not designed for councillors to use on their own for self-managed learning. It has been prepared to support a presentation delivered by officers (either virtually or face-to-face).

Section 1: How to use the presentation

The PowerPoint presentation in this training pack is designed to be adapted to your own council's needs. You can use it exactly how it has been prepared (if you have adopted the model code as it stands) or you can tailor it to recognise the particular context for the delivery of the material in your council. You will want to think about:

- Are you running this training as part of an induction programme for new members or are you delivering it to all members at the time of your adoption of the model code?
- Are you offering the training as one complete session or are you splitting the content between a number of sessions?
- Are you going to hold a face-to-face training event or are you going to use a virtual platform?
- Have you adopted the LGA model code in full or have you made adaptations to the content?
- Do you want to make the material more specific to your council, for example by adding references to your own protocols, adding your own branding or incorporating local references?

All these factors will guide any changes you want to make to the presentation.

It is based on a PowerPoint platform and is easily amended or augmented with your own material.

If your council does not use PowerPoint as your presentation platform, in liaison with your IT colleagues, you will be able to convert the material into a format which is compatible with your systems.

The final section of the presentation contains six mini scenarios. These have been developed to offer you choice in selecting which are most relevant for your council.

The notes highlight where there are sections you may choose to leave in or take out, depending on the time you have available and the issues you want to prioritise for your councillors. The material is comprehensive so allows you to cover aspects in detail, but it also contains summary slides which you may want to focus on if you have more limited time.

The final part of Section 3 gives more details on how you might choose to design your training session(s) drawing on different parts of the material.

Section 2: General guidelines on training techniques

Many officers using this training pack will be experienced presenters and will be very confident in delivering training to councillors. For you, these guidelines are suggested as a refresher or to suggest some new ideas and approaches.

For officers for whom councillor training is a new responsibility, these guidelines may assist in providing a basis for your planning and delivery of the session(s).

In advance, you will want to consider:

- What is the optimum time for the training? Some councils favour twilight training to encourage attendance and to recognise other commitments.
- Is the training to be virtual or (if COVID restrictions permit) face-to-face? There are pros and cons to this choice. Virtual training can be very successful in encouraging attendance and participation. But for new councillors, meeting their fellow elected members and officers will be an important part of induction. And face-to-face sessions often allow more debate and reflection on difficult issues.
- If you are holding a face-to-face session, is the venue accessible for all, including good acoustics/hearing loops? What is the best layout? If you have a choice, small tables of 5 or 6 allow for easy group discussion
- If you are holding a virtual session, think about using breakout rooms for the mini scenarios which will encourage contributions and is a quicker way to cover a lot of ground
- If the session is virtual you may want to record it (with participants' agreement). This allows councillors who could not attend the live event to watch in their own time
- What is the optimum number of attendees you can accommodate? And remember to invite your Independent Person(s).

At the session itself, these may be useful points to consider:

- Setting ground rules at the start for how delegates will behave, including showing respect for others' opinions, respect for the presenter, leaving cameras on if it is a virtual session and focusing on the training at all times (phones off etc)
- Encouraging everyone to contribute, particularly if this is an induction session where some new councillors may be daunted about raising questions or concerns in a group setting
- Thinking about how you interact with councillors – you will need to move the debate on given time pressures, but you need to make sure councillors feel that their points have been heard and acknowledged.
- When you are presenting, think about the following good practice in relation to accessibility:
 - Make sure you can be seen with good lighting, facing the camera.
 - Speak clearly so that participants and any interpreters can follow.
 - Use simple language; avoid jargon and acronyms.
 - Describe pertinent parts of graphics, videos, and other visuals.
 - Make sure you say out loud all the information on each slide.
 - Pause regularly to give people time to process information.

Ensure that you get feedback from the councillors, either at the end of the training or afterwards. It is important to learn from what went well and what could have been dealt with differently. The LGA will also welcome feedback on the use of the training pack – see introduction.

Section 3: Detailed notes to accompany the PowerPoint presentation

General

These speaking notes are designed to assist whoever is delivering the training. They highlight key messages, explain the opportunities for debate, and set out relevant background material etc. The notes do not attempt to replicate the detailed provisions of the Guidance on the LGA Model Councillor Code of Conduct (the guidance) (from which much of the training material is drawn) and you are advised to use the guidance alongside this training material to add further examples and content as you wish. A link to the guidance can be found in the Resource Document.

You may want to transpose the presentation into your council's corporate branding and/or import your council's logo and local photographs to make the material absolutely relevant for your council.

As stated in the Introduction to this training pack, the material covers all aspects of the model code and draws on lots of examples from the guidance. It has been produced in a way which will enable you to decide how to structure your training.

The presentation is divided into different parts which are clearly denoted by header slides. This will help you if you want to split the training into more than one session,

or if you want to take certain parts out – options for this are covered in the detailed notes below and there are some suggestions at the end of this section for various combinations of the slides to help you put together a session (or session) which will exactly fit what you need.

It is not expected that every council will want to use all the material contained in this pack.

Not all the slides have comments against them. The content of many of the slides are self-explanatory.

Slide 1 – Title

You may want to change the title of the presentation to reflect that the training is part of your induction programme or is the annual refresher training for all councillors etc.

Slide 2 – Purpose of the Training

You may want to tailor the purposes of the training to reflect any local circumstances and add to or change these priorities e.g.

