

NORTH HERTFORDSHIRE DISTRICT COUNCIL



19 February 2021

Our Ref Standards Committee – 03.03.2021
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To: The Chair and Members of the Standards Committee of North Hertfordshire District Council

District Councillors	Councillor Judi Billing MBE (Chair), Councillor Ruth Brown (Vice-Chair), Councillor Kate Aspinwall, Councillor Clare Billing, Councillor Sam Collins, Councillor David Levett, Councillor Gerald Morris, Councillor Sean Prendergast, Councillor Mike Rice, Councillor Martin Stears-Handscomb, Councillor Claire Strong, Councillor Richard Thake.
(Substitutes: Councillors	Councillor Ian Albert, Councillor Paul Clark, Councillor George Davies, Councillor Simon Harwood, Councillor Michael Muir, Councillor Lisa Nash and Councillor Adem Ruggiero-Cakir.)
Parish Councillors	Parish Councillors Rebecca Elliott and Martin Griffin.
Independent Persons	Nicholas Moss OBE (Independent Person) Peter Chapman and John Richardson (Reserve – Independent Person) – advisory roles.

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE STANDARDS COMMITTEE

to be held as

A VIRTUAL MEETING

On

WEDNESDAY, 3RD MARCH, 2021 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda Part I

- | Item | Page |
|--|---------------------------|
| <p>1. WELCOME AND REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY</p> <p>Members are requested to ensure that they are familiar with the attached summary of the Remote/Partly Remote Meetings Protocol. The full Remote/Partly Remote Meetings Protocol has been published and is available here: https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings.</p> | <p>(Pages 5
- 6)</p> |
| <p>2. APOLOGIES FOR ABSENCE</p> <p>Members are required to notify any substitutions by midday on the day of the meeting.</p> <p>Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.</p> | |
| <p>3. MINUTES - 22 OCTOBER 2019 TO 20 OCTOBER 2020</p> <p>To take as read and approve as a true record the minutes of the meetings of the Committee held on:</p> <p>22 October 2019;</p> <p>20 October 2020.</p> | <p>(Pages 7
- 16)</p> |
| <p>4. NOTIFICATION OF OTHER BUSINESS</p> <p>Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency.</p> <p>The Chair will decide whether any item(s) raised will be considered.</p> | |
| <p>5. CHAIR'S ANNOUNCEMENTS</p> <p>Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.</p> | |

6. PUBLIC PARTICIPATION

To receive petitions, comments and questions from the public.

7. STANDARDS MATTERS REPORT

REPORT OF THE SERVICE DIRECTOR – LEGAL & COMMUNITY/
MONITORING OFFICER

(Pages
17 - 22)

The report updates Members of the Committee on standards issues generally.

8. LOCAL GOVERNMENT ASSOCIATION ('LGA') MODEL CODE OF CONDUCT

REPORT OF THE SERVICE DIRECTOR - LEGAL & COMMUNITY /
MONITORING OFFICER

(Pages
23 - 52)

The report provides an update on the LGA Model Councillor Code of Conduct Appendix 1 and consideration of the option to recommend adoption to Full Council.

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REMOTE/PARTLY REMOTE MEETINGS PROTOCOL SUMMARY

A protocol regarding remote meetings has been devised as a result of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 ('the Regulations') to provide guidance for the conduct of any remote meeting of the Council, and its various Committees and Sub-Committees, held under the provisions of the Regulations and subsequent changes to the Constitution.

The full Remote / Partly Remote Meetings Protocol has been published and is available to view on the Council's website via the following link: <https://www.north-herts.gov.uk/home/council-and-democracy/council-and-committee-meetings>

The Council's adopted Constitution will continue to apply to meetings of the Council and its various Committees and Sub-Committees. Where there is a conflict between the protocol and Constitution the Constitution takes precedence.

The protocol applies to this meeting. It outlines processes for conducting remote meetings. Some key points are highlighted here for guidance:

- Prior to the start of a meeting the Committee, Member and Scrutiny Officer/Manager ('The Officer') will confirm the meeting is being streamed live. They will confirm that they can see and hear all participating Members, Officers and/or members of the public at the start or upon reconvening a meeting.
- Any person attending the meeting remotely should join no later than 15 minutes prior to allow for technical checks. They should ensure that their name on screen appears in the agreed format, as indicated in the Protocol. They should mute their microphone when not speaking. Their background should be nondescript or virtual/blurred if possible. Headsets are recommended to reduce audio feedback.
- Remember to stay in view of the camera. While on camera everything you do is visible; please observe as far as possible the etiquette you would as if attending a meeting in person.
- Be careful to prevent exempt or confidential papers being seen within the video-feed. When a meeting is in private session there should be only those entitled to be present in the room. The live stream will continue with a holding card displayed.
- If a Member wishes to speak, they should use the raise hand function. Please wait to be invited by the Chair to address the meeting. The normal procedure rules with respect to debate and speaking times will apply as per the Constitution.
- If a Member has declared a Disclosable Pecuniary Interest and is required to leave the meeting during the consideration of an item, they will be placed in the waiting room. It is the responsibility of the Member in question to remind the Chair at the start of such item. The Officer will remind the Chair to return the Member as appropriate.
- Members will need to use the tools in the "Participants" function to vote: using a green tick to indicate 'for', a red cross to indicate 'against', or the "raise hand" tool to indicate an abstention. Where a Member has had to dial into the meeting by telephone, the Chair will ask for verbal confirmation as to how they wish to vote. Leave the vote in situ until told otherwise by either the Chair or Officer.
- The Officer will clearly state the result of the vote and the Chair will then move on.
- Details of how Members voted will not be kept or minuted unless a Recorded Vote is requested or an individual requests that their vote be recorded, although voting may be seen and/or heard on the video recording.
- If there are Part 2 (confidential) items Members will be invited to join a breakout room for these items. You must accept this invitation.
- Once Part 2 (confidential) discussions have concluded Members will need to leave the breakout room. Please do not leave the meeting.

