

Standards Committee



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Wednesday 10th February 2021

A meeting of the **Standards Committee** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Thursday, 18 February 2021 at 2.00 pm.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel:01263 516047, Email:Matthew.Stembrowicz@north-norfolk.gov.uk.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mr H Blathwayt, Mr J Rest, Mr A Brown, Dr P Bütikofer, Mr N Dixon, Mrs G Perry-Warnes and Miss L Shires

All other Members of the Council for information.
Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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AGENDA

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

1 - 6

To approve as a correct record, the minutes of the meeting of the Standards Committee held on 27th October 2020.

4. ACTIONS ARISING FROM THE MINUTES

To consider any actions arising from the minutes of the previous meeting.

5. ITEMS OF URGENT BUSINESS

To determine any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4) (b) of the Local Government Act 1972.

6. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a pecuniary interest.

7. PARISH AND DISTRICT MEMBERS' REGISTER OF INTERESTS AND OFFICER REGISTER OF GIFTS AND HOSPITALITY

Members are reminded that the Parish and District Members' Register of Interests and Officer Register of Gifts and Hospitality are available for inspection in the Democratic Services section.

8. UPDATE ON CHANGES TO THE MODEL MEMBER CODE OF CONDUCT

7 - 54

To receive and note the update.

9. RESPONSE TO REVIEW OF CORPORATE GOVERNANCE ARRANGEMENTS - MEMBERS INTERESTS

55 - 62

Summary: A review of corporate governance was carried out in November 2020, as part of the planned internal audit work for 2020/21. One of the recommendations relates to Members' interests and this report provides an update to the Standards Committee on the management response to the recommendation, outlining proposed actions.

Conclusions: Recommendation 3 of the recent review of Corporate Governance arrangements (NN2102) suggests changes to the management of Members' register of interest forms and the declaration of interests at meetings. Members are requested to consider the proposed actions to address the issues highlighted in the review.

Recommendations:

- 1. To note the review of Corporate Governance Arrangements and endorse the management response.**
- 2. To support the inclusion of a flowchart in all committee agendas to assist members with declaring interests at meetings**
- 3. To recommend to Council that the Constitution be amended to reflect any consequential changes made in response to the governance review.**

Cabinet Member(s) Ward(s) affected; All
All

Contact Officer, telephone number and email:
Emma Denny, Democratic Services Manager, 01263 516010,
emma.denny@north-norfolk.gov.uk

10. ANY OTHER BUSINESS (TO INCLUDE AN UPDATE ON RECENT STANDARDS COMPLAINTS)

11. EXCLUSION OF THE PRESS AND PUBLIC

To pass the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part I of Schedule 12A (as amended) to the Act”.

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STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Tuesday, 27 October 2020 at the remotely via Zoom at 2.00 pm

Committee

Members Present:

Mr H Blathwayt (Chairman)	Mr J Rest (Vice-Chairman)
Mr A Brown	Dr P Bütikofer
Mr N Dixon	Mrs G Perry-Warnes
Miss L Shires	

Members also attending:

Officers in Attendance:

Democratic Services Manager (DSM), Head of Legal & Monitoring Officer (MO) and Democratic Services and Governance Officer (Scrutiny) (DSGOS)

Also in attendance:

Press and Public

16 TO RECEIVE APOLOGIES FOR ABSENCE

None received.

17 PUBLIC QUESTIONS

None received.

18 MINUTES

Cllr N Dixon suggested that with no formal process for ensuring that resolutions or actions from previous meetings had been completed, it would be helpful for future agendas to include an 'actions arising from the minutes' item. He then asked whether recommendations from the 2019 Monitoring Officer's Report had been completed. The MO replied with regards to the recommendations, that training had been provided on access to information both during the Members' induction and again later in the year, as well as training on data protection and freedom of information. On the third recommendation, it was reported that group leaders had been asked to remind members of their obligation to give their apologies and arrange substitutes when unable to attend meetings. Cllr N Dixon sought further clarification on when the training had taken place, to which the MO replied that in addition to the training provided during the induction, further training on access to information had been included as part of the good governance and decision making session.

RESOLVED

Minutes of the meetings held on 1st October 2019 and 3rd March 2020 were approved as a correct record. It was agreed that future Agendas would include

an 'Actions Arising from the Minutes' item

19 ITEMS OF URGENT BUSINESS

None received.

20 DECLARATIONS OF INTEREST

None declared.

21 PARISH AND DISTRICT MEMBERS' REGISTER OF INTERESTS AND OFFICER REGISTER OF GIFTS AND HOSPITALITY

Members' register of interests and the officer register of gifts and hospitality were available to view in Democratic Services.

22 MONITORING OFFICER'S ANNUAL REPORT 2019-20

The MO introduced the item and informed Members that the report had already been seen by the Governance Risk & Audit Committee (GRAC) as it was presented to the Committee alongside the Annual Governance Statement and covered a number of topics that fell within the Committee's remit. It was presented to Standards Committee because it covered Member Code of Conduct issues. She added that the report covered the statutory obligations of the Council during the 2019-20 year, as well the responsibilities of the Monitoring Officer. It was noted that the report covered the period up to 31st April 2020, and any issues that occurred after this date were not included for discussion. In addition, it was noted that recommendations from the project governance review were still in the process of being implemented by the Corporate Delivery Unit, but would be included in the annual governance statement actions plan, which would allow Members to monitor progress. It was reported that the performance management framework was also due for review in the coming year, and in agreement with the S151 officer, the expanded framework would include service planning and risk. The MO noted that at the time of writing the report, the Corruption, Fraud and Anti-bribery Policy was due for review, though this had now been completed and approved by Cabinet. A new LGA Member code of conduct had also been consulted upon, and finally, it was anticipated that the Member-Officer protocol would soon be due for review. The MO stated that if Members wanted to ask more detailed questions on code of conduct complaints, then then a resolution would be required to move the meeting into private business.