- To introduce the provisions of the Council's recently adopted new code of conduct or
- To respond to a recommendation from the Standards Committee or a LGA Peer review.

Slide 3 – Overall aim of the training

No comments.

Slide 4 – LGA material

This slide makes clear that the training material has been prepared by the LGA and enables you to acknowledge the LGA's role in the development of the training pack when you introduce the session. If your council has adopted the code as it stands, and you have not made any further changes to the presentation, you can delete the second bullet point - the words in brackets.

If you have adapted the code (and therefore the presentation) and/or have added training material relating to your own council's protocols etc, you need to leave the words in brackets in. You can then explain (by adding text to the slide or verbally) how your presentation departs from the LGA material.

Slide 5 – The importance of standards in public life

This is a quote from the Committee on Standards in Public Life about the importance of standards in public life. It is important to start the training with an emphasis on why this topic is important – otherwise there is a risk that the sessions delve straight into the detail of the code and lose the bigger picture.

It will lead into the next slide....

Slide 6 – Lord Evans

This slide enables you to click on a recording of Lord Jonathan Evans of Weardale, the Chair of the Committee on Standards in Public Life. He speaks for around two minutes on the importance of this training. It should set the session off to a strong start and reinforce for all councillors the reasons why they are attending. Sub-titles will be shown on the screen as Lord Evans speaks.

At this point in the training you will need to click on the link to the YouTube recording. The video will open automatically in a new window. Once the video has played, remember to close the YouTube link.

There is a transcript of Lord Evans' comments at Section 4 below. This will be helpful if you want to refer councillors back to what he said at any time in the training. It may also be helpful for any councillors who would prefer to have a written copy of his remarks.

Slide 7 – Main challenges as a councillor?

This is a question for debate by the councillors. It will take 10/15 minutes to cover this fully, depending on the number of delegates.

As well as engaging councillors at an early stage of the session, it allows you to hear directly about the issues of concern to the delegates. You can then tailor the rest of the material to prioritise these eg spending more time on social media or on member/officer relations.

If you are holding the sessions remotely, it can work very well to ask councillors to type their (short) responses into the chat facility on your remote platform. If you have any councillors who for accessibility reasons cannot use the chat, ensure that you invite them to speak as well.

If you are holding a face-to-face session, you can either simply ask for comments in the room (which could risk the more confident and experienced councillors dominating) or ask the councillors to discuss this for 5 minutes on their tables (see layout suggestions above) and feedback their top comments.

You might want to use flip charts and post-it notes to help councillors present their thoughts.

Once comments have been made, you can identify any themes emerging or pick up on a few of the specific comments and ask the councillor to expand on their points. But be careful of the timing! It is important that councillors feel their comments are not invalidated, but that you also move things forward constructively.

The type of issue which may emerge are

- Social media
- Public/private life
- Political differences leading to disrespect
- Unrealistic expectations of constituents

You may have some local issues which take over the debate and you will need to move the discussion on.

Once issues have been aired and you have explored them sufficiently (given time constraints) thank councillors for their contributions and say you will return to a number of the topics as the session progresses.

Slide 8 – the Model Code

This is background to the development of the model code.

You may want to refer to the CSPL's reasons for recommending a model code for local government in England:

“A model code of conduct would create consistency across England and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual-hatted or triple-hatted councillors. As we discuss below, areas such as gifts and hospitality, social media use, and bullying and harassment have all increased in salience, and are not regularly reflected in local authority codes of conduct. All local authorities need to take account of these areas, and a model code of conduct would help to ensure that they do so”.

You may want to add the details of your council's adoption of the code here eg “adopted by the council at its meeting on xxxx”.

Slide 9 – Purpose of the Code

This is taken from the model code.

Slide 10 – General principles

Heading slide to introduce the next part of the session.

Slide 11 – Principles

You can mention Lord Evans' reference to the Nolan Principles.

If you have time, you might want to ask councillors if they can name the seven Nolan principles. This is a good way of engaging them to think about the substance of this. They can shout them out (if in the room) or put them in the chat. If councillors are sitting in groups in a face-to-face session, they can have two minutes to name them all, then give a prize for the team(s) with the correct answer. A few chocolates always go down well (and you can make a useful aside about gifts and hospitality).

The slide also references the new general principles which were developed as part of the model code to apply the Nolan Principles more specifically to the role of councillor.

Slide 12 – Nolan Principles

You may want to run through these and emphasize that all the provisions of the code are rooted back in these principles.

Slide 13 – General Principles

This slide and the next one cover the (new) general principles for elected councillors in the model code. This slide covers the principles which councillors are expected to follow at all times. The next slide covers principles underpinning their role as a councillor.

Slide 14 – General Principles

See above.

Slide 15 – Application of the code of conduct

Heading slide.

Slide 16 – The code applies ...

This is based on Section 27 (2) Localism Act 2011 and the content of the slide is taken directly from the wording of the code. It leads into the next few slides which cover the distinction between public and private life and also social media (where this issue often gets raised).

Slide 17 – The code applies to ...

The new code emphasizes that social media is caught by the code (which many previous versions did not) so you may want to emphasize this point.

Slide 18 – Quote on high standards

This is a quote from the code and reflects the aim that councillors apply these standards at all times (recognising that the legal application of the code is limited by the Localism Act – slide 15).