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Agenda Item 3

The following Minutes are attached for the Standards Committee to consider and approve:

22 October 2019;

20 October 2020.

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NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER,
COUNCIL OFFICES, GERON ROAD, LETCHWORTH GARDEN CITY
ON TUESDAY, 22ND OCTOBER, 2019 AT 7.30 PM**

MINUTES

Present: *Councillors Judi Billing MBE (Chairman), Ruth Brown (Vice-Chairman), Kate Aspinwall, Clare Billing, Sam Collins, David Levett, Sean Prendergast, Mike Rice, Martin Stears-Handscomb, Claire Strong and Richard Thake.*

Parish Councillors Helena Gregory and Dr Julia Magill MBE.

Nicholas Moss OBE (Independent Person) non-voting advisory role

In Attendance: *Jeanette Thompson (Service Director - Legal and Community), James Ellis (Legal Regulatory Team Manager) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

Also Present: *At the commencement of the meeting Councillor Paul Clark.*

1 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 11 seconds

Apologies for absence were received from:

- District Councillor Gerald Morris;
- Town Councillor Amy Bourke-Waite;
- Reserve Independent Person Peter Chapman.

2 MINUTES - 19 FEBRUARY 2019

Audio Recording – 1 minute 30 seconds

The Chairman apologised, on behalf of the Committee, Member and Scrutiny Team, that in Minute 14 Councillor Helena Gregory had been recorded as Councillor Lee Gregory.

RESOLVED: That, subject to the amendment of Minute 14 that Councillor Lee Gregory be amended to read Councillor Helena Gregory, the Minutes of the Meeting of the Committee held on 19 February 2019 be approved as a true record of the proceedings and be signed by the Chairman.

3 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minutes 18 seconds

There was no other business notified.

4 CHAIRMAN'S ANNOUNCEMENTS

Audio recording – 2 minutes 38 seconds

- (1) The Chairman welcomed Parish Councillor Julia Magill MBE and Town Councillor Amy Bourke-Waite to the Committee, although noted that Town Councillor Amy Bourke-Waite was unable to attend the meeting;
- (2) The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded;
- (3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

5 PUBLIC PARTICIPATION

Audio recording – 4 minutes 33 seconds

There were no presentations by members of the public.

6 STANDARDS MATTERS

Audio recording – 4 minutes 49 seconds

The Service Director – Legal and Community and Monitoring Officer presented the report entitled Standards Matters.

The following Members asked questions and entered into debate

- Parish Councillor Julia Magill;
- District Councillor Judi Billing;
- Independent Person Nicholas Moss;
- Parish Councillor Helena Gregory;
- District Councillor Ruth Brown;
- District Councillor Claire Strong;
- District Councillor Richard Thake;
- District Councillor David Levett.

In response to questions the Service Director – Legal and Community advised:

- That training regarding Planning and Licensing had to be undertaken before a Member could sit on those Committees. Code of Conduct training was not compulsory; however, Members were encouraged to attend other training.
- Dependent on the awaited response from Central Government to the Committee on Standards in Public Life's report and recommendations, Parish Councils would potentially have to adopt the model Code of Conduct. In response to the issue of offering training to Parish Councils, it was suggested that it would be better to see what the Government's response was to the recommendations; this was unlikely to be immediate and the position should be reviewed at the next meeting of the Committee in February.

Members commented that:

- Parish Councils should have the same code of conduct as the District Council;
- That the District Council is drawn into complaints that are based on the relationship between Parish Councillors and Parish Clerks.

RESOLVED: That the contents of the report entitle Standards Matters be noted.

REASON FOR DECISION: To ensure good governance within the Council.

7 PLANNING CODE OF GOOD PRACTICE

Audio recording – 28 minutes 44 seconds

The Legal Regulatory Team Manager and Deputy Monitoring Officer presented the report entitled Planning Code of Good Conduct together with the following appendices:

- Appendix A – Amended Planning Code of Good Practice;
- Appendix B – Comparison between NHDC Planning Code of Good Practice.