Questions and Discussion

A discussion then took place regarding the Register of Interests during which it was raised that there had been instances during the reporting year when Members Register of Interests were not up to date and to that extent, it could be considered that the report was inaccurate. It was also acknowledged that there were systemic weaknesses in the current system and that it should be reviewed to address these.

Cllr N Dixon referred to a statement on page 29 item C on Members' Registers of Interests, and asked whether this was an accurate statement given recent reports that had come to light. The MO suggested that in order to discuss issues regarding any individual Member's register of interests in more detail, it would be necessary for the meeting to move into private business. It was proposed by Cllr J Rest and seconded by Cllr N Dixon that the press and public be excluded from the meeting.

RESOLVED

That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part I of Schedule 12A (as amended) to the Act.

A discussion then took place regarding the Registers of Interest and it was acknowledged that the current system had weaknesses and it would be necessary to review the existing processes.

Cllr J Rest commented that Members should check their register of interests more frequently, and added that whilst both officers and Members had to take some responsibility, the onus remained on Members to ensure that their registers were kept up to date.

The Chairman noted that there was general agreement amongst Members that improvements must be made to the process of Members updating their registers.

Cllr N Dixon stated that it was clear that both Members and officers could work to improve the process, and he would therefore propose that a piece of work be undertaken to identify where actions had been remiss, and to outline any improvements that could be made.

AGREED:

- 1. That the report did not reflect lapses regarding updates and changes to the Members' Registers of Interest during 2019/20 and that future reports should ensure that these were included.**
- 2. That the current process for managing elected Members' registers of interest should be reviewed to ascertain weaknesses and flaws and to outline proposed improvements, so that greater confidence could be placed in the process in the future.**

Cllr N Dixon then referred to Section 2, item E of the MO Report 'Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct' and noted in reference to the statement 'a significant proportion', whether this could reflect the actual number of complaints where no breach of the code of conduct had been found. The MO replied that she would identify the number in future reports.

AGREED

That in future the Monitoring Officer's Annual Report would include the number of requests where no breach of the Code of Conduct had been found.

Cllr N Dixon then referred to Section 2, item F of the MO report 'Investigate breaches of the Council's own protocols' He asked if the statement that there had been no breaches was correct given recent reports in the press. The MO replied that the statement referred to Member protocols and the Member code of conduct, such as the planning protocol and Member-Officer protocol. It was noted that employee protocols were covered at a later point in the report. Cllr Dixon commented that he was aware of one allegation relating to a Member, and this should be reflected in the report. However, he acknowledged that as this was currently the subject of an

investigation, it would not be appropriate to discuss it any further at this time.

AGREED

The report did not include a reference to an allegation against one Member during the reporting period, however as the matter was still subject to investigation and had not been proven it wouldn't be appropriate to discuss it further.

Cllr J Rest referred to an investigation that had taken place regarding a cash discrepancy in the Council's Digital Mail Room and asked why this had not been reported. The MO replied that this had not been included as it was covered by the Counter Fraud, Corruption and Bribery Policy, and that this fell within the remit of the Head of Internal Audit and they had conducted the investigation and reported on it. She added that the outcome of the investigation had been fully reported to GRAC on 4th August and discussion had taken place on the matter. She went onto say that as the investigation took place after 1 April 2020, it would be reported in the 2020/21 report. It was acknowledged that there was no reason for not reporting the matter in the public domain.

AGREED

- 1. That no further action was required as remedial action had been taken and this was an appropriate conclusion to the matter.**
- 2. That this matter fell within the remit of the Head of Internal Audit and that now the investigation was closed, there was no reason for the matter not to be reported in the public domain.**

A short intermission was called at the discretion of the Chairman. At this point the Monitoring Officer left the meeting.

Cllr N Dixon referred to contract procurement exemptions, covered on page 38 of the report and sought clarification regarding the reason stated for the exemption for the Peter Thomas Consultancy contract. Cllr N Dixon asked whether the reason given for this exemption in the MO report was an accurate statement, bearing in mind that other justification grounds were cited elsewhere, including the exemption certificate.

AGREED

That in the absence of the Monitoring Officer, a written answer would be appropriate.

23 ANY OTHER BUSINESS (TO INCLUDE AN UPDATE ON RECENT STANDARDS COMPLAINTS)

None to report.

The meeting ended at 3.40 pm.

Chairman

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Update Report on the Model Code of Conduct

Cara Jordan, Principal Lawyer.
Standards Committee 18 February 2021

The following is an update to provide information on the new Model Code of Conduct and the possible adoption of it by North Norfolk District Council.

Legislative Context

1. Under the Localism Act 2011, Local Authorities are required to have a Code of Conduct. This is a Code based on the Nolan Principles setting a standard of behaviour expected by elected and co-opted members of the three tiers of councils. There are obligations and requirements which if breached may be acted upon. It is designed to protect democracy and encourage good conduct and public trust.

