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STANDARDS COMMITTEE AGENDA

Date: Friday, 11 September 2020

Time: 10.00 am

Venue: Virtual Meeting

3 September 2020

PART 1

1. Apologies for absence, if any.
2. Urgent items of business, if any (24 hours notice to be provided to the Chairman).
3. To approve as a correct record the Minutes of the previous meeting. **(Pages 3 - 6)**
4. Declarations of interest, if any:
 - Disclosable Pecuniary Interest;
 - Other interests.
5. Local Government Association - Draft Model Member Code of Conduct **(Pages 7 - 42)**
6. Exclusion of the Press and Public

The Chair to move:-

"That pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or nature of the proceedings whereby it is likely that exempt information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the paragraphs indicated."

7. To approve as a correct record the Exempt Minutes of the previous meeting. **(Pages 43 - 44)**
8. Standards Complaints Monitoring Report. **(Pages 45 - 48)**

MARK TRILLO
EXECUTIVE DIRECTOR AND MONITORING OFFICER

Membership of Standards Committee (SMDC)

Councillor G Bond (Chair)

Councillor J Aberley

Councillor K J Jackson

Councillor K Martin

Councillor P Wilkinson

Councillor B A Hughes

Councillor B Emery (Vice-Chair)

Councillor I Herdman

Councillor B Johnson

Councillor P Taylor

D Fowler

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

STANDARDS COMMITTEE MEETING

Minutes

THURSDAY, 21 NOVEMBER 2019

PRESENT: Councillor G Bond (Chair)

Councillors B Emery, I Herdman, Councillor B A Hughes,
K J Jackson, B Johnson, K Martin and P Taylor, Mr H Mawdsley
and Mr P Brough.

IN ATTENDANCE:

APOLOGIES: Councillors J Aberley and P Wilkinson

9 **URGENT ITEMS OF BUSINESS, IF ANY (24 HOURS NOTICE TO BE PROVIDED TO THE CHAIRMAN).**

There were no urgent items.

10 **TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING.**

RESOLVED – That the Minutes of the meeting of the Standards Committee held on 19 July 2019 be **APPROVED** as a correct record and signed by the Chair.

11 **DECLARATIONS OF INTEREST, IF ANY:**

There were no declaration made.

12 **LOCAL GOVERNMENT OMBUDSMAN ANNUAL LETTER**

The annual review letter summarised complaints and enquiries made during 2018/19. 5 new enquiries / complaints had been made, of which 2 were not upheld and 3 were closed after initial enquiries, with no prospect of finding maladministration in any of the cases. All 5 related to the Planning & Development service area. 1 further case had been referred back for local resolution, relating to the Housing service area and may still have been in the pipeline at the time of this meeting.

When compared against the total of 119 complaints received by the Council for the same period, the small number of complaints reaching the Ombudsman illustrated the strength of the Council in ensuring complaints were dealt with promptly and appropriately.

RESOLVED – That the report and Ombudsman's Annual Review Letter be **NOTED**.

13 **STANDARDS COMMITTEE ANNUAL REPORT**

Standards Committee (SMDC)- 21 November 2019

The report gave an overview of the issues considered by the Standards Committee during 2018/19 including:-

- Monitoring complaints received regarding alleged breaches of the Code of Conduct;
- The Annual Letter received from the Local Government Ombudsman;
- Annual Review of Councillor Development;
- Committee on Standards in Public Life – Ethical Standards Review.

Regular complaint monitoring reports were received, establishing trends and identifying any themes for which training seminars may be planned. The last 6 years of complaints received by SMDC and its Strategic Alliance partner – HPBC – in respect of alleged breaches of the Councillors’ Code of Conduct were tabulated as follows:-

| Year | No. of Complaints | | | | | |
|---------|-------------------|------------------|----------|----------------|-----------------|----------|
| | SM Parish Cllr | SM District Cllr | SM Total | HP Parish Cllr | HP Borough Cllr | HP Total |
| 2013/14 | 3 | 1 | 4 | 10 | 1 | 11 |
| 2014/15 | 5 | 1 | 6 | 2 | 1 | 3 |
| 2015/16 | 3 | 12 | 15 | 4 | 0 | 4 |
| 2016/17 | 9 | 16 | 25 | 4 | 2 | 6 |
| 2017/18 | 5 | 8 | 13 | 1 | 3 | 4 |
| 2018/19 | 2 | 9 | 11 | 2 | 1 | 3 |

Tabulated separately were complaints received in their entirety as opposed to those which reached the Ombudsman:-

| Year | No. of Ombudsman Complaints | | | |
|---------|--------------------------------|-------------------------|--------------------------------|-------------------------|
| | SMDC | | HPBC | |
| | No. of Enquiries or Complaints | Total No. of Complaints | No. of Enquiries or Complaints | Total No. of Complaints |
| 2012/13 | 14 | 439 | 10 | 404 |
| 2013/14 | 12 | 280 | 20 | 372 |
| 2014/15 | 10 | 284 | 12 | 413 |
| 2015/16 | 13 | 258 | 11 | 368 |
| 2016/17 | 10 | 245 | 8 | 448 |
| 2017/18 | 12 | 193 | 15 | 308 |

The relatively small number of complaints reaching the Ombudsman compared to the total number illustrated the strength of the Council in ensuring that complaints were dealt with promptly and appropriately.