The Legal Regulatory Team Manager advised that an amendment was required to the first Paragraph on page 23 so that it read words to this effect:

“Don’t agree to any formal meeting with applicants, developers or groups of objectors if you can avoid it. You may act as a Ward advocate, however where you have acted as such, then you must not sit on, or be a substitute for that item at the Committee meeting. Where you feel that a formal meeting would be useful to clarify issues, you only arrange that meeting through the Development and Conservation Manager if she/he is able to organise one. If the meeting can be arranged, the Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.”

The following Members asked questions and took part in the debate:

- District Councillor Judi Billing;
- District Councillor Sam Collins;
- District Councillor David Levett;
- District Councillor Richard Thake;
- District Councillor Claire Strong;
- District Councillor Mike Rice;
- Independent Person Nicholas Moss;
- Parish Councillor Julia Magill.

In response to questions the Service Director – Legal and Community advised that:

- The Code was trying to address pre-determination and bias;
- The exception was when acting as a Ward Advocate (so long as then did not sit on the Planning Control Committee or act as a sub for that item).

Members suggested a number of amendments to the document including:

- Amending the introduction to make clear that the Code applied to all Members, whether or not they were on the Planning Control Committee, but making it clear which parts did or did not apply to Ward Advocates;
- Amending the Introduction and the document throughout, to make clear the different roles of the Planning Control Committee Member and the Ward Advocate;
- Defining gifts and hospitality in amounts rather than stating “minimal”;
- Members agreed to email any other suggested amendment to the Legal Regulatory Team Manager to be considered.

RESOLVED:

- (1) That Members of the Committee be requested to email any suggested amendments to the Legal Regulatory Team Manager;
- (2) That, prior to consideration by Council, the Legal Regulatory Team Manager be requested to make amendments as suggested in consultation with the Chairman and Vice-Chairman of the Standards Committee and the Independent Person;
- (3) That, prior to consideration by Council, the Legal Regulatory Team Manager be requested to amend the first Paragraph on page 23 to read words to the effect:

“Don’t agree to any formal meeting with applicants, developers or groups of objectors if you can avoid it. You may act as a Ward advocate, however where you have acted as such, then you must not sit on, or be a substitute for that item at the Committee meeting. Where you feel that a formal meeting would be useful to clarify issues, you only arrange that meeting through the Development and Conservation Manager if she/ he is able to organise one. If the meeting can be arranged, the Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.”

RECOMMENDED TO COUNCIL: That, subject to any amendment resulting from the resolutions above, the Planning Code of Good Practice as amended and contained at Appendix A be adopted.

REASON FOR DECISIONS: To ensure good governance within the Council and that the Council’s Planning Code of Good Practice remains fit for purpose and is consistent with best practice.

The meeting closed at 8.30 pm

Chairman

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

**MEETING HELD AS A VIRTUAL MEETING
ON TUESDAY, 20TH OCTOBER, 2020 AT 7.30 PM**

MINUTES

Present: *Councillors: Judi Billing MBE (Chair), Ruth Brown (Vice-Chair), Kate Aspinwall, Clare Billing, David Levett, Gerald Morris, Sean Prendergast, Mike Rice, Martin Stears-Handscomb and Claire Strong.*

Town/Parish/Community Councillors: Parish Councillor Rebecca Elliott and Parish Councillor Martin Griffin

Nicholas Moss (Independent Person), Peter Chapman (Reserve Independent Person) and John Richardson (Reserve Independent Person) - non-voting advisory roles

In Attendance: *Jeanette Thompson (Service Director - Legal and Community) and Hilary Dineen (Committee, Member and Scrutiny Manager)*

1 WELCOME AND INTRODUCTION

Audio recording – 4 seconds

The Chair welcomed everyone to the virtual Standards Committee meeting that was being conducted with Members and Officers at various locations, communicating via audio/video and online and advised that there was the opportunity for the public and press to listen and view proceedings.

The Committee, Member and Scrutiny Manager undertook a roll call and gave advice regarding the following:

The meeting was being streamed live on the Council's You Tube channel and also recorded via Zoom. If live streaming failed the meeting would adjourn. If the live stream could not be restored within a reasonable period then the remaining business would be considered at later date.

Members were requested to stay in view of the camera at all times

If for any reason the meeting was not quorate an Officer would notify attendees. The meeting would adjourn immediately. Once the meeting was quorate the meeting would resume. If connection could not be restored within a reasonable period, then the remaining business would be considered at a later date.

Only Members present for the entire debate and consideration of an item were entitled to vote. If a remote Member lost connection the Chair may adjourn the meeting for a short period to enable connection to be re-established. If the Chair did not adjourn the meeting the Member would be deemed to have left the meeting at the point of failure and be deemed to have returned at the point of re-establishment.

That mobile phones and other noise emitting devices are muted.

That the mute button on the tablets and computers be muted when not speaking.

Members wishing to speak should use the raise hand button and unmute their microphone before speaking.

Voting would be via the Green tick for “Yes”, Red Cross for “No” and Blue Raise Hand for “abstain” functions.