Present Position

2. All Codes of Conduct presently in place, whilst based on the Nolan Principles, vary widely from council to council. Some are very detailed and prescriptive, whilst others are extremely basic. It can sometimes be confusing to establish whether a particular behaviour breaches a specific code. This is further complicated in that a councillor who is a member of more than one local authority is likely to be subject to different Codes. There has also been some criticism of the Standards regime that it is not sufficiently robust with regard to sanctions.

Addressing Standards

3. In January 2019 the Committee on Standards in Public Life published its report "Local Government Ethical Standards: A review by the Committee on Standards on Public Life". This report made a number of recommendations: one of which was the introduction of an updated model code of conduct.

New Model Code of Conduct

4. On 23 December 2020 the Local Government Association ("LGA") published the new Model Code of Conduct. Councils may now consider whether they would like to adopt this new Model Code, which has been developed following a period of consultation. It is a significant publication being the first major revision of a model Code of Conduct for very many years.

Constitution Working Party

5. On 4 February 2021, the Constitution Working Party discussed the new Model Code of Conduct following an update at that meeting. The CWP was informed that Monitoring Officers of Norfolk Councils (County/District/Borough) had met, in January 2021, to discuss the possibility of consensus, by Norfolk Councils, for the adoption of the new Model Code (possibly with like amendments) countywide. If consensus can be achieved, it may be possible for one Code to be adopted by all County, District, Borough, Town and Parish Councils in Norfolk. Members were asked to review the Model Code of Conduct to consider any parts of it that they would like to consider further. Members of the CWP generally held positive views of the new Model Code, though considered there may be scope for clearer paragraph layout. CWP Members were keen to see a Norfolk-wide consensus of the new code following further discussions with other Norfolk councils.
6. Members of the Standards Committee are requested to consider the views of the Constitution Working Party, and in particular the general support to adopt the Model Code of Conduct, possibly with some amendment. This would be subject to further engagement with Members and discussions between Monitoring Officers of Norfolk Councils, who will seek to reach a consensus. If an agreement is possible, a single Norfolk Code could be adopted by all three tiers of council in Norfolk. Members are informed that discussions with other Councils are continuing, and the views of their respective Members are being sought.

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LGA Model Member Code of Conduct: Consultation response analysis, November 2020

In June 2020 the Local Government Association (LGA) conducted a consultation to gather views on its draft Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance. Responses to the consultation were gathered through an online questionnaire as well as by email via a dedicated inbox. This report combines all of the responses received and presents an overview of the themes that emerged.

03 Dec 2020

Summary

In June 2020 the Local Government Association (LGA) conducted a consultation to gather views on its draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research & Information team via an online questionnaire as well as by email via a dedicated inbox. This report combines all of the responses received and presents an overview of the themes that emerged.

Methodology

An online questionnaire was available for 10 weeks between Monday 8 June until Monday 17 August. A total of 1,463^[1] [\[#_ftn1\]](#) responses were received from respondents including members, officers, councils, stakeholder organisations and individuals.

Alongside the survey, narrative responses were also collected through a dedicated inbox. Responses were accepted through this route until Friday 4 September and comprised 126 responses in total. The narrative contained in the email responses has been combined with the open text answers from the survey to provide an overall picture of the view of the sector on the draft code.

Key results

- Almost all survey respondents (97 per cent) supported the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media.
- Just over half of the survey respondents (55 per cent), thought that the code was sufficiently clear about which parts of the code are legal requirements, which are obligations, and which are guidance. A third (36 per cent) thought it was not clear while nine per cent did not know.
- Respondents were generally evenly split regarding their preference for the tense of the wording used in the code, however, there was slightly more support for the personal tense (“I will”) which was chosen by 45 per cent over the passive tense (“Councillors should”) (40 per cent).
- Almost all survey respondents supported each of the 12 specific obligations to either a great or a moderate extent. However, there was slightly less support for the obligation to register any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt than the others – 96 per cent compared to 99 to 100 per cent.
- Four in five survey respondents (80 per cent) thought that the concept of ‘acting with civility’ is sufficiently clear to a great or moderate extent. A further 12 per cent thought it was clear to a small extent while just seven per cent did not think it was clear.

- A combined total of 85 per cent of survey respondents thought the concept of ‘bringing the council into disrepute’ is sufficiently clear to a great or moderate extent. Nine per cent thought it was clear to a small extent while five per cent did not think it was clear.
- Most survey respondents (93 per cent) supported the definition of bullying and harassment used in the code in a local government context to a great or moderate degree while four per cent did so to a small extent.
- Respondents were evenly split about whether there was sufficient reference to the use of social media in the code, however, a slightly higher proportion of respondents (43 per cent) said no, than those who answered yes (41 per cent).
- Over four in five survey respondents (81 per cent) were in support of the code going beyond the current requirement to declare interests of the councillor and their partner to a great or moderate degree. A further eight per cent supported it to a small degree and another eight per cent did not support it at all.
- Almost all survey respondents (97 per cent) supported the proposed requirement that councillors do not accept significant gifts to a great or moderate degree. Two per cent supported it to a small degree while less than one per cent did not support it at all.
- Most survey respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality, although almost four in ten (39 per cent), felt that the amount should be reviewed annually with the code’s review. Nine per cent of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher.
- Respondents most commonly ranked explanatory guidance on the code as the most useful type of accompanying guidance, followed by supplementary guidance that focuses on specific areas, e.g., social media and case studies and examples of good practice.