Slide 19 – Examples from the Guidance

This is the first slide which references the guidance (link in the Resource Document). The material cannot cover every example given in the guidance but picks up ones which will make the strongest relevant points. You can add others if there are examples which are more relevant to your council/circumstances.

It is worth pointing out to councillors that, although the examples are anonymised in both the guidance and in this training pack, they are all real-life examples which took place in local authorities.

Slide 20 – Social media

Social media is a hot topic in relation to standards, often in the context of whether a councillor was posting in their public or private life.

If your council has a social media protocol or guidance note, this would be a good place to include reference to it. You may also want to talk about your council's experience in relation to social media issues for councillors and code of conduct complaints.

Social media raises broader issues than simply code of conduct issues, for example, how to deal with aggression and intimidation as a councillor, the risks of breaching data protection law, the coverage of freedom of information and predetermination. These are wider topics than covered by this training pack, so you may want to signpost councillors to other guidance and/or other member development opportunities.

The relevant LGA materials on social media are linked through from the Resource Document.

Slide 21 – Examples from the guidance

This slide provides important examples in relation to the demarcation between public/private life.

If you have social media guidance for your councillors which, for example, encourages them to have separate accounts for their personal and council social media presence, this is a good point to emphasize that message and the reasons for it.

Slide 22 – General Obligations

Heading slide.

Slide 23 – Summary of obligations and question?

This slide is intended to generate a debate amongst the members. There are no official statistics on the subject matter of code of complaints in English local government. But the data from Wales and all the anecdotal information from England is that failure to treat others with respect is the basis of the most code of conduct complaints.

Councillors often assume that it is serious allegations of disrepute or failure to declare financial interests which are the most usual complaints. A focus on disrespect gives a good bridge into the next few slides which deal with that topic explicitly.

If you have a local issue with complaints on a certain topic eg breaches in confidentiality or attacks on the impartiality of officers, you could use this slide to generate a discussion on the local complaints rather than the national picture.

A pause on this slide also ensure that councillors have really read through the 10 headings which is a good basis for the next section of the training.

You may want to cover at this point, that a complaint about a member breaching the code must relate to one of these specific requirements governing their conduct or registration/declarations of interest. Complaints that are based on, for example, dissatisfaction that a member has not solved a casework issue to the satisfaction of a constituent, will not be the basis of a valid complaint.

If you are delivering a short introductory session on the code of conduct, you could simply focus on this slide which summarises the key provisions relating to behaviour and omit slides 24 to 43 below (which cover the detailed requirements of conduct).

Slide 24 – Standards of Conduct (1)

Respect. This is the first slide dealing with the standards of councillor conduct in the code. This section follows the same pattern - setting out the requirement then illustrating this with examples drawn from the guidance.

Treating everyone with respect is an important element of the required conduct of a councillor and one that is often contentious. You may want to dwell on this slide and open a discussion about whether the members are all clear on what constitutes respect and what becomes disrespect.

Disrespect can be alleged in difference circumstances:

- Between councillors
- Between councillors and officers
- Between councillors and members of the public

The guidance has a wealth of useful commentary on this issue which you will not have time to cover in detail. But you may find it useful to highlight the following:

- This requirement does not inhibit lively, passionate and forceful debate between councillors
- Nor does it stifle robust and reasonable challenge by councillors to officers
- The threshold for what constitutes disrespect when a councillor is talking to an officer is lower than in a councillor-to-councillor context
- There is an accepted concept of councillors needing a “thicker skin” when engaged in political debate – the following quotes from the Heesom case (see the Resource document) are helpful to stress this:

“Politicians are subject to ‘wider limits of acceptable criticism. They are expected and required to have thicker skins and have more tolerance to comment than ordinary citizens”

“In a political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated”.

The balance between freedom of expression under Article 10 of the ECHR and the legitimate control of what is said and how it is said in public life, is a key issue. There are some useful cases which explore this issue in the Resource Document (Dennehy, Heesom, Calver and Robinson).

You may want to make the point that, even if examples of “offensive, shocking, emotive etc” behaviour between councillors may not constitute a breach of the code, councillors should always be aware of the principles underpinning their conduct and the impact of such behaviour on their reputation and that of the council.

Slide 25 – Examples from the guidance

No comments.

Slide 26 – Standards of Conduct (2)

Bullying harassment, equalities and discrimination. The guidance covers these obligations in some detail, and you may want to draw on some of its contents to expand on these requirements.

Slide 27 – Examples on bullying and harassment

Bullying and harassment can be difficult issues to tackle, and these examples help to clarify that it is not just the intentions of the councillor which goes to whether their actions constitute a breach of the code.

Slide 28 – Examples on equalities and discrimination

No comments.

Slide 29 – Standards of Conduct (3)

Impartiality of officers. This is a good point at which to introduce your member/officer protocol and, particularly if this is an issue for you in your authority, to revisit the respective roles of members and officers and the importance of mutual respect.

The Heesom case (see Resource Document) has helpful content on the importance of officer impartiality.

Slide 30 – Examples from the guidance

No comments.

Slide 31 – Standards of Councillor Conduct (4)

This slide and the next one cover requirements re confidential information. The key message is that the councillor needs to think very carefully whether information they have is confidential before sharing/posting/releasing it and should consult with officers.

Councillors also have to be careful not to use information improperly and not to inhibit access to information which should be in the public domain.

