



MEMBER CONDUCT COMMITTEE

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To: Councillors Tassell (Chair), Murphy (Vice-Chair), Bentley, Draycott, Hadji-Nikolaou, Rollings and Ward (for attention)
Councillors Ball, Ellingworth and Jones (Parish Members)

All other members of the Council
(for information)

You are requested to attend the meeting of the Member Conduct Committee to be held in Virtual Meeting - Zoom on Monday, 22nd March 2021 at 6.00 pm for the following business.

Chief Executive

Southfields
Loughborough

12th March 2021

AGENDA

1. APOLOGIES
2. MINUTES OF THE PREVIOUS MEETING 3 - 5
To confirm as a correct record the minutes of the meeting held on xx xxx 2018
3. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

4. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions were received.

5. UPDATE ON COMPLAINTS RECEIVED

6 - 10

A report of the Monitoring Officer providing an update on complaints received about breaches of the Code of Conduct and any issues arising from those complaints.

6. LOCAL GOVERNMENT ASSOCIATION (LGA) - MODEL CODE OF CONDUCT

11 - 33

A report of the Monitoring Officer seeking the Committee's consideration of the LGA Model Code of Conduct.

7. WORK PROGRAMME

34 - 36

A report of the Monitoring Officer to enable the Committee to agree a work programme to plan its future business.

MEETING DATES

Meetings of the Committee during 2021/22 will be held at 6.00pm on the following dates:

7th June 2021

20th September 2021

14th December 2021

21st March 2022

MEMBER CONDUCT COMMITTEE 21ST SEPTEMBER 2020

PRESENT: The Chair (Councillor Tassell)
The Vice Chair (Councillor Murphy)
Councillors Bentley, Draycott, Hadji-Nikolaou,
Rollings and Ward
Councillors Ellingworth (Parish Member) and
Jones (Parish Member)

Head of Strategic Support
Democratic Services Manager
Democratic Services Officer (NC)

APOLOGIES: Councillor Ball (received just after the meeting)

The Chair stated that the meeting was being live streamed as a public meeting and would also be recorded and the recording subsequently made available via the Council's website. He also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

1. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 2nd December 2019 were confirmed as a true record.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

No disclosures were made.

3. QUESTIONS UNDER COMMITTEE PROCEDURE 12.8

No questions had been received.

4. UPDATE ON COMPLAINTS RECEIVED

Considered a report of the Monitoring Officer providing an update on complaints received about breaches of the Members' Code of Conduct and any issues arising from those complaints (item 5 on the agenda).

The Monitoring Officer noted that there had been one complaint for which a Panel Hearing had been arranged, and of the six new complaints this year most were related to a single parish council. The parish council had recognised there were governance issues and were currently undergoing a review with LRALC.

RESOLVED that the current position in respect of complaints about breaches of the Members' Code of Conduct that have been received be noted.

Reason

To keep the Committee informed about complaints.

5. REGISTER OF MEMBERS' INTERESTS

Considered a report of the Monitoring Officer providing an update regarding the Register of Members' Interests (item 6 on the agenda filed with these minutes).

The Deputy Monitoring Officer noted that the response rate for borough councillors had remained consistent with the previous year. The Monitoring officer stated that there was no legal obligation for councillors to update their Register of Members' Interests on a six-monthly basis; this was instigated by the Borough Council.

Members discussed the recent consultation by the Local Government Association (LGA) regarding a draft model Code of Conduct and it was noted that the consultation had closed on 17th August 2020 with a final draft anticipated to become available in Autumn 2020. Once the draft model Code of Conduct had been finalised it would be considered by the Committee for adoption. This consultation did not affect sanctions for breaches of the Code of Conduct as these were regulated by the Localism Act 2011.

Sanctions for breaches of the Code of Conduct had been reviewed as part of an earlier consultation by the Committee on Standards in Public Life (CSPL). The Government had not yet responded to the recommendations made by CSPL.

RESOLVED

1. that the processes for keeping the Register of Members' Interest up to date be noted;
2. that a further update of the Register of Members' Interests and the processes for ensuring it is kept up to date is not scheduled for a future meeting of the Committee unless the response rate drops significantly and requires the Committee's consideration.

Reasons

1. Under the Localism Act 2011 (sections 29 and 30), the relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012 and the Council's Code of Conduct, Members of the Council are required to disclose their own and partners disclosable pecuniary interests, and other interest.
2. The Committee considered that the consistency of response over several years by borough councillors indicated that further reviews were not required unless the response rate dropped significantly. If this occurred an update would be scheduled to a future meeting for the Committee's review.