[1] [a href="#">#_ftnref1] This includes responses submitted by email but in a format that they could be uploaded to the online survey form.

Introduction

In June 2020 the Local Government Association (LGA) conducted a consultation to gather views on its draft Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance. Responses to the consultation were gathered through an online questionnaire as well as by email via a dedicated inbox. This report combines all of the responses received and presents an overview of the themes that emerged.

Methodology

An online questionnaire was available for 10 weeks between Monday 8 June until Monday 17 August. The link to the survey was publicised through a number of LGA channels. A total of 1,463 [a href="#">#_ftn1] responses were received, respondents included members, officers, councils, stakeholder organisations and individuals.

Those who did not wish to complete the survey could provide a narrative response by email to a dedicated inbox and responses were accepted through this route until Friday 4 September and comprised 126 responses in total. A number of responses received by the inbox after 17 August contained responses to the survey and these were entered on to the survey system by the LGA and are counted in the total of 1,463. This gave an overall total of 1,589 responses as shown in Table 1.

[1] [a href="#">#_ftnref1] This includes responses submitted by email but in a format that they could be uploaded to the online survey form.

Table 1: Number of consultation responses

	Number
Survey responses*	1,463

	Number
Email responses	126
Total	1,589

*This includes responses submitted by email but in a format that they could be uploaded to the online survey form.

The overall number of responses received from the different types of respondents is shown in Table 2. A list of the other types of respondent is shown in Table A1 in Annex A.

Table 2: Number of responses by respondent type

	Councillor	Officer	Whole council	Other	Total
Community/Neighbourhood/Parish/Town	442	306	271	20	1,039
District/Borough	172	42	53	21	288
County	17	8	14	5	44
Metropolitan/Unitary/London Borough	90	20	32	22	164
Other	18	5	3	28	54
Total	739	381	373	96	1,589

Please note the following when reading the report:

- Where tables and figures report the base, the description refers to the group of people who were asked the question. The number provided refers to the number who answered each question. Please note that bases may vary throughout the survey.
- Throughout the report, percentages in figures and tables may add to more than 100 per cent due to rounding.

The following conventions are used in tables: ‘*’ - less than 0.5 per cent; ‘0’ – no observations; ‘-’ – category not applicable/data not available.

LGA Model Member Code of Conduct: consultation analysis

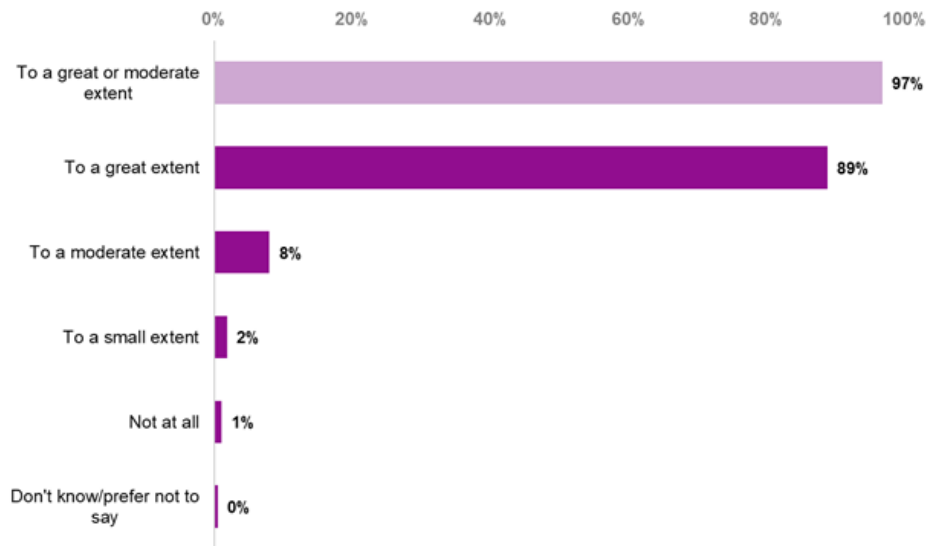
This section contains a full analysis of the combined responses to the consultation survey and narrative responses.

Application of the code

Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

Almost all survey respondents (97 per cent) supported the proposal to a great or a moderate extent, with only one per cent of respondents not stating they did not support the proposal at all. These findings are shown in Figure 1.

Figure 1: To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?



Base: all respondents (1457)

Figure 1 description [#]

The comments received in relation to this area via the survey and email responses included support for the inclusion of social media, which a number of respondents saw as a problematic area in terms of distinguishing between councillors' personal and official posts.

A number mentioned the need for councillors to display certain behaviours, such as integrity, because of their role, while others highlighted the difficulties experienced by the public in identifying whether councillors were acting in an official or personal capacity. Some example comments under this area were:

“With particular reference to social media, Members would be keen to ensure that the application of the Code does not inadvertently constrain their freedom to use social media as individuals. Members were concerned that the public may, as now, confuse views given on private social media accounts with those given in their capacity as members of the Council. Whilst accepting that the Code applies to their conduct when using social media in their capacity as a Councillor, Members would look to the model Code to avoid ambiguity which might lead to complaints being made about social media activity within their private lives.”