Slide 32 – Standards of Councillor Conduct (4) cont.

See above.

Slide 33 – Examples from the guidance

No comments.

Slide 34 – Standards of Councillor Conduct (5)

Disrepute - you may want to emphasize that this is one of the most serious potential breaches of the code.

Slide 35 – Examples

No comments.

Slide 36 – Standards of Councillor Conduct (6)

Improper advantage. No comments.

Slide 37 – Examples from the guidance

The second example is an extremely serious one (but it is also worth noting that it occurred in 2004, so nearly 20 years ago).

Slide 38 – Standards of Councillor Conduct (7)

Use of resources. No further comments.

Slide 39 – Examples from the Guidance

No comments.

Slide 40 – Standards of Councillor Conduct (8)

Cooperating with code of conduct issues and not intimidating. No further comments.

Slide 41 – Protecting reputations

Heading slide for the next section of obligations which have a separate sub heading in the code relating to the protection of reputation.

Slide 42 – Standards of Councillor Conduct (9)

Registering and declaring interests. It would be helpful to explain here that this issue will be dealt with in detail in the next section of the training or, if you are splitting the training into more than one session, in a separate training session.

Slide 43 – Standards of Councillor Conduct (10)

Gifts and hospitality. Your council may have its own provisions relating to this area. If so, you will want to refer here to any protocol, guidance, planning codes or different thresholds for registration etc.

The full wording of the requirement is not included on this slide which precises the provisions.

An important message to convey here is that the perception by the public of the impact of the receipt of a gift or hospitality is as important as its value or the intention in the giving or receiving.

Slide 44 – Registration and declaration of interests

Heading slide introducing the next section on interests.

Slide 45 – Question on interests

This is an opportunity to pause and encourage the councillors to highlight any areas of concern they have in relation to the registration and declaration of interests.

There may not be any, in which case you can move on quickly. If councillors do identify any issues, it is probably best not to try to answer them here, but to acknowledge them and ensure that you cover them as you go through the material on interests.

Slide 46 – Interests

This slide summarises the different types of interests which the code deals with. It's also important to ensure that councillors understand that some interests have to be registered, some disclosed and some both.

Before you get into detail about what interests councillors have to register and disclose, this is good point to look at the bigger picture. You can emphasize that the purpose of the requirements relating to interests in the code are to uphold standards of public life, to ensure decisions are made for the right reasons and to protect the councillors themselves against allegations.

You might also want to introduce, at this point, the fact that the model code makes an important differentiation between when an issue “directly relates to” something and when it “affects” it.

If you are running a short introductory session on the code and do not have time to go into detail, you could omit slides 47 to 68 and rely on the summary slides (69 to 73 below). But this means that you will miss a lot of the detail of key provisions relating to interests which will need to be covered at some stage, especially with new members.

Slides 47 and 48 – Disclosable Pecuniary Interests

These slides cover DPIs, drawing straight from the code.

It is important to emphasize two messages here to councillors

1. The interests of your spouse/partner are as important as yours
2. Failure to comply with these provisions can constitute a criminal offence and there have been examples of councillors who have been prosecuted and convicted under this legislation.

Slides 49 and 50 – Guidance and examples of DPIs

These are important examples from the guidance, and you may want to dwell on them and ensure councillors understand this issue clearly. Two of the mini scenarios pick up DPIs as well.

Slides 51 and 52 – Other Registerable Interests

This and the next slide cover ORIs and draw straight from the code.

Slide 53 – Examples of ORIs

Self-explanatory.

Slides 54 to 56 – Non-registerable Interests (“directly relates to”)

These slides deal with NRIs where the matter “directly relates” to an interest. The references to “relatives” and “close associates” need to be picked up and explained. The guidance gives useful advice/examples on what constitutes a relative and close associate, and you may want to refer to this in more detail here.

These are the start of the detailed provisions relating to the declaration of NRIs. These interests can be the most difficult area of interests for a member to identify and deal with. You need to work through them in some detail (especially if this is a training session for new members). The guidance provides lots of useful material to draw on at this stage of the training.

Slides 57 to 59 – Non-registerable Interests (“affects”)

These slides introduce NRIs where the matter “affects” an interest.

Slide 58 (“the test”) is a key provision in the code and can be challenging to explain and understand. It would be good to pause on this slide and analyse what the test is saying. Elements to be considered are:

- What is the affected ward?
- How might the financial interests of the majority of inhabitants be affected? (note that it is the effect on their financial interests which is to be assessed, not their wellbeing)
- Does the issue affect the relevant financial interest or wellbeing to a greater extent than the financial interest of the majority of the inhabitants?
- What are all the facts a reasonable member of the public would need to know?
- How might that person believe the issue would affect your view of the wider public interest?

Slides 60 to 63 – Examples of NRIs

These slides work through the different aspects of NRIs where something “affects” an interest. **Slides 62 and 63** contain four examples of situations where the test needs to be applied. You could ask the members for their answers to these situations. The conclusions reached in the guidance on these examples are set out here:

Slide 61

- **A major development proposal affects the ward where your sister lives. She lives at the other end of the ward rather than next door to the development.**

Your sister would be no more affected than anybody else in the ward so the answer to the first part of the test is no. You do not have to go on to the second part. So you must disclose the interest, but you can stay, participate and vote.