The Chair, Councillor Judi Billing, started the meeting proper.

2 APOLOGIES FOR ABSENCE

Audio recording – 3 minutes 56 seconds

Parish Councillor Martin Griffin apologised that he would be leaving the meeting at 8pm.

Former Parish Councillor Julia Magill had apologised that she could no longer attend the Standards Committee as she was no longer qualified to do so as she was no longer a Parish Councillor.

RESOLVED: That it be placed on record that the Standards Committee thank former Parish Councillor Julia Magill for her service to the Committee.

3 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes 40 seconds

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes 47 seconds

- (1) The Chair welcomed Parish Councillor Martin Griffin, Parish Councillor Rebecca Elliott and Reserve Independent Person John Richardson, who were all new to the NHDC Standards Committee;
- (2) The Chair advised that, in accordance with Council policy, this meeting was being audio recorded as well as filmed. The audio recordings would be available to view on Mod.gov and the film recording via the NHDC Youtube channel;
- (3) Members were reminded to make declarations of interest before an item, the detailed reminder about this and speaking rights was set out under Chair's Announcements on the agenda.

5 PUBLIC PARTICIPATION

Audio recording – 6 minutes 4 seconds

There were no presentations by members of the public.

6 STANDARDS MATTERS

Audio recording – 6 minutes 16 seconds

The Service Director Legal and Community and Monitoring Officer presented the report entitled Standards Matters and drew attention to the following:

Committee on Standards in Public Life (CSPL) - Local Government Ethical Standards

- Paragraphs 8.1 and 8.2 outlined the background and the current position in respect of the Model Code of Conduct.

The following Members took part in the debate:

- Councillor Judi Billing;
- Councillor David Levett.

Ongoing Review / Consultation by CSPL on Electoral Regulation and Standards Matter 2 landscape review of institutions

- Paragraphs 8.3 and 8.4 of the report detailed the current position.

North Hertfordshire Complaints/ Issues Update

- Paragraphs 8.5 and 8.6 outlined 6 complaints received against District Councillors and that there were ongoing issues at Great Ashby Community Council.

The following Member asked a question:

- Councillor Sean Prendergast.

In response to the question the Monitoring Officer advised that under usual circumstances the identity of those having a complaint made against them was confidential, however in respect of complaint 1/2020 they had given consent to their identity being disclosed and this was Councillor Sam North.

Member Training

- Training usually took place following an election.
- The election in 2020 was postponed due to Covid-19 as was the associated training.
- The next round of training would take place following the election in 2021
- Members were asked to comment on additional training required such as Use of Social Media.

The following Members took part in the debate:

- Councillor Judi Billing;
- Councillor Claire Strong;
- Councillor Mike Rice;
- Councillor Ruth Brown;
- Councillor Clare Billing;
- Councillor David Levett;
- Parish Councillor Rebecca Elliott;
- Reserve Independent Person Peter Chapman.

Comment from Members included:

- That the Cabinet Panel on Community Engagement and Cooperative Development would be discussing social media and had invited administrators of social media sites to join the meeting in November.
- Information sessions could be provided for Members as well as training sessions.
- Social Media information included in the Code of Conduct was quite old a needed to be reviewed;
- That the expectation from members of social media groups is that Councillors and/or the Council will respond to posts on each and every group;
- That the Committee should wait for the Model Code of Conduct to be published.

Recruitment of further Reserve Independent Person and co-option of further Parish Council representatives to Standards Committee

- Parish Councillors Rebecca Elliott and Martin Griffin had been co-opted onto the Standards Committee;
- John Richardson had been appointed as Reserve Independent Person.

RESOLVED:

- (1) That the content of the report entitled Standards Matters be noted;
- (2) That the Learning and Development Champions be requested to consider ways to encourage Member uptake of training opportunities;
- (3) That all Members continue to be offered the offered the opportunity to attend the training sessions provided as part of the Member Induction Programme.

REASON FOR DECISIONS: To ensure good governance within the Council.

The meeting closed at 8.13 pm

Chair

**STANDARDS COMMITTEE
3 MARCH 2021**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: STANDARDS MATTERS REPORT

REPORT OF THE SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

1.1 The report updates Members of the Committee on standards issues generally.

2. RECOMMENDATIONS

2.1. That the Committee notes the content of the report.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Group Leaders and the Standards Committee Chair and Vice Chair are kept informed of Monitoring Officer and standards matters on a monthly basis during briefing sessions. The Monitoring Officer also holds quarterly meetings with the Independent Person, Reserve Independent Persons ('IPs') and the Chair and Vice Chair of Committee.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on an Executive key decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 Within its terms of reference the Standards Committee has a function “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist with, areas of Member conduct.