District/Borough Council

“It is really important that any Councillor, engaging with the public and the community and representing the views of the Council should actively demonstrate correct behaviour.”

Community/Neighbourhood/Parish/Town Council

“Councillors need to be aware that any public comments or behaviour is likely to be taken as being whilst on public business unless there is clear evidence that the comment or occasion are within their private life.”

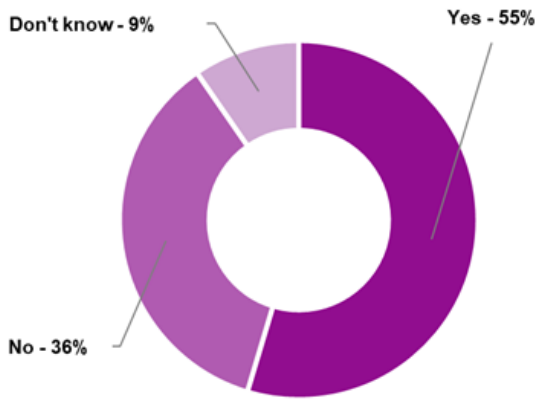
Community/Neighbourhood/Parish/Town Council

Clarity of the code

Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?

Just over half of respondents (55 per cent), thought that the code was sufficiently clear about which parts are legal requirements, which are obligations, and which are guidance. Another 36 per cent thought it was not clear while nine per cent did not know. Figure 2 shows these findings.

Figure 2: Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?



Base: all respondents (1453)

Figure 2 description [\[#\]](#)

Comments were not invited in the survey for this question, however, a small number were received in the general comments section and via email responses. These were mainly elaborations on the chosen answer or suggested ways to make code clearer in this respect.

Wording of the code

Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

Respondents were almost evenly split regarding their preference, however, a slightly higher proportion (45 per cent) expressed a preference for the personal tense ("I will") over the passive tense ("Councillors should") (40 per cent) and 15 per cent had no preference, as shown in Figure 3.

Figure 3: Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

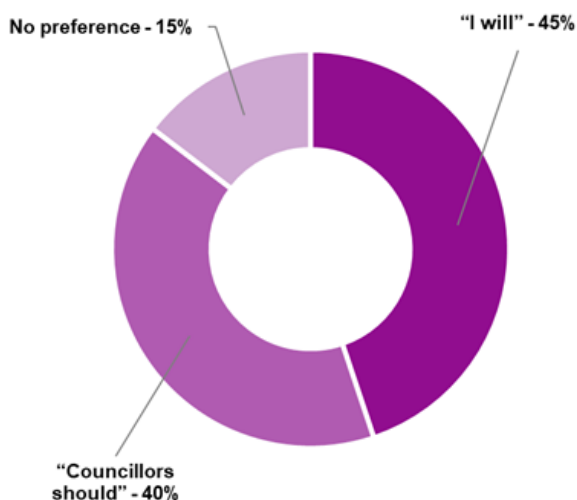


Figure 3 description [\[#\]](#)

Base: all respondents (1456)

The survey did not invite comments for this question, however, a very small number were received in the general comments section and via email responses. These mostly provided the respondents reason for their chosen preference.

Specific obligations of general conduct

Q4. To what extent do you support the 12 specific obligations?

Almost all survey respondents supported each of the 12 specific obligations to either a great or a moderate extent. However, there was slightly less support for the obligation to register any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt than the others – 96 per cent compared to 99 to 100 per cent. The answers received to question 5 indicate that the reason was likely to be disagreement with the £25 threshold rather than the concept of registering gifts. A full breakdown of these findings is shown in Table 3.

Table 3: To what extent do you support the 12 specific obligations?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know/Prefer not to say
1. Treating other councillors and members of the public with civility.	92	6	1	1	*
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.	95	4	1	1	*
3. Not bullying or harassing any person.	98	1	*	*	*
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.	96	4	*	*	*
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.	93	5	1	*	1
6. Not preventing anyone getting information that they are entitled to by law.	95	4	*	*	*
7. Not bringing my role or council into disrepute.	94	4	1	*	*
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	99	1	*	*	*
9. Not misusing council resources.	96	3	*	*	*
10. Registering and declaring my interests.	95	4	*	*	*
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.	95	4	1	*	*
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.	85	11	3	1	1

Base: all respondents (Obligation 1 - 1457; obligation 2 - 1458; obligation 3 - 1456; obligation 4 - 1457; obligation 5 - 1457; obligation 6 - 1458; obligation 7 - 1458; obligation 8 - 1456; obligation 9 - 1455; obligation 10 - 1456; obligation 11 - 1455; obligation 12 - 1454)

Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:

Survey respondents were invited to suggest additional or alternative obligations, most of the comments received related to the 12 obligations. These included recommendations that the word 'respect' should be included in obligation 1; opinions on the appropriateness of £25 as a minimum value of gifts or hospitality to be declared; requests for a broadening of the areas covered by obligation 3; and concern that obligation 5 should not constrain whistleblowers. Some examples of the comments received in relation to the 12 obligations are shown below:

"The term 'respect' is preferable and clearer and should replace 'civility'. It has the benefit of established case law with R (Mullaney) v Adjudication Panel for England (2009) EWHC72 having established that: "The definition of respect... is straightforwardly stated as 'failure to treat others with respect will occur when unfair, unreasonable or demeaning behaviour is directed by one person against another'."