- **You help to run a food bank and the council is considering a motion to investigate the causes of poverty in the area.**

This could affect the financial position or wellbeing of a body of which you are a member, or an associated person, more than it affects the financial interests of the majority of the affected ward, so the answer to the first part of the test is yes. You then have to go on to the second part – would a reasonable member of the public with knowledge of all the facts think that this would affect your view of the wider public interest? Probably not in this case, so disclose the interest but you can stay, participate and vote.

Slide 62

- **You are over 65 and are taking part in a discussion about provision for older people. You would be more affected than the majority by the outcome of the discussion.**

The answer to the first part of the test is yes, but would a reasonable member of the public with knowledge of all the facts think that this would affect your view of the wider public interest? Probably not in this case, so disclose the interest but you can stay, participate and vote.

- **You are discussing closure of the local authority run care home where your father lives.**

The answer to the first part of the test is yes, but would a reasonable member of the public with knowledge of all the facts think that this would affect your view of the wider public interest? Probably yes in this case, so disclose the interest, leave the meeting, do not participate or vote.

Slide 64 – Well-being

Examples from the guidance on well-being issues.

Slide 65 – Interests as a Cabinet Member

You should omit this slide if you do not have an executive governance system which involves cabinet members having individual decision-making powers.

Slide 66 and 67 – Sensitive interests

If you have any issues in your authority relating to, for example, the withholding of addresses of councillors from registers because of social media threats, this is the place to discuss this and to reinforce the importance of councillors identifying any concerns to the Monitoring Officer.

Slide 68 – Dispensations

If you have standing/general dispensations relating to, for example, housing, school meals, members' allowances, these should be explained here.

Slide 69 – Summary of interests

Heading slide.

Slides 70 to 73 – Summary of Interests

These slides pull together the overall impact of the provisions on interests. They repeat and summarise the information in the previous slides, but you may find it helpful to use these to reinforce the messages.

If you feel that you have covered the issues sufficiently in the more detailed slides above, you may choose not to include these summary slides.

Slide 74 – Bias and predetermination

Heading slide

Slides 75 to 77 – Bias and predetermination

These slides deal with the concepts of bias and predetermination. If you have specific reference to this anywhere else in your constitution (for example it is often covered in more detail in a Planning Code) do cross refer to this.

Slide 78 – Section 25 of the Localism Act

This is the exact wording of s.25. You may want to make the point that, although this is a helpful clarification, it does not change the basic legal

position that councillors should not be participating in decisions where they have a closed mind.

Slides 79 and 80 – Examples from the guidance

These are self-explanatory. The second example is useful to introduce the challenges for twin hatted members who need to ensure that they do not predetermine themselves in one role which rules them out of participating in the other.

You may also want to draw on useful practical examples from the wealth of case law on this topic – see the Resource Document for cases such as Persimmon Homes, Island Farm etc.

Slide 81 – Roles and process

Heading slide.

You may omit this and the subsequent two slides if you do not want to cover this issue in the training on the code.

Slide 82 – Role of the Monitoring Officer

You may want to tailor this slide to give the contact details for the officer(s) in your council who will deal with member inquiries on conduct issues. This will be particularly important in induction training for new members to encourage them to seek early advice on interests etc.

Slide 83 – Arrangements for dealing with complaints

It is not within the scope of this training pack to cover the procedure for dealing with standards complaints in detail. But this slide contains an overview of the usual procedure in English local government. You need to check that this accurately reflects your own arrangements or tailor it to set out your own procedures.

If you are intending to cover the complaints procedure in more detail, you may want to add some slides and material at this stage of the session dealing with, for example

- Initial consideration of complaints
- The role of the Independent Person
- Local resolution
- Hearings
- Sanctions

Slide 84 – Mini scenarios

Heading slide.

The next section contains six mini scenarios.

There are suggestions at the end of this section as to how and when you may want to use the scenarios in your training.

You will spot that the scenarios involve popular characters in a well know TV soap. This is to liven the examples (and avoid inadvertently using the names of real councillors). You may want to change these names to make it more relevant/local to your council, or you can just use Councillor A, B, C etc – this is a matter of personal choice.

The comments below set out the suggested “answers” to the scenarios and highlight issues which the scenarios will enable you to raise.

Slide 85 – Weatherfield Council

Scenario 1

Weatherfield Council has recently changed hands. At the first Council meeting the Mayor, Councillor Ken Barlow, loses control of the proceedings. Councillors start shouting over each other and ignoring rulings from the Mayor. They are strongly critical of the politics and policies of the opposing groups and make disparaging remarks about members and senior officers. The press describes the meeting as “shambolic”.

This scenario enables you to discuss what constitutes disrespect and what is legitimate, though heated and passionate, political debate. You should ask councillors for their reaction to this situation and whether there are any problems with it.

Ignoring rulings from the Chair/Mayor is not acceptable and councillors need to recognise the reputational damage (as evidenced by the press report) that this disrespect may do to them and to the council.

This should be distinguished from acceptable political debate – making critical comments about opposition politics and policies is probably acceptable (depending on the language used). But making disparaging remarks about other members is probably disrespectful and making such comments about officers is not acceptable.

You can refer to the notes to slide 23 above which cover politicians needing a thicker skin and what constitutes legitimate debate.

Members might want to discuss issues including what would happen in practice in such a situation. You can touch on the role of officers to advise and the critical role of a good chair in maintaining order at such a meeting, the benefits of an adjournment to calm things down etc.