6. WORK PROGRAMME

Considered a report of the Monitoring Officer enabling the Committee to agree a work programme to plan its future business (item 7 on the agenda filed with these minutes).

It was noted that the update for the Register of Members' Interests would be amended in the Work Programme to reflect the Committee's request that it only be submitted for the Committee's consideration if the response rate was to drop significantly.

RESOLVED that the Committee's current work programme be noted and updated in accordance with the decisions taken during the consideration of this item and other items on the agenda.

Reason

To enable the Committee to fulfil its role in promoting and maintaining high standards of conduct by councillor and co-opted members.

NOTES:

1. No reference may be made to these minutes at the next ordinary Council meeting on 9th November 2020 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Member Conduct Committee.

MEMBER CONDUCT COMMITTEE – 22ND MARCH 2021

Report of the Monitoring Officer

Part A

ITEM 5 UPDATE ON COMPLAINTS RECEIVED

Purpose of Report

To provide the Committee with an update on the complaints about breaches of the Code of Conduct that have been received and any issues arising from those complaints.

Recommendation

That the current position in respect of complaints about breaches of the code of conduct that have been received be noted.

Reason

To keep the Committee informed about complaints.

Policy Justification and Previous Decisions

The functions and responsibilities of the Committee set out in the Council's Constitution include determining any complaints that members of the Borough Council or the parish and town councils in the Borough have breached the Code of Conduct. The initial stages of the complaints process are dealt with by the Monitoring Officer and the purpose of this report is to keep the Committee informed of the volume and nature of complaints that are received.

Implementation Timetable including Future Decisions

It is recommended that the Committee receives reports at each meeting about the complaints that have been received.

Report Implications

The following implications have been identified for this report.

Financial Implications

None

Risk Management

No risks have been identified with this decision.

Background Papers: None

Appendix A: List of complaints & actions 2020/21

Officer to Contact: Adrian Ward
Monitoring Officer
01509 634573
adrian.ward@charnwood.gov.uk

Karen Widdowson
Democratic Services Manager and Deputy Monitoring
Officer
01509 634778
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Part B

Summary of Complaints Received to 28th February 2021

1. Since the last meeting of the Committee held on 21st September 2020, and up to 28th February 2021, 1 new complaint has been received, making 7 complaints received in total received during 2020/21, (all of which relate to town/parish councillors).
2. For comparative information, the following table summarises complaints received in previous years (including complaints about both Borough and Parish/Town Councillors):

Year	Total Complaints
2012/13 (9 months)	10
2013/14	6
2014/15	21
2015/16	14
2016/17	7
2017/18	10
2018/19	13
2019/20	9
2020/21 (to date)	7

Details of complaints received in 2020/21

Appendix A

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
Parish / Town	7	Fact finding review found that the complaint did not merit further action or investigation	Disrespectful response to a Facebook post	No evidence that the response was inappropriate or disrespectful in any way. Also, the Councillor had posted an apology on the site		
		Fact finding review found that the complaint did not merit further action or investigation	Two councillors both 'liked' a Facebook post which seemed to accuse other councillors of wrongdoing	No evidence that what the councillors did was inappropriate or disrespectful in any way		
		Fact finding review found that the complaint did not merit further action or investigation	Dispute over permission to use a bookcase, where the complainant alleges that the councillor spoke loudly and threatened legal action	Investigating the complaint further would not be an effective use of public resources given the minor nature of the issues involved		
		Fact finding review found that the complaint did not merit further action or investigation	Disrespectful treatment of staff in an email following advice given to the councillor about personal	Supported the suggestion of the complainant that training on personal interests should be arranged		

Type of councillor	Number of complaints	Outcome	Issues raised in complaint	Reason for no further action	Description of other action	Outcome of investigation
			interests			
		Fact finding review found that the complaint did not merit further action or investigation	Disrespectful comment made about a 3 rd party (who was not present) during a confidential meeting	Investigating the complaint further would not be an effective use of public resources given the minor nature of the issues involved		
		Fact finding review in progress	Bullying and harassment of a member of staff during a meeting			
		Fact finding review in progress	Negative social media posts about the Parish Council and references to a confidential staffing report.			

