

Appendix 3 – Comparison Table: LGA Model Code of Conduct and the ESCC Code

	LGA Model Code Section	LGA Model Code Content	ESCC Code
a	General Principles of Councillor	<p>The Seven Principles of Public Life (Nolan Principles) are set out as something everyone in public life should uphold.</p> <p>Building on these, nine general principles are set out in the Model Code specifically for the role of Councillor that supplement the Nolan Principles</p>	<p>The Seven Principles of Public Life are referred to in Part 1 section 1 (2) and are set out in the Appendix to the Code which makes it clear that the principles apply to those elected to public office</p>
b	Application of the Code	<p>This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:</p> <ul style="list-style-type: none"> • you misuse your position as a councillor • Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor <p>The Model Code indicates that the Code applies to all forms of</p>	<p>This Code applies to you as a member of the authority, when acting in that capacity.</p> <p>You must comply with this Code whenever you—</p> <p>(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or</p> <p>(b) act, claim to act or give the impression you are acting as a representative of your authority,</p> <p>and references to your official capacity are construed accordingly</p> <p>The ESCC Code does not include examples as it is understood that it</p>

		communication and interaction and then sets out examples.	covers all forms of communication. It is not considered necessary to provide examples
c	General Conduct 1. Respect	Suggested wording in the Model Code: 1.1 I treat other councillors and members of the public with respect. 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.	This is covered in the ESCC Code at sections 3(1) and 3(2)(d) 3(1) You must treat others with respect. 3(2)(d) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority In addition, there is a separate Code in the Constitution on Member/Officer relations
d	General Conduct 2. Bullying, harassment and discrimination	Suggested wording in the Model Code: As a councillor: 2.1 I do not bully any person. 2.2 I do not harass any person. 2.3 I promote equalities and do not discriminate unlawfully against any person.	This is covered in the ESCC Code at sections 3 (2) (a-c) You must not— (a) do anything which may cause your authority to breach any of its equality duties (in particular as set out in the Equality Act 2010); (b) bully or harass any person; Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

			(c) intimidate or improperly influence or attempt to intimidate or improperly influence 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, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct
e	General Conduct 3. Impartiality of officers	Suggested wording in the Model Code: 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.	This is covered in the ESCC Code at sections 3(2)(d) 3(2)(d) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority
f	General Conduct 4. Confidentiality and Access to Information	Suggested wording in the Model Code: 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	This is covered in the ESCC Code at sections 3(4) and 3(6)(a) 3(4) You must not— (a) 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— (i) you have the consent of a person authorised to give it; (ii) you are required by law to do so; (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; or (iv) the disclosure is— (a)

		<p>party agrees not to disclose the information to any other person; or</p> <p>iv. the disclosure is:</p> <ol style="list-style-type: none"> 1. reasonable and in the public interest; and 2. made in good faith and in compliance with the reasonable requirements of the local authority; and 3. I have consulted the Monitoring Officer prior to its release. <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>reasonable and in the public interest; and</p> <p>(b) made in good faith and in compliance with the reasonable requirements of the authority; or</p> <p>(b) prevent another person from gaining access to information to which that person is entitled by law.</p> <p>3(6)(a) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage</p>
g	General Conduct 5. Disrepute	<p>Suggested wording in the Model Code:</p> <p>5.1 I do not bring my role or local authority into disrepute</p>	<p>This is covered in the ESCC Code at section (5):</p> <p>You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>
h	General Conduct 6. Use of position	<p>Suggested wording in the Model Code:</p> <p>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>This is covered in the ESCC Code at section 3(6)(a):</p> <p>You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any</p>

			other person, an advantage or disadvantage
i	General Conduct 7. Use of local authority resources and facilities	Suggested wording in the Model Code: 7.1 I do not misuse council resources. 7.2 I will, when using the resources of the local or authorising their use by others: a. act in accordance with the local authority's requirements; and 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.	This is covered in the ESCC Code at sections 3(6) (b and c): You must, when using or authorising the use by others of the resources of your authority— (i) act in accordance with your authority's reasonable requirements; (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
j	General Conduct 8. Complying with the Code of Conduct	Suggested wording in the Model Code: 8.1 I undertake Code of Conduct training provided by my local authority. 8.2 I cooperate with any Code of Conduct investigation and/or determination. 8.3 I do not intimidate or attempt to intimidate any person who is likely to be	On their election, all councillors are required to sign an undertaking to comply with the Council's Code of Conduct. Section 1(6) of the Code states that: Councillors are required to comply with any request regarding the provision of information in relation to a complaint alleging a breach of the Code of Conduct and must comply with any formal standards investigation Section 3(2)(c) of the Code states that:

		<p>involved with the administration of any investigation or proceedings.</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>You must not intimidate or improperly influence or attempt to intimidate or improperly influence 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, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct</p> <p>There is no equivalent section in the ESCC Code.</p>
k	<p>General Conduct</p> <p>9. Protecting your reputation and the reputation of the local authority</p>	<p>Suggested wording in the Model Code:</p> <p>9.1 I register and disclose my interests.</p> <p>This is supported by Appendix B of the Model Code that sets out the detailed provisions around registering and declaring interests.</p>	<p>This part of the Model Code and its Appendix B is essentially replicated in the ESCC Code although set out differently (Parts 2 and 3).</p>
l	<p>General Conduct</p> <p>10. Gifts and hospitality</p>	<p>Suggested wording in the Model Code:</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</p>	<p>Gifts and hospitality are covered in the ESCC Code of Conduct and are required to be recorded on the Register of Interests form. The ESCC financial threshold for registering a gift/hospitality is £50 which mirrors the threshold in the Model Code.</p>

		<p>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 refused to accept.</p>	<p>There is no requirement in the ESCC Code to refuse gifts/hospitality under the circumstances set out in 10.1 of the Model Code or declare these and other significant offers as set out in 10.3 of the Model Code</p>
m	Appendix C – Committee on Standards in Public Life – Best Practice Recommendations	<p>The Committee on Standards in Public Life report on Local Government contained a set of recommendations regarding actions it believed needed to be taken, primarily by the Government. The report also contained a set of Best Practice recommendations for local authorities (as set out in Appendix C).</p>	<p>In April 2019, the Committee considered the best practice recommendations and where necessary recommended the County Council to amend the Code of Conduct in order to comply with the recommendations.</p>
n	Style of presentation	<p>The Model Code is written in the first person, eg. I treat other councillors and members of the public with respect</p> <p>The explanatory text is written as if addressed to the councillor, eg You should not</p>	<p>The ESCC Code is written as if addressed to the councillor, eg You must treat others with respect.</p>