District/Borough Council

"It is difficult sometimes to put a value on Hospitality/Gifts if received and I think that £25.00 is too low I would suggest a higher figure of at least £50 and would be happier if it was £100."

Community/Neighbourhood/Parish/Town Council Councillor

"[The council] would also like sections on bullying and harassment to be strengthened with specific reference to employees. The definition of harassment needs to be wider than the Equality Act protected characteristics."

Community/Neighbourhood/Parish/Town Council

"We are concerned that part 5, in relation to Confidential Information, does not sufficiently cover those occasions Councillors may need to disclose confidential information. In particular, making disclosures where a councillor genuinely believes it is in the public interest to do so (in particular whistleblowing or safeguarding matters) and enabling councillors to disclose confidential information in order to seek professional advice should be allowed."

District/Borough Council

Only a relatively small number of respondents suggested additional obligations, as shown in Table 4. The most common suggestion was a requirement for councillors to attend training. This was followed by an obligation abide by all equality enactments and an obligation to work collaboratively.

Table 4: Proposed alternative obligations

	Per cent
Obligation to attend training	30
Obligation to abide by all equality enactments	16
Obligation to work collaboratively	10
Obligation to comply with the council's policies	8
Obligation not to vote where there is a predetermination	7
Obligation to comply with investigations	7
Obligation to have regard to any relevant guidance provided by officers	5
Obligation not to raise vexatious complaints	4
Other suggested obligations	12

A number of the survey respondents used this question to make general comments about the code and the obligations, most commonly these related to the introduction of sanctions for breaches of the code and requests for further guidance, as shown in this example:

“There needs to be stronger penalties for those who do comply with the code. At the moment some councillors are behaving badly with no consequence. LGA should be pushing for this.”

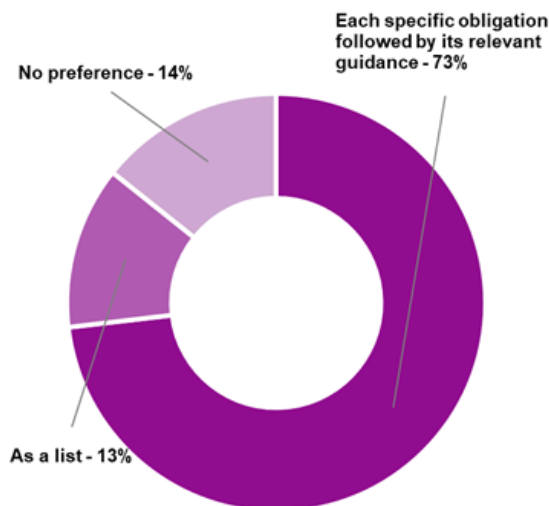
Metropolitan/Unitary/London Borough Councillor

Responses received by email which referred to the obligations echoed these findings.

Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?

Just under three quarters of respondents (73 per cent) stated that they would prefer to see each specific obligation followed by its relevant guidance while 13 per cent would prefer to see them as a list and 14 per cent had no preference. Figure 4 shows these findings.

Figure 4: Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?



Base: all respondents (1456)

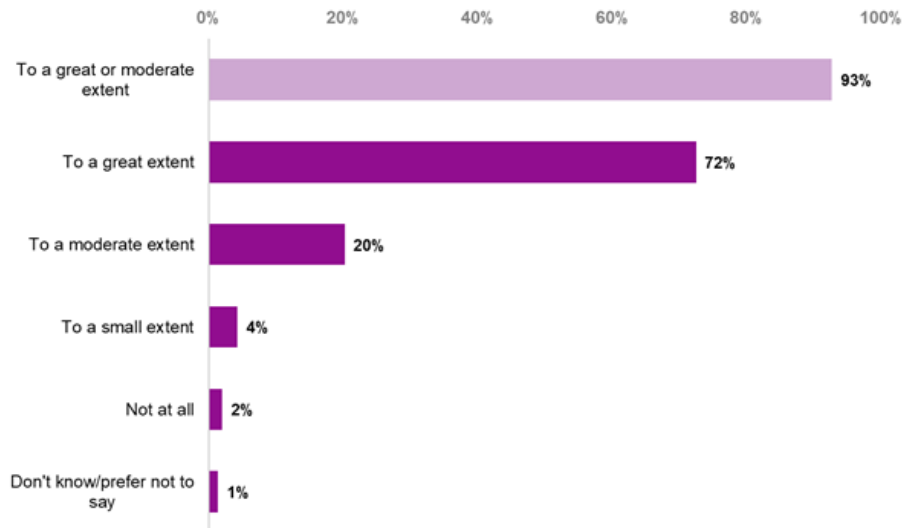
Figure 4 description [#]

Civility

Q7. To what extent do you think the concept of ‘acting with civility’ is sufficiently clear?

Four in five survey respondents (80 per cent) thought the concept of ‘acting with civility’ is sufficiently clear to a great or moderate extent. A further 12 per cent thought it was clear to a small extent while seven per cent did not think it was clear. These findings are shown in Figure 5.

Figure 5: To what extent do you think the concept of ‘acting with civility’ is sufficiently clear?