8. RELEVANT CONSIDERATIONS

Local Government Ethical Standards

- 8.1. Members will be aware from previous reports that the Committee on Standards in Public Life (‘CSPL’) published a report with 26 recommendations on ethical standards in local government on 30 January 2019. This also included 15 Best Practice recommendations¹.
- 8.2. The most recent updates/ developments in respect of these recommendations are:
- 8.2.1. The LGA model code report covers that recommendation and developments (so it not repeated here);
- 8.2.2. On 28 October 2020, the CSPL sought confirmation from local authorities regarding implementation of the recommendations. This was provided in November and appears on the following page².
- 8.2.3. The CSPL confirmed (in a blog) on 8 February 2021 that it is yet to receive a response from the Government on these recommendations.
- 8.3. The CSPL has published its year ahead: <https://cspl.blog.gov.uk/2021/01/14/cspls-year-ahead/> . This is likely to include the outcome of the Standards Matters 2 investigation into institutions and those recommendations may have implications for local authorities.
- 8.4. Otherwise, there are no significant developments at this stage, although on a lighter and also serious note – the CSPL highlighted the **#JackieWeaver** as “*a catalyst for change in local government standards*”, with Handforth Parish Council in the social media. On the back of this, the CSPL emphasised that the Local Government standards review from 2019 had highlighted a number of concerns, with “*poor behaviour and serious misconduct by some councillors creating significant disruption in those communities*”. This also affects officers and other Councillors, with repercussions being a disproportionate number of complaints about poor behaviour which have to be handled. One positive *reported* outcome of the Handforth situation when finalising the report, however, is that the Government is now said to be reconsidering a change in the law to make provisions for virtual council meetings permanent (which are due to expire on 7 May 2021). No doubt the Committee supports the aspiration of change for the better for both conduct and meeting arrangements.

¹ As first reported to the February 2019 Committee: [STANDARDS MATTERS & RECOMMENDATION ON BEST PRACTICE CHANGES](#)

² <https://www.gov.uk/government/publications/local-government-ethical-standards-progress-made-against-best-practice-recommendations>, North Herts is on sheet 2

NHDC
North Hertfordshire complaints/ issues update

8.5 Further to the report that was presented to Standards Committee in October 2020, the updates on *formal* complaints are as follows:

Complaint about: Parish/ Town or District Councillor	Summary of complaint	Action <i>NB Independent Person involved in all stages of these complaints.</i>
4/2020 complaint against three District Councillors by a member of the public.	<p>Allegations against 3 District Councillors regarding a capital grant that was awarded to an external organisation:</p> <ul style="list-style-type: none"> • Councillor 1: involvement of Councillor’s company undertaking the work paid for by the grant; not declaring this correctly as a Disclosable Pecuniary Interest. • Councillor 2: being a Trustee on the organisation but failing to declare this in the grant panel meeting or on Register of Interests. • Councillor 3: assisting the grant application process/ assisting a close associate (although not involved in the Council decision making process). <p><i>NB a separate internal audit investigation was undertake by the Shared Internal Audit Service into NHDC procedures. Recommendations from that to be reviewed by a further audit which will be reported to the Finance and Audit Committee in due course.</i></p>	<ul style="list-style-type: none"> • Councillor 1 – referred to Police pursuant to the Protocol. Police indicated no further action, other than for the Councillor to update Register of Interests, which was completed. • Councillor 2 – investigation undertaken and concluded no evidence that Councillor aware that they were a Trustee. Councillor updated Register of Interest and no further action on complaint. • Councillor 3 – no case to answer, as not involved in the grant recommendation or decision.
5/2020 complaint against District Councillor. Same complainant as under 4/2020	That District Councillor 1 (above) swore at the complainant at a public surgery meeting, when the complainant introduced themselves, following complaint 4/2020.	No case to answer.
6/2020 ³ complaint against District Councillor by a member of the public.	That a District Councillor had been abusive and aggressive towards the complainant when they crossed the road.	No case to answer, as not acting in the capacity of a Councillor at the time and

³ This was the last for 2020. There are two informal complaints for 2021 before 3/2021.

		therefore the code of conduct did not apply.
3/2021 complaint against a Great Ashby Community Councillor.	Ongoing.	Ongoing.

Member training

- 8.8 Training will be provided following the election as part of the Induction programme to Members. If the Council does not adopt the new Code, then this will be *offered* to all Councillors. If the Council adopts the LGA model, then as indicated in the LGA model code report – this is recommended as *compulsory* for all District Councillors. Consideration will also be given to facilitating sessions for the local councils in the district that adopt the new model.

Parish Council representatives to Standards Committee

- 8.9 Following the successful recruitment of two new Parish Councillors in 2020, Parish Councillor Dr Julia Magill MBE resigned in October 2020. The Committee now has 2 out of 4 potential co-optees (minimum being 2), and consideration will be given to further recruitment in 2021 as resources allow.

9. LEGAL IMPLICATIONS

- 9.1 The terms of reference of the Standards Committee include, at paragraph 7.5.1 of their terms of reference “to promote and maintain high standards of conduct by Members and Co- Opted Members of the authority”.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from the content of this report.

11. RISK IMPLICATIONS

- 11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. There are no direct equalities implications from this report.