You might also want to ask councillors what they would suggest happens at Weatherfield Council now. This will enable you to have a discussion about who is responsible for standards of conduct. The discussion should address the role of individual members to uphold high standards of their peers and also the role of political groups. You may well want to address the role of a good chair in helping to ensure order and high standards, and you could touch on the role of the Monitoring Officer.

The scenario also allows you to explore whether the situation would be different (and if so, better, or worse?) if the meeting had been virtual and not held in the council chamber. Councillors may have views on whether high standards of conduct are more easily maintained in a live or virtual meeting.

Slide 86 – Councillor Sally Webster

Scenario 2

The new Leader of the council, Councillor Sally Webster, calls the Chief Executive into her office and says that things must change. She tells him she is determined to sort out “all the deep-seated problems” she has inherited. In her Leader’s Blog, she posts that her party is going to sort out all the “dead wood” at the Council. The former Council Leader, Councillor Roy Cropper, responds robustly on social media calling Councillor Webster a “stupid woman”.

This scenario also enables you to explore what constitutes respect and what crosses the line.

You can ask councillors if there is anything wrong with (1) what Councillor Webster has said and (2) what Councillor Copper has said in response.

A private meeting between the Leader and the Chief Executive is a setting where pretty forceful, robust discussion is acceptable. However, going public with comments referring to “dead wood” brings in potential disrespect to officers who are no position to respond. Any concerns about officer performance or failure to implement new policies are matters for the Leader to take up privately through the proper routes.

You might want to prompt members to consider how they would raise issues of concern about performance or confidential matters and with whom. You can refer to your officer/member protocol if appropriate and the need to use the proper procedures/channels.

Councillor Cropper’s response is clearly not helpful. It is not particularly extreme language, but the “stupid woman” comment could be seen as sexist

and demeaning which may constitute disrespect. It is directed at the individual characteristics of Councillor Webster and not at her policies or opinions.

Slide 87 – Councillor Leanne Battersby

Scenario 3

Councillor Battersby keeps two twitter accounts – a personal one (LeaB) and one in the name of Councillor Leanne Battersby. She posts the following on her personal account:

“I was outraged at the planning committee last week. I voted against the dreadful application for the windfarm but was outvoted by idiotic opposition members who swallowed the unprofessional report written by officers who are in the pocket of the developer. These are my personal views”.

You can ask councillors (1) if they think Councillor Battersby was covered by the code of conduct when she made the post and (2) if so, did her comments breach the code.

This scenario raises the issue of when the code applies to a councillor. Councillor Battersby has said that she is making the comment in a personal capacity on a personal twitter account. But it clearly relates to council business and makes observations on issues she is dealing with as a councillor. So, the conclusion would probably be that she is covered by the provisions of the code. The point to emphasize is that calling yourself a councillor or not, is not conclusive in determining if the code applies.

If the code applies, her comments about officers are certainly a problem, particularly the inference about corrupt links to a developer which are disrespectful. Irrespective of action under the code of conduct, this comment should be followed up with her to make clear how serious an allegation it is and that she should come forward with any evidence about this or withdraw the remarks. If she persists in making serious unfounded allegations, this could constitute bringing her office into disrepute.

Calling opposition members “idiotic” is not civil and not to be encouraged, though, on its own, might not warrant a disrespect finding, given the need for councillors to have a “thicker skin” in political debate.

You might want to ask councillors what Councillor Battersby could have done differently?

Slide 88 – Councillor Ken Barlow

Scenario 4

Councillor Barlow is the Mayor, and his family are major landowners in the area. He votes at the Planning Committee in support of an

application for development on land which he realises, after the meeting, borders land owned by his wife. The grant of planning permission arguably adds value to her land. Councillor Barlow realises that he had completely overlooked his wife's ownership (which he was aware of) and it is not included in his register of interests. He apologises profusely.

Ask the councillors if they think Councillor Barlow has breached the code or not. If so, how, and what should now happen?

The response needs to recognise that this failure to register his wife's ownership of the land looks to be a breach of the Localism Act which requires that councillors register DPIs relating to their own, and their spouses' interests, within 28 days of election. He has potentially committed a criminal offence.

In addition to his failure to **register** the interest, Councillor Barlow's participation in the vote needs to be examined. As the planning application relates to neighbouring land (and not land owned by him or his wife) he has not further breached the Localism Act's requirements by voting, as the issue being discussed (the application on adjoining land) does not directly relate to the interest he should have registered (his wife's ownership of the land).

[You may want to ask the councillors if the situation would have been different if part of Mrs Barlow's land had been included within the red line of the planning application. The answer is yes. He would have voted on a matter which directly related to his DPI, so his failure to disclose it, leave the room and not vote, would be a breach of the code and another potential criminal offence].

Even if Mrs Barlow's land was not within the planning application site, Councillor Barlow should have considered if he had an NRI. Did the matter being discussed directly relate to or affect the financial interest of a relative?

It did not **directly relate to** (as discussed above) but it would seem that the matter **affected** his wife's ownership of the land (and arguably also his financial position or well-being) so he should have disclosed it. Whether he could then remain in the meeting would depend on the answer to the following test:

Did the matter affect the financial interest or well-being of his wife/him (a) to a greater extent than the financial interests of a majority of inhabitants of the affected ward and (b) would a reasonable member of the public, knowing all the facts believe that it would affect Councillor Barlow's view of the wider public interest?