MEMBER CONDUCT COMMITTEE – 22ND MARCH 2021

Report of the Monitoring Officer

ITEM 6 LOCAL GOVERNMENT ASSOCIATION (LGA) – MODEL CODE OF CONDUCT

Purpose of Report

To enable the Committee to consider the Code of Conduct as published by the LGA in December 2020.

Recommendation

That the Committee considers the content of the LGA Model Code of Conduct.

Reason

To enable the Committee to be appraised of the key points of the new national Code of Conduct.

Policy Justification and Previous Decisions

A common Members' Code of Conduct shared by Leicestershire County Council and several of the other principal authorities in Leicestershire, was approved by full Council June 2013 and came into effect on 1st September 2013. (Minute No 18.4 2013/14 refers).

Implementation Timetable including Future Decisions

Government guidance on the new Code of Conduct is anticipated late Spring 2021.

Report Implications

The following implications have been identified for this report.

Financial Implications

None

Risk Management

No risks have been identified with this item.

Background Papers: None

Appendix: LGA Model Councillor Code of Conduct 2020

Officer to Contact:

Adrian Ward
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adrian.ward@charnwood.gov.uk

Karen Widdowson
Democratic Services Manager and Deputy Monitoring
Officer
01509 634778
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Part B

1. Summary

Charnwood Borough Council has adopted a common Members' Code of Conduct shared by Leicestershire County Council and several of the other principal authorities in Leicestershire. The aim of the code is to promote joint high standards of conduct and minimise the potential for confusion, particularly for those councillors who may be Members of more than one local authority. The current Code came into effect on 1st September 2013.

The LGA published their Model Code of Conduct on 23rd December 2020 following extensive consultation with the sector. The final Model Councillor Code of Conduct is set out in the annex.

2. Key Points

Definitions

Councillor is defined as 'a member or co-opted member of a local authority or a directly elected mayor'.

A "co-opted member" is defined pursuant to the Localism Act 2011 Section 27(4)

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'.

Tense

First person direct to councillors.

Nolan Principles

Encompasses the Nolan principles. Also includes that 'public resources are used prudently in accordance with a local authority's requirements and in the public interest'.

Application of the Code

The Code applies to councillors when they are: -

- Acting in that capacity
- Representing the Council
- Claiming to act or represent
- Give the impression they are claiming to act or represent
- Refer publicly to their role
- Use knowledge obtained from their role

The Code specifically applies 'in electronic and social media communication, posts, statements and comments'.

Standards

The word Respect (1.1) has replaced Civility (which was originally suggested in the draft code).

Bullying, harassment and discrimination

There is a specific obligation to promote equalities and not to discriminate unlawfully against any person with reference to the Equalities Act.

Impartiality

Councillors must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Confidentiality

Councillors must not disclose information they have received which they believe or ought reasonably to be aware is of a confidential nature

Disclosure in the public interest and in good faith is allowed provided the councillor has consulted the Monitoring Officer prior to its release.

Disrepute

Councillors must not bring their role or authority into disrepute.

Use of Position

Councillors must not use their position improperly to their advantage or disadvantage

Use of Council Resources

Councillors must ensure that 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 their office.

Compliance

Councillors must commit to undertaking code of conduct training, co-operate with investigations and comply with sanctions.

Reputation

Declarations of interest must be registered and declared. Detailed provisions are contained within Appendix B of the code. The code states 'If in doubt, you should always seek advice from your Monitoring Officer'.

Appendix B

Registration of interests required are those which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests) of the code.

Declaring Interests and Meeting Participation

- Disclosable Pecuniary Interests: -
 - Councillors must declare, not participate, or vote and leave the room (subject to dispensation)
- Other Registrable Interests: -
 - Councillors must declare, only speak if the public are also allowed to speak, not participate in the discussion or vote and leave the room immediately after making representations (subject to dispensation).
- Non-Disclosable Pecuniary Interest Directly Relating to Finance or Well-Being of Councillors or Relative or Close Associate: -
 - Councillors must declare, only speak if the public are also allowed to speak, not participate in the discussion or vote and leave the room immediately after making representations (subject to dispensation).

Table 1- Pecuniary Interests

Sets out an explanation of Pecuniary Interests and includes:

- Employment or Trade
- Sponsorship
- Contracts (including partners lived with)
- Land or Property (including partners lived with)
- Licences
- Corporate Tenancies (including partners lived with)
- Securities (including partners lived with)

(Note a director includes a member of the committee of management of an industrial and provident society).

Table 2- Other Registerable Interests

Sets out an explanation of Other Registrable Interests in respect of bodies to which councillors are appointed or nominated to by the council and includes: -

- exercising functions of a public nature
- directed to charitable purposes; or
- 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.