Base: all respondents (1447)

Figure 5 description [#]

Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

The most frequently suggested alternative phrase was respect, either on its own, coupled with civility, or coupled with other word. These findings encompass responses received both via the survey and by email. Some examples of the suggestions received are shown below:

“While we are very much in favour of a focus on civility in public life, we believe that the Code of Conduct should clearly and explicitly expect councillors to treat others with respect in all circumstances. In our opinion, the term respect is more widely understood and less open to interpretation. Treating others with respect implies recognition of the qualities and rights of others, while civility means politeness and courtesy. As elected representatives, councillors should value the contribution of those with whom they come into contact.”

Community/Neighbourhood/Parish/Town Council

“There is a need for both Civility and Respect, and these both need to be captured within the Code.”

District/Borough Council

“Whilst we agree that civility broadly captures the behaviours that we would expect councillors to demonstrate, we think that the concept of politeness and treating others with due respect should be reiterated - whilst similar, they remain distinct concepts and these definitions should be addressed in the Code.”

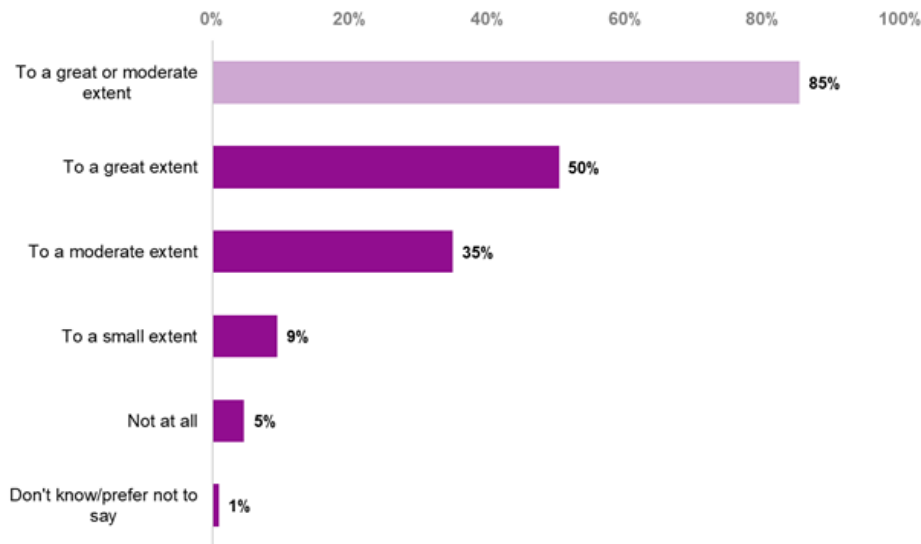
Metropolitan/Unitary/London Borough Council

Bringing the council into disrepute

Q8. To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?

A total of 85 per cent of survey respondents thought the concept of ‘bringing the council into disrepute’ is sufficiently clear to a great or moderate extent. Nine per cent thought it was clear to a small extent while five per cent did not think it was clear. Figure 6 shows these findings.

Figure 6: To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?



Base: all respondents (1447)

Figure 6 description [\[#\]](#)

Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

Most of the answers provided to this question were comments about the concept rather than suggested alternative phrases. These included requests for examples of behaviours that could bring the council into disrepute and calls to broaden the scope of the obligation. Some examples of these comments, including those received by email, are shown below:

“It may be helpful to add examples e.g. acting against the council's Standing Orders and Financial Regulations; against a council's adopted policies; acting without the authority of the council.”

Community/Neighbourhood/Parish/Town Council Officer

“The phrase ‘bringing the council into disrepute’ should be extended to include all criminal activity, bullying and harassment and breaches of the Code. Negative behaviours need to be incorporated. The text should make it clear that the list is not exhaustive”

Community/Neighbourhood/Parish/Town Council

“The guidance under this obligation focuses on issues of deceit or dishonesty, whereas reputational issues go wider than that. The implication may be that if behaviour is not dishonest or deceitful then it is not caught by this obligation.”

Metropolitan/Unitary/London Borough Council

Among the suggested alternative phrases, the most commonly provided included words around damaging the council’s reputation, as shown in the example below:

“‘Causing damage to the Council’s reputation’, or similar, may be more readily understandable.”

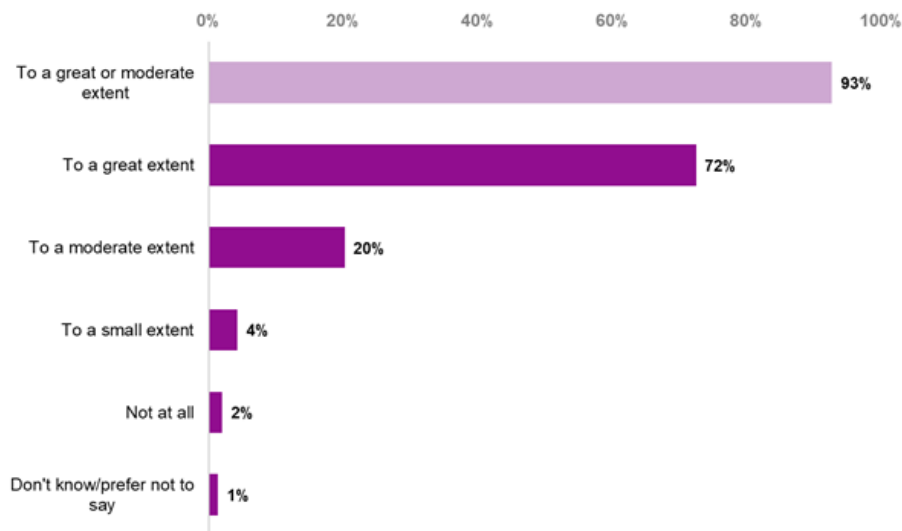
Metropolitan/Unitary/London Borough Council

Bullying and harassment

Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?