It would seem likely that this would be answered yes, so after disclosing the interest, his only involvement could be by availing himself of a public speaking opportunity. Otherwise, he should not have participated in any discussion, not voted and left the room. He could only have stayed and discussed/voted on

the matter if he had obtained a dispensation (and it is difficult to see on what grounds that could have been given).

Councillor Barlow's contrition about the situation does not absolve him from responsibility nor from a potential code of conduct complaint or a prosecution.

Councillor Barlow is Mayor and there may well be a view that it is going to harm the reputation of the office and the council for him to continue in this public role.

There may also be an issue with the validity of the planning permission which was granted with Councillor Barlow's (improper) involvement. This is an opportunity for you to emphasize to members that participating in decisions where they should have withdrawn (because of conflicts, bias or predetermination) not only puts themselves at risk of consequences, but also makes the council's decision susceptible to legal challenge.

Slide 89 – Councillor Audrey Roberts

Scenario 5

Councillor Audrey Roberts' husband is employed by a local firm – Weatherfield Materials Limited. Cllr Roberts notices that there is an item on the agenda for a forthcoming committee meeting about awarding some contracts. One of the contracts is proposed to be granted to WML. What if it was not her husband who works for WML but her nephew, whom she hasn't seen for years?

You can ask councillors whether they think that Councillor Roberts has any interests, if so, what kind and what should she do.

The important point is that Councillor Roberts' husband's interests are as important as her own. His employment with WML constitutes a DPI for her which she should have registered. If she hasn't done so she should do so immediately. If she is on the committee awarding the contract, the matter directly relates to her husband's financial interest and constitutes a DPI. She should disclose her interest and withdraw, not participating in the discussion or vote (unless she has a dispensation).

It is a criminal offence to fail to register a DPI, to fail to disclose a DPI if it is not on the register and to participate in any discussion or vote on a matter in which you have a DPI.

The position with her nephew's involvement is different. This is not a DPI (which only relates to spouses/partners) but it is a potential interest. Councillor Roberts needs to ask herself if this is a matter which relates to the financial interest or well-being of a relative. What is a 'relative' is not defined in the code. A nephew, whom she hasn't seen for years, is arguably too distant to warrant being a concern. In reaching a conclusion on whether her nephew is a relative or close associate for the purposes of the code, Councillor Roberts

needs to consider whether the interest might be objectively regarded by a member of the public acting reasonably as potentially affecting her responsibilities as a councillor.

If so, she needs to disclose it.

If the award of the contract **directly relates** to the financial interest of the nephew (and it would seem likely to do so) she also needs to withdraw from the meeting, not take part in the discussion and not vote (unless she speaks as a member of the public or she has a dispensation).

If the Councillor concludes that the award of the contract might only **affect** the financial interest of her nephew, after having disclosed it she could stay and participate in the discussion and vote, unless the matter affects her nephew's financial interest or well-being (a) to a greater extent than the financial interests of a majority of inhabitants of the affected ward and (b) a reasonable member of the public, knowing all the facts would believe that it would affect her view of the wider public interest.

You can prompt councillors to consider what factors they would take into account in coming to a decision eg the impact of the contract award on her nephew's employment, the closeness of the relationship etc. The perception of the impact of this interest on her judgement is crucial.

If she decides it is an interest which fails the test, she must withdraw from the meeting, not take part in the discussion and not vote (unless she speaks as a member of the public or she has a dispensation).

You could also use this scenario to open up a discussion about confidential information. Councillor Roberts is clearly party to commercially sensitive information about forthcoming contracts where family members have interests. She needs to understand how important it is to keep information confidential.

Slide 90 – Councillor Mike Baldwin

Scenario 6

Councillor Baldwin is passionately in favour of an application which is coming to the Planning Committee. He thinks that it will bring jobs to the area and provide homes for local people. He says that his son and daughter-in-law cannot afford to buy a property in the town and this development may help them. He is also a member of 'Local Homes for Local People' a campaigning group trying to bring affordable housing into the area.

You should ask councillors if they think Councillor Baldwin has acted properly and whether he should be able to take part in any decisions on the planning application.

This scenario provides a basis for a discussion on predisposition, predetermination and bias.

It also raises the question of whether Councillor Baldwin's mention of his son and daughter-in-law exposes an interest which he needs to declare. If he is mentioning his family in general terms to exemplify the difficulty for all young people in the area of obtaining affordable housing, this probably needs disclosing, but he may reasonably conclude that it does not require him to withdraw from any decision. But if, for example, his son has registered with the developer to be in line for one of the houses once built, the decision on the planning application would directly relate to his close family's financial interest or well-being and would need him to withdraw from the debate and not vote.

Councillor Baldwin's involvement in 'Local Homes for Local People' is an interest he should have registered as an ORI. His membership could create a perception of bias but this may depend on the exact aims of the campaigning group. If Councillor Baldwin has spoken publicly about the specific planning application in unequivocal terms, he also risks being seen as predetermined and would be prudent to step back from any decision on it.

Slide 91 – Conclusions and close

You may want to round the session off by checking that councillors have had all their questions addressed or if not, note them for a follow-up.

You could ask councillors if there are any other issues on which they want training and/or identify any other follow-up actions eg circulation of any codes/protocols.