12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest. The review of the best practice recommendations and appropriate changes will ensure that NHDC will continue demonstrate due regard to the objectives of the Public Sector Equality duty.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and “go local” policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 There are no financial implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 None. The work outlined within the report is within the caseload of the Monitoring Officer and the legal team.

16. APPENDICES

15.1 None.

17. CONTACT OFFICERS

16.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):
Jeanette.thompson@north-herts.gov.uk ext. 4370

18. BACKGROUND PAPERS

17.1 None other than those referred to/ linked above.

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**STANDARDS COMMITTEE
3 MARCH 2021**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: LOCAL GOVERNMENT ASSOCIATION ('LGA') MODEL CODE OF CONDUCT

REPORT OF THE SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

- 1.1 The report provides an update on the LGA Model Councillor Code of Conduct Appendix 1 and consideration of the option to recommend adoption to Full Council.

2. RECOMMENDATIONS

- 2.1. That the Standards Committee considers whether to recommend adoption to Full Council;
and if so recommended -
- 2.2. That the Code to include the replacement Appendices for Table 1 of Appendix B & Appendix C, and 'room' to include footnote explanation that this includes 'virtual meeting' room, for the reasons outlined in the report, and
- 2.3. That the Code would take effect from the day after the election poll in 2021 (7 May) or such day if the election is postponed, *as the case may be*, and
- 2.4. That training on the new code be compulsory for all District Councillors during the 2021-2022 municipal year.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure good governance within the Council, which is reflective of a national governance model.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Retain our current Code of Conduct – but commence our own review and update our Guidance. *This option is not seen as the best use of resources* – given the pandemic, that a national organisation has taken a lead on this, the LGA have indicated they will annually review the Code and provide guidance on interpretation.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 The LGA model (dated 3 December 2020) was circulated to the Chair of Standards Committee, Vice Chair of Standards Committee, Independent Persons and relevant officers on that day, and to Group Leaders on 4 December. This was discussed at a meeting with the Chair and Vice Chair and Independent Persons on 16 December; the consensus was supportive of taking this forward.
- 5.2 A further version was circulated on 23 December by the LGA; this was then sent to the Chair of Standards Committee, Vice Chair of Standards Committee, Independent Persons, relevant officers and Group Leaders. A tracked change version was then produced by the Monitoring Officer and circulated to show the drafting changes on 6 January. Following discussions with the Chair and Vice Chair in related briefings and Group Leaders in their briefings, the general approach to take this forward to Standards Committee was endorsed. When preparing this report, it appeared that another version had been produced by the LGA on 19 January 2021. This again had some changes, largely minor in nature. This version (appended at 1) was circulated to the same parties again for consideration.
- 5.3 Clarification has been sought from the LGA regarding this newest version and the organisation that has been commissioned to draft the Guidance to the LGA Code. At the date of preparing the report, no clarification has been received.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on an Executive key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. The Council last reviewed its Code of Conduct in 2017 with adoption of the current version taking effect in May 2018.
- 7.2. Members will be aware that the Committee in Standards in Public Life ('CSPL') published a report into local government ethical standards. This had 26 recommendations and 15 Best Practice recommendations, as first reported to the February 2019 Committee¹ and referred to in subsequent reports.
- 7.3. Two of the recommendations of specific relevance to this report were:
1. The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government; and
 2. Best Practice Recommendation 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

¹ <https://democracy.north-herts.gov.uk/ie/ListDocuments.aspx?CId=154&MId=2023&Ver=4>

- 7.4 Due to the fact that NHDC had only recently reviewed its Code at the time, and would in any event have had to amend this again if the Government had responded to the recommendations, Standards Committee agreed that the best approach was to wait until the Government responded and/ or a new model code was provided by the LGA.
- 7.5 There has been no formal response from the Government to the recommendations.
- 7.6 However, as Members will be aware, the LGA started a national consultation on a new model Code that ran from 8 June to 17 August 2020, as reported in October 2020. This was initially circulated to the Chair, Vice Chair, Independent Persons and relevant officers on 10 June. Once the full consultation questions were made available, it was agreed that draft amalgamated responses to these would be circulated to the Standards Committee Members for comment – which took place by email between 14 July and 3 August. The final responses were provided to the LGA. Various webinar consultation workshops and discussions took place during the summer and the LGA prepared a draft version for approval by the LGA Board on 3 December. The approved version was sent out by the LGA that day.
- 7.7 Three versions have now been produced as set out under paragraph 5 above. The most recent being 19 January 2021 attached as Appendix 1. Versions from 3 and then 23 December were sent to the Parish/ Town (and Community) Councils on 23 December (two emails one with first and then the later version that evening). This was to inform, where necessary, and gauge interest in the local councils' adoption of the LGA model. As at the time of preparing this report, 23 of North Herts local councils' have indicated that they are interested in adopting this model, although some commented that without enhanced sanctions this model would still be an ineffective tool.
- 7.8 The Monitoring Officer attended a virtual meeting arranged by the Hertfordshire Association of Parish and Town Councils ('HAPTC') on 11 February. This was also attended by one of the parties involved in drafting the Code and now subsequent Guidance. Some overall support was voiced for the model, however, similar concerns regarding the lack of sanctions was also aired.

