

# Reflections on 2020

- Misconduct seems to be becoming a more serious issue again
- Social media dominating complaints
- The scope of the Code has become a big issue
- Onset of virtual meetings and lockdown cabin fever seems to be leading to even more complaints
- New Code won't be a panacea but may be a chance for new conversations
- Government silence on sanctions ever more problematic

Hoey Ainscough Associates Ltd

# Reviewing the Code

- CSPL Report 2019 – LGA ‘to produce new Model Code’
- LGA appoint us November 2019
- Workshops with stakeholders - January 2020
- Recommendations to LGA - March
- Consultation on draft – Spring/Summer
- LGA Leadership Board approve Code – 22<sup>nd</sup> October
- Awaiting formal sign-off. Launch – December?

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# Key questions

- Purpose of Code/audience
- Principles v rules
- Balance of Code to guidance
- Capacity
- Bullying and disrespect
- Social media
- Interests

# Consultation headlines

- First person or third person
- Respect vs civility
- Equalities
- Social media
- Acting as a councillor
- Disrepute
- Gifts and hospitality
- Compliance
- Guidance

# First person or third person

- Councillor 'ownership' of standards
- Concern over 'enforcement'
- Being told vs taking responsibility for

# Respect vs civility

- Research findings broadly positive – nobody said concept not important
- But civility unpopular – changed to respect
- Plain English and understood by members, officers and public
- Respect for office and role as well as individuals

# Equalities

- Representation on importance of equalities and the role of councillor – LGA very strong on need to comply with equalities duties
- Ensuring bullying isn't centred solely on protected characteristics
- Difference between bullying and harassment

# Social media

- Need to reflect more strongly in Code
- Virtual meetings
- Greater need for local protocols and guidance



# Acting as a councillor

- General view scope needs widening/putting beyond doubt
- But needs legislative change so take out of current version
- Expect LGA to support change to legislation
- Acting as councillor v purporting?
- Should any 'private matters' be regulated?

# Acting or purporting?

- A drunken councillor says I'm on licensing committee and will have your licence taken away if you don't let me in
- Acting as councillor?
- Purporting to act as a councillor?
- Purely private matter?

# Acting or purporting?

- A councillor's twitter profile says 'councillor but all views are my own'
- Tweets *Britain withstood the Blitz and got up, had a cup of tea and got on with rebuilding the next day. We will stand against the tide of Islam*
- Acting as councillor?
- Purporting to act as a councillor?
- Purely private matter?

# Freedom of speech- the right to offend?

- If these tweets are 'policed' where is balance between offence caused and freedom of speech?
- Is it for the monitoring officer to enforce?
- Political parties?
- The police?

# Disrepute

- Positive overall support for inclusion in the code
- How can we better define this?
- Most examples cited were outside scope/private matters e.g. benefits fraud, criminal convictions

# Gifts and hospitality

- Presumption of refusal?
- National limit or determined locally?
- Register of gifts offered but refused?
- What is significant?

# Compliance

- Strong support for tougher sanctions but not a Code issue
- Lobbying of Government
- But LGA supportive of provisions around training and compliance

# Guidance

- Strong calls for guidance from councillors and officers
- Support for councillors – short Code but more consistent interpretation
- Sharing of caselaw
- Who produces it?
- Publishing of Code before guidance