The cross-party Member Development Working Group had co-ordinated the learning and development programme for councillors and the resultant seminars were detailed, including the number of councillors attending each.

During 2018, the Committee on Standards in Public Life (CSPL) undertook a review of local government ethical standards. The Council responded to the consultation exercise and the resultant CSPL report was received in July 2019.

Standards Committee (SMDC)- 21 November 2019

RESOLVED: That the report be **NOTED**.

14 **APPOINTMENT OF INDEPENDENT PERSON**

A vacancy existed for a substitute Independent Person following the passing away of Mr. Barry Steans in 2018. The successful candidate would be invited to attend and participate at meetings of the Standards Committee and also the Audit & Accounts Committee. The vacancy was to be advertised on the Council's website and shortlisted candidates were to be interviewed by the Chair and Vice-Chair of the Committee and the relevant Executive Director. A recommendation would then be made to Council for the resultant appointment to be made. An annual allowance of £478 plus 'out of pocket expenses' would be paid.

In response to a member enquiry, it was agreed that a Committee member from the opposition would be included in the interview process.

RESOLVED – To advertise for the position of Independent Person.

15 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED:

That, pursuant to Section 100A(2) and (4) of the Local Government Act, 1972, the public be excluded from the meeting in view of the nature of the business to be transacted or the nature of the proceedings whereby it is likely that confidential information as defined in Section 100A (3) of the Act would be disclosed to the public in breach of the obligation of confidence or exempt information as defined in Section 100 I (1) of Part 1 of Schedule 12A of the Act would be disclosed to the public by virtue of the Paragraphs indicated.

16 **TO APPROVE AS A CORRECT RECORD THE EXEMPT MINUTES OF THE PREVIOUS MEETING.**

Members considered the Exempt Minutes of the meeting held on 19 July 2019.

17 **STANDARDS COMPLAINTS - REVIEW & MONITORING REPORT**

Members considered a report on complaints made under the Code of Conduct in the period since the committee previously met.

The meeting closed at 10.25 am

_____ Chairman _____ Date

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STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Standards Committee

11 September 2020

| | |
|------------------------------|--|
| TITLE: | Local Government Association - Draft Model Member Code of Conduct |
| EXECUTIVE COUNCILLOR: | Councillor Sybil Ralphs - Leader |
| CONTACT OFFICER: | Linden Vernon – Senior Officer (Governance and Member Support) |
| WARDS INVOLVED: | Non-Specific |

Appendices Attached:

Appendix A – The current SMDC Code of Conduct

Appendix B – LGA Model Member Code of Conduct Consultation Document

Appendix C – LGA Model Member Code of Conduct Webinar Presentation

1. Reason for the Report

- 1.1 The report provides members of the Committee with an update with regards to the LGA draft Model Member Code of Conduct.

2. Recommendation

- 2.1 That the Committee notes the report.

3. Executive Summary

- 3.1 The Localism Act 2011 introduced a new standards framework throughout all levels of Local Government in England. This required all authorities to adopt a local Code of Conduct consistent with the seven principles of public life.
- 3.2 In 2018, the Committee for Standards in Public Life undertook a review of local government ethical standards. This found that there was inconsistency between codes of conduct in local authorities. It was therefore recommended that the Local Government Association (LGA) should produce a new national 'model code' which takes into account changes to the political environment, such as the increasing use of social media in public life, with the discretion for individual authorities to adapt the model code to fit local circumstances.

3.3 The LGA have reviewed their previous Model Code and have conducted a consultation exercise. The final version of the Code will be offered as a template for councils to adopt in whole and/or with local amendments.

4. **How this report links to Corporate Priorities**

4.1 The maintenance of high standards of behaviour are fundamental to achieving the Council's priorities.

5. **Alternative Options**

5.1 There are no options to consider at this point.

Mark Trillo

Executive Director (People) and Monitoring Officer

Web Links and

Background Papers

- | | |
|---|--|
| ▪ Appendix A – The current HPBC Code of Conduct | Linden Vernon |
| ▪ Appendix B – LGA Model Member Code of Conduct Consultation Document | Senior Officer (Governance and Member Support) |
| ▪ Appendix C – LGA Model Member Code of Conduct Webinar Presentation | linden.vernon@staffsmoorlands.gov.uk |

Contact details

6. **Detail**

6.1 The Localism Act 2011 introduced a new standards framework throughout all levels of Local Government in England. Section 28 of the Act required all authorities to adopt a local Code of Conduct consistent with the seven principles of public life which replaced the previous national statutory code. The Council's latest Code is attached at Appendix A.