8. RELEVANT CONSIDERATIONS

- 8.1. The question at this stage for the Standards Committee is whether to consider recommending adoption, if so with any proposed amendments to Full Council and the timing of this.
- 8.2. NHDC has a fairly developed and extensive Code, which has evolved since the changes under the Localism Act 2011 were enacted. There is no mandatory form, although certain things must be covered in it with reference to the Seven Principles of Public Life (as per s.28(1)) and interests (s28(2)). An adopted code can go beyond this – but must not prejudice those provisions (as per s28(3)).

8.3. The LGA model has been produced on the recommendation of CSPL, however, it is not mandatory. The LGA model is attached at Appendix 1 – so this report does not repeat those provisions in full. In summary, however, the LGA Code covers:

- **Application of the Code** (under 'Definitions' and 'Application' – which is similar to NHDC's although not as extensive);
- **General Conduct requirements** with regards to: Respect; Bullying, harassment & discrimination; not compromising impartiality of officers; confidentiality & access to information; disrepute; use of position; and use of local authority resources and facilities. Again similarly to NHDC's General Obligations, although not explicitly referencing advice and compliance with policies – e.g. under NHDC's paragraphs 3.6-3.7;
- **Interests** – detailing those to register and provisions on disclosing (section 9, Table 1-2 and Appendix B);
- **Gifts and Hospitality** under section 10 which is slightly more extensive in its requirements to register those gifts offered but rejected, as per 10.3;
- **Appendix A** – covers the **Seven Principles of Public Life**;
- **Appendix B** – covers Registering Interests, with Table 1 covering the statutory Disclosable Pecuniary Interests (DPIs) albeit it includes some additional wording (*see below for recommendation on this*), and Table 2 covering 'Registerable' or 'Registrable' Interest (and inconsistency that could be remedied on adoption), which are those where there is some discretion in relation to inclusion;
- **Appendix C** – includes the CSPL's Best Practice recommendations (*see below 8.6 for recommendation on this*), .

8.4. If the Council decided to retain its own version, it would still need to review its Code, and to start doing this annually, which would involve further consideration by officers and Members. The associated Guidance would also have to be updated to reflect any updated NHDC model.

Arguments for adoption of the LGA model

8.5. The LGA have produced a model (subject to the versions produced) which:

- Has been prepared following national consultation;
- Covers most of the elements that you would expect within the Code and beyond most basic models and the Council may adopt it as a whole or in part;
- provides short guidance below each obligation under the main provisions of the Code – which should assist understanding;

- provides a model that can be rolled out to the local councils in the District (albeit it will be a matter for those councils to adopt);
- The LGA have stated that they will keep it under review so that it remains fit for purpose (thereby meeting the CSPL Best Practice recommendation 15);
- The LGA are commissioning more detailed Guidance which should be available on or about April 2021;
- Training can be commissioned for new District Councillors (and across the district for local councils) so that this ties into the new municipal year;
- NHDC would not have to undertake its own specific work on reviewing its Code at this stage – and given the Best Practice Recommendation 15, this would be yearly. This would amount to an almost ongoing consultation on changes. Further resources would be required to review the Guidance associated with the NHDC Code – this is all at a time of pandemic and future efficiencies that need to be made.

Arguments against adoption or adoption at this stage:

8.6. There are a number of reasons against adoption, although these may be remedied in part as set out under recommendation 2.2:

- NHDC has produced its own Code which has, as indicated over time been adapted through our own Member's debate. There were/ are perceived benefits of having a localised model – albeit it remains one of many within the district and at different tiers of government in Hertfordshire;
- Three versions of the code have been produced by the LGA already since December 2020. There are minor differences, there has been no formal explanation provided as to why these changes have been made and this creates uncertainty;
- There remains a few drafting errors – referenced above, e.g. Registerable and Registrable; wording of the DPs; use of the term 'room' rather than meeting. If Members are content with the principle of adoption, however, then these can be corrected as part of the recommendation outlined in 2.2. The proposed replacement Table 1 for the code is attached to this report at **Appendix 2**;
- It includes the CSPL's Best Practice recommendations Appendix C. They are not, however, referenced elsewhere in the LGA code and are not enforceable against an individual Councillor. If Members are content with the principle of adoption, however, then these can be corrected by removal as part of the recommendation outlined in 2.2.

- It does not include information on how a dispensation is granted to Councillors or by whom. If Members are content with the principle of adoption, however, then these can be corrected as part of the recommendation outlined in 2.2. by adding the NHDC current Appendix C as a new / replacement Appendix C – which would cover who grants the dispensation and the statutory grounds. The proposed replacement Appendix C for the code is attached to this report at **Appendix 3**;
- Not all local councils may adopt it in the district, still causing some inconsistencies across the tiers of government;
- Whilst a feasible and efficient adoption would link to the election timetable, as guidance is yet to be produced, it may be better to wait until this has been finalised before deciding whether to adopt.