Circulate feedback forms or explain how feedback will be collected and thank everyone for attending!

Use of the material

As explained above, this training pack covers all aspects of the model code of conduct and draws extensively on the guidance. As such, there is a wealth of material which, if presented in full, including all the suggested opportunities for discussion/engagement, would warrant around a ½ day training session. This may fit your plans. But it is more likely that you will want to use the material as a source to draw on, to design your own training session or sessions. This will help you to deliver training which is appropriate for the context (eg induction) or for the particular priority area you wish to focus on (eg an in-depth look at interests following concerns expressed by the Standards Committee).

The material has been prepared to enable you to do this easily, with self-contained parts dealing with different aspects of the topic, and with clear headings in the presentation to differentiate these.

Here is a summary of what is covered in the PowerPoint presentation, broken down into 12 parts:

Part	Topic	Slide Nos.
Part 1	Introduction and purpose of the training and comments from Lord Evans	1 to 6
Part 2	Opening question for discussion and background to the code	7 to 9
Part 3	General principles of councillor conduct	10 to 14
Part 4	Application of the code of conduct	15 to 21
Part 5	General obligations and summary slide	22 and 23
Part 6	Standards of councillor conduct	24 to 40
Part 7	Protecting your reputation	41 to 43
Part 8	Registration and disclosure of interests	44 to 68
Part 9	Summary of interests	69 to 73
Part 10	Bias and predetermination	74 to 80
Part 11	Roles and process	81 to 83
Part 12	Mini scenarios	84 to 91

This table should enable you to identify the key parts of the presentation which best fit your requirements.

The following are some suggested “Set Menus” which might help you to shape your own training.

Menu One – suitable for a short initial introduction to the subject, perhaps at induction.

Allow 1 hour approximately.

Part	Topic	Slide Nos.
Part 1	Introduction and purpose of the training and comments from Lord Evans	1 to 6
Part 3	General principles of councillor conduct	10 to 14
Part 4	Application of the code of conduct	15 to 21
Part 5	General obligations summary slide	22 and 23
Part 9	Summary of interests	69 to 73

Menu Two – suitable for a more detailed look at standards of behaviour

Allow 1 ½ hours approximately

Part	Topic	Slide Nos.
Part 1	Introduction and purpose of the training and comments from Lord Evans	1 to 6
Part 2	Opening question for discussion and background to the code	7 to 9
Part 3	General principles of councillor conduct	10 to 14
Part 4	Application of the code of conduct	15 to 21
Part 5	General obligations and summary slide	22 and 23

Part 6	Standards of councillor conduct	24 to 40
Part 7	Protecting your reputation	41 to 43
Part 12	Mini scenarios 1, 2 and 3	85 to 87

Menu Three – suitable for a focus on interests, bias and predetermination
Allow 1 ½ hours approximately

Part	Topic	Slide Nos.
Part 1	Introduction and purpose of the training and comments from Lord Evans	1 to 6
Part 7	Protecting your reputation	41 to 43
Part 8	Registration and disclosure of interests	44 to 68
Part 9	Summary of interests	69 to 73
Part 10	Bias and predetermination	74 to 80
Part 12	Mini scenarios 4, 5 and 6	88 to 90

Menu Four – an overview of the complete code (including roles and process) but without using the mini scenarios
Allow 2 hours approximately

Part	Topic	Slide Nos.
Part 1	Introduction and purpose of the training and comments from Lord Evans	1 to 6
Part 2	Opening question for discussion and background to the code	7 to 9
Part 3	General principles of councillor conduct	10 to 14
Part 4	Application of the code of conduct	15 to 21
Part 5	General obligations and summary slide	22 and 23
Part 6	Standards of councillor conduct	24 to 40
Part 7	Protecting your reputation	41 to 43
Part 8	Registration and disclosure of interests	44 to 68
Part 9	Summary of interests	69 to 73
Part 10	Bias and predetermination	74 to 80
Part 11	Roles and process	81 to 83

Of course, you are free to mix and match the material in any combination which works for you and your council.

Section 4: Transcript of Lord Evans' opening comments

Hello, I am Jonathan Evans, and I am Chair of the independent Committee on Standards in Public Life.

Our Committee comprises both independent members and three senior political appointments, and our job is to uphold high ethical standards in public life. And those standards are built on what are called the seven principles of public life, sometimes known as the Nolan principles, of honesty, objectivity, openness, selflessness, integrity, accountability, and leadership.

And it is important and anybody in public life is expected to live up to those seven principles. And those principles have also stood the test of time because they have been enshrined in our public life for over twenty-five years.

The new model Code for local government is built on those principles and we are delighted to see that that has now been promulgated and that the Local Government Association has committed to providing advice and support and training in the new model Code. And I am delighted that you are taking part in that training today.

It is also important to recognise that decisions in local government are often not straightforward. They can be complex, and they can be nuanced. When taking your decisions, you will be in a stronger position and you will be able to justify what you have done more effectively if you have based your decision making, and can demonstrate that you have based your decisions, on those seven principles of public life. And of course, there is always advice available to people on how best to factor in that sort of principled ethics into decision making.

I would like to thank you for taking part in the training. I would like to thank you for the fact that you have stepped forward and are taking part in local government. Local government affects the lives of everybody in this country and delivers important services. Thank you very much for taking part and contributing to that, and I hope that you find this training helpful.