Gifts & Hospitality

Councillors receiving gifts or hospitality with a value of £50 or more must register these with the Monitoring Officer within 28 days. Any significant gift or hospitality refused must also be registered with the Monitoring Officer (note no timescale is placed against refused gifts).

Committee on Standards in Public Life (CSPL) Recommendations

It is accepted that many of the recommendations made by the CSPL would require changes to the law. However, the following is noted: -

- Despite the Draft Member Code of Conduct including a bar on attending committees for up to 2 months as a sanction, the published code contains no reference to a sanction of any kind.
- Therefore, there is no power to suspend councillors, without allowances, for up to six months
- There is no reference to a role for the Local Government Ombudsman
- There is no discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes
- There is no mention of an independent person.
- Gifts and Hospitality has risen from the proposed £25 to £50 recommended by the CSPL
- There is some support evidenced for a change to the authorities for Disclosable Pecuniary Interests but only where a member is nominated or appointed by the Council
- Broadly the Code encompasses the CSPL recommendation when a member is acting in an official capacity which includes reference to social media, but this does require a change of legislation to engage presumption ((s27)(2) Localism Act 2011).

3. Next steps and Conclusion

Whilst this new Model Code of Conduct is not mandatory, Monitoring Officers across Leicestershire plan to work together to draft a common code with potential local variations to suit individual Council circumstances and preferences.

The Government guidance is anticipated late Spring 2021 and at that point it is anticipated that Charnwood Council will engage with its own Town and Parish Council's and the Member Conduct Committee.

Any changes to the Code of Conduct will require the approval of Full Council.



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.

MEMBER CONDUCT COMMITTEE – 22ND MARCH 2021

Report of the Monitoring Officer

ITEM 7 WORK PROGRAMME

Purpose of Report

To enable the Committee to consider, and agree any changes to, its work programme to assist it to plan its future business.

Recommendation

That the Committee considers any items that it wishes to add to, or amend in, its work programme for future meetings.

Please note that the Committee's meeting scheduled on 30th November 2020 was cancelled as there was no urgent business to consider.

Reason

To enable the Committee to identify future items of business and enable planning for future meetings to be undertaken, for example preparing reports and arranging for the attendance of officers and/or others at meetings.

Policy Justification and Previous Decisions

At its meeting on 24th March 2014, the Committee resolved to introduce a work programme to manage the business to be conducted at its future meetings (minute 12 refers). The Committee has considered business at its subsequent meetings based on that programme.

Implementation Timetable including Future Decisions

It is recommended that the Committee reviews its work programme at every meeting. There are no further meetings of the Committee for 2020-21. Future meetings for 2021-22 have been agreed by full Council as follows:

7th June 2021
20th September 2021
14th December 2021
21st March 2021

Report Implications

The following implications have been identified for this report.

Financial Implications

None

Risk Management

No risks have been identified with this decision.

Background Papers: None

Appendix: Work Programme

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APPENDIX

Member Conduct Committee – Work Programme

ITEM	NOTES	DATE
Update on Complaints Received	An update on complaints received about breaches of the Code of Conduct and any issues arising from those complaints.	Standing item
Register of Members' Interests	Update regarding recent reminders and responses for register of members interests and to include more detailed information regarding Parish and Town Councillor responses.	Submitted only if the level of response received drops significantly <i>(last considered 21st Sep 2020)</i>
Review of the Constitution	Consider details of possible amendments to the Constitution it may wish to recommend as part of the annual review process.	November 2021 <i>(last considered 2nd December 2019)</i>
Regular review of Members Code of Conduct and Planning Code	At its meeting on 7th December 2015 the Committee requested that the Chair and Vice-chair of the Plans Committee and the Head of Planning and Regeneration, are invited to attend the Member Conduct Committee on a regular basis, to review the relationship between the Planning Code and the Members' Code of Conduct.	November 2021 <i>(last considered 2nd December 2019)</i>
Review of local government ethical standards by the Committee on Standards in Public Life	Consider the recommendations by the Committee on Standards in Public Life's review of local government ethical standards after the Government has provided a response.	To be scheduled <i>(awaiting Government response)</i>
Review of the Constitution alongside CSPL recommendations	Consider details of possible amendments to the Constitution after the recommendations of the Committee on Standards in Public Life have been considered by the Government.	To be scheduled <i>(awaiting Government response)</i>