8.7 On balance, whilst the January 2021 LGA version is not perfect, as part of a package with potential Guidance and annual review, it is preferable to undertaking our own bespoke approach on the matter. It offers an opportunity to reach out to local councils more effectively and give them greater and more consistent support through a national model. Timing wise, whilst the Guidance has not been produced, in all likelihood it will be available to support the code (if adopted) to be in place for the new municipal year post election. Preliminary enquiries have been undertaken and indicate that training can be provided to the District Councillors and for the local councils in the summer, should Members be minded to adopt this version.

9. LEGAL IMPLICATIONS

9.1 The Standards Committee has a function under “7.5.4 to advise the Council on the adoption or revision of the Members’ Code of Conduct”. The Council is legally obliged to have a Code of Conduct under s.28 Localism Act 2011, and adoption is legally a matter for Full Council as per s.28(13), which is reflected in the Constitution at Council’s terms of reference at 4.4.1(s).

9.2 Under s28(12) of the Localism Act 2011, a relevant authority must publicise its adoption, revision or replacement of a code of conduct in such matter or as it considers is likely to bring the adoption, revision or replacement of the code of conduct to the attention of persons who live in its area.

10. FINANCIAL IMPLICATIONS

10.1 There are no capital or revenue implications arising from the content of this report at this stage, other than staffing implications if the Council decides to continue with the NHDC model (which would have to be reviewed). There is, however, likely to be costs for Councillor training, which would be required to support the adoption for District and local councils. It is anticipated that these will be covered from the overall District Councillor training budget. Initial quote was £600 plus VAT for one session and £300 plus VAT for a follow up.

11. RISK IMPLICATIONS

- 11.1 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. There are no direct equalities implications from this report.
- 12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no environmental implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The work outlined within the report is within the caseload of the Monitoring Officer and the legal team. Implications are otherwise touched on under financial implications above.

16. APPENDICES

- 16.1 Appendix 1 – LGA model code 19 January 2021
Appendix 2 – suggested replacement Appendix B Table 1, which includes the NHDC definition of DPs and links to guidance/ statutory instrument.
Appendix 3 – suggested replacement Appendix C, which includes the NHDC Appendix C on Dispensations.

17. CONTACT OFFICERS

- 17.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):
Jeanette.thompson@north-herts.gov.uk ext. 4370

18. BACKGROUND PAPERS

- 18.1 None other than those referred to/ linked to in the report or associated documents.

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Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

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

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

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

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- 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;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

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.

Respect 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 robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

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.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. 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 may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority 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. 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. However, 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.

4. Confidentiality and access to information

As a councillor:

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 party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 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.**

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.

4.3 I do not prevent anyone from 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 legally defined 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 local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted 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 you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

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.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

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 involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose 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 disclosed by you or other councillors when making or taking part in decisions, 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.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 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 permission, licence or other significant advantage.**
- 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.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, 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 councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

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 disclose 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.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate 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 disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose 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 disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.
8. 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 relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you 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 disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

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

	<p>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 —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'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.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(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.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(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</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* '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 Registrable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
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Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

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Table 1: Disclosable Pecuniary Interests

This sets out the explanation of Disclosable Pecuniary Interests. The statutory provisions can be found in [The Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#)

Description of Disclosable Pecuniary Interests (from *DCLG Guide for Councillors "Openness and Transparency on Personal Interests" March 2013*¹).

If you have any of the following pecuniary interests, they are your **Disclosable Pecuniary Interests** under the national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Other payments received

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your 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. The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your Disclosable Pecuniary Interests following your election or re-election, or when you became aware you had a Disclosable Pecuniary Interest relating to a matter on which you were acting alone.

Contracts

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Land

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Licences

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Corporate tenancies

Any tenancy where (to your knowledge) –

- the landlord is your council or authority; and
- the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Securities²

¹ Updated in September 2013.

² 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.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where –

(a) that body (to your knowledge) has a place of business or land in the area of your council or 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 you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

REPLACEMENT APPENDIX C FOR THE CODE IF RECOMMENDED FOR ADOPTION

Reference to 'dispensation' in the code means under section 33 of the Localism Act 2011

If a you would like the authority to consider granting you a dispensation where you have a DPI or other Interest, you must make a prior written request to the Monitoring Officer. The grounds under which such an application will be considered are detailed below:

Dispensation grounds¹

A dispensation may be granted only if, after having had regard to all relevant circumstances, the Monitoring Officer considers that—

- (a) without the dispensation the number of Councillors prohibited from participating in any particular business, would be so great a proportion of the body transacting the business, as to impede the transaction of the business;
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- (c) granting the dispensation is in the interests of persons living in the authority's area;
- (d) without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or
- (e) considers that it is otherwise appropriate to grant a dispensation.

A dispensation must specify the period for which it has effect, and the period specified may not exceed four years.

¹ The full wording for the statutory grounds for a DPI dispensation can be found under section 33 Localism Act 2011

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