6.2 In 2018, the Committee for Standards in Public Life (CPSL - an independent public body which advises government on ethical standards across the whole of public life in the UK) undertook a review of local government ethical standards. The CPSL considers that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

6.3 The Committee's report was published on 30 January 2019 and included 26 recommendations and 8 best practice recommendations. These were reported to this Committee on 22 March and 19 July 2019. This led to a review of the Council's own Code (approved by Council on 16 October 2019) and amendments were made with regards to prohibitions on bullying and harassment, requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

6.4 Although the CSPL's report did not recommend a return to the previous

centralised system overseen by Standards for England, it did find that there was inconsistency between codes of conduct in local authorities. It was therefore recommended that the Local Government Association (LGA) should produce a new national model code which takes into account changes to the political environment, such as the increasing use of social media in public life, with the discretion for individual authorities to adapt the model code to fit local circumstances.

- 6.5 The LGA have reviewed their previous Model Code and have conducted a consultation exercise on this which ended on 17 August. All members of the Council were invited to respond to the consultation document (Appendix B) and take part in one of three webinars organised by the LGA (the presentation is attached at Appendix C). This Model Member Code of Conduct has been developed in consultation with the sector and, when finalised, will be offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation.
- 6.6 A further report will be presented to this Committee following the publication of the final version of the LGA Model Code.

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Staffordshire Moorlands District Council

Code of Conduct for Members

1 Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Staffordshire Moorlands District Council, including –

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- 1.2 when acting as a representative of the authority
- 1.3 in taking any decision as a Cabinet member or a Ward Councillor
- 1.4 in discharging your functions as a ward Councillor
- 1.5 at briefing meetings with officers and
- 1.6 at site visits
- 1.7 when corresponding with the authority other than in a private capacity

2 General Conduct

You must –

- 2.1 provide leadership to the authority and communities within its area, by personal example and
- 2.2 respect others and not bully (including any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended) any person
- 2.3 recognise that officers (other than political assistants) are employed by and serve the whole authority
- 2.4 respect the confidentiality of information which you receive as a member –
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 not misconduct yourself in a manner which is likely to bring the authority into disrepute
- 2.6 use your position as a member in the public interest and not for personal advantage
- 2.7 accord with the authority's reasonable rules on the use of public resources for private and political purposes
- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons –
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 2.8.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the authority's scrutiny function
- 2.10 ensure that the authority acts within the law.

- 2.11 Co-operate fully with any investigation carried out in accordance with the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011, and by not making any trivial or malicious allegations under those Arrangements.

3 Disclosable Pecuniary Interests

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent, and leave the room where the meeting is held while any discussion or voting takes place.
- 3.4 "Meeting" means any meeting organised by or on behalf of the authority, including –
- 3.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council
 - 3.4.2 any meeting of the Cabinet and any Committee of the Cabinet
 - 3.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 3.4.4 at any briefing by officers; and
 - 3.4.5 at any site visit to do with business of the authority

4 Other Interests

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered, and you are aware that you have an interest in that item which may or may not be entered in your register of interests, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent.
- 4.2 You have an interest, as referred to at 4.1 above, in an item of business of your authority where –
- 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or
 - 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a "relevant person") or a person with whom you have a close association, or
 - 4.2.3 it relates to an interest (other than a Disclosable Pecuniary Interest) entered in your register of interests,
- and that interest is not a disclosable pecuniary interest.
- 4.3 Where you have an interest in accordance with 4.1 and 4.2 above then you must consider whether the nature of that interest is so significant that you should withdraw from participating in respect of the matter relating to that interest.

5 Gifts and Hospitality

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £25 which you have accepted as a member from any person or body other than the authority.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

| <i>Interest</i> | <i>Prescribed description</i> |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992). |
| Contracts | Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest. |
| Securities | Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or |

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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Local Government Association Model Member Code of Conduct

Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]¹ in [public or in]² your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

As a councillor I commit to:

Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and harassment

- 3. Not bullying or harassing any person.**

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. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and

printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted 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 other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you

because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Example

LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details www.gov.uk/government/news/the-principles-of-public-life-25-years
5. ACAS’s definition of bullying

Appendices

Code Appendix A

The principles are :

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You 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 the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You 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 the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You 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 the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

| Subject | Description |
|--|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.] |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 . |
| Contracts | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land and Property | Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer. |
| Corporate tenancies | Any tenancy where (to the councillor’s knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of. |
| Securities | Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

| Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council; | |
|---|---|
| Any Body— | (a) exercising functions of a public nature; |
| | (b) directed to charitable purposes; or |
| | (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) |
| of which you are a member or in a position of general control or management. | |



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Code of Conduct Review

Paul Hoey

Hoey Ainscough Associates Ltd

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!

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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