Over nine in ten survey respondents (93 per cent) supported the definition of bullying and harassment used in the code in a local government context to a great or moderate degree while four per cent did so to a small degree. Only two per cent did not support it at all and one per cent did not know. These findings are shown in Figure 7.

Figure 7: To what extent do you support the definition of bullying and harassment used in the code in a local government context?



Base: all respondents (148)

Figure 7 description [\[#\]](#)

Q9a. If there are other definitions you would like to recommend, please provide them here:

A number of survey and email respondents asked for the definition to be broadened and for examples to be provided. There was concern among some of these respondents that the reference to the Equalities Act 2010 could lead to misinterpretation of the code and that it should be clear that the guidance goes beyond the groups specified by the Act. There were also suggestions for areas to be included in the definition such as intimidation, discrimination or abuse of power. Some examples of these comments, are shown below:

“The reference to the Equality Act 2010 is helpful however here should be a clarification that bullying and harassment applies to everyone.”

Metropolitan/Unitary/London Borough

“Bullying may be characterised as intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that humiliate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen anywhere and not always be obvious or noticed by others.”

Metropolitan/Unitary/London Borough Councillor

“The definition ought to be expanded to include discriminatory behaviour.”

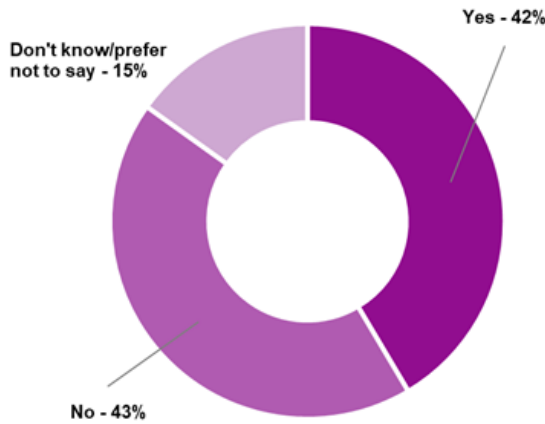
District/Borough Council

Social Media

Q10. Is there sufficient reference to the use of social media?

Respondents were evenly split about whether there was sufficient reference to the use of social media in the code, however, a slightly higher proportion (43 per cent) answered no, than those who answered yes (42 per cent). A further 15 per cent did not know or preferred not to answer the question. These findings are shown in Figure 8.

Figure 8: Is there sufficient reference to the use of social media?



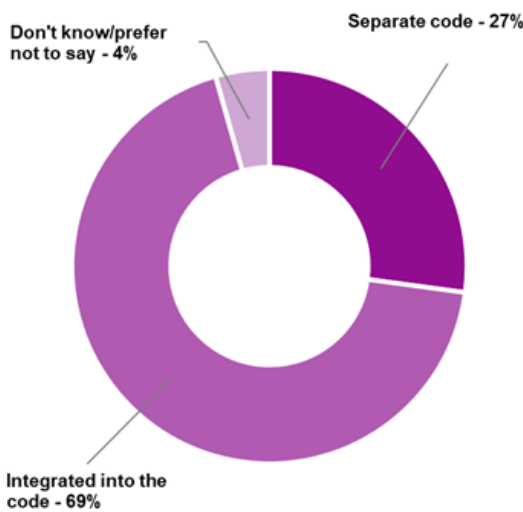
Base: all respondents (1454)

[Figure 8 description](#)

Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?

Just over two-thirds of respondents (69 per cent) felt that guidance in relation to social media should be integrated into the code while just over a quarter (27 per cent) said that it should be covered in a separate code. The remaining four per cent did not know or preferred not to answer the question. These findings are shown in Figure 9.

Figure 9: Should social media be covered in a separate code or integrated into the overall code of conduct?



Base: all respondents (1454)

[Figure 9 description](#)

Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:

Comments received from both the survey and email responses included the need for more guidance and clarity around when the code applies to social media, and issues around online abuse. Some examples of the comments received are shown here:

“It may be useful to have a “best practice” code for use of social media to ensure that any council considering or using any form of social media is fully aware of the requirement to uphold to similar standards to the media/press in terms of libel and slander, in addition to how best to respond and operate different social media platforms.”

Community/Neighbourhood/Parish/Town Council

“It would be useful to put in guidance of dos and don'ts to assist councillors and emphasize the need for them to separate their personal social media accounts from their councillor ones and not use their personal accounts in a way that gives the impression they are acting in their councillor role.”

District/Borough Council

“Guidance as to the differentiation of social media platforms for personal and professional use. How to make the difference clear and protect privacy. Guidance on dealing with harassment from the public and protection available issued to elected members, officers and political parties on how to support or protect elected representatives.”

Metropolitan/Unitary/London Borough Councillor

“There is an increasing need for clearer guidance for Councillors about appropriate conduct on social media both to ensure a high standard of conduct by Councillors, to enable Councillors to challenge the inappropriate behaviour of others on social media and to provide protection to Councillors from social media ‘trolling’. This needs to be integrated in the code, but the level of detail required would more appropriately be provided in a supplement to the code – not a separate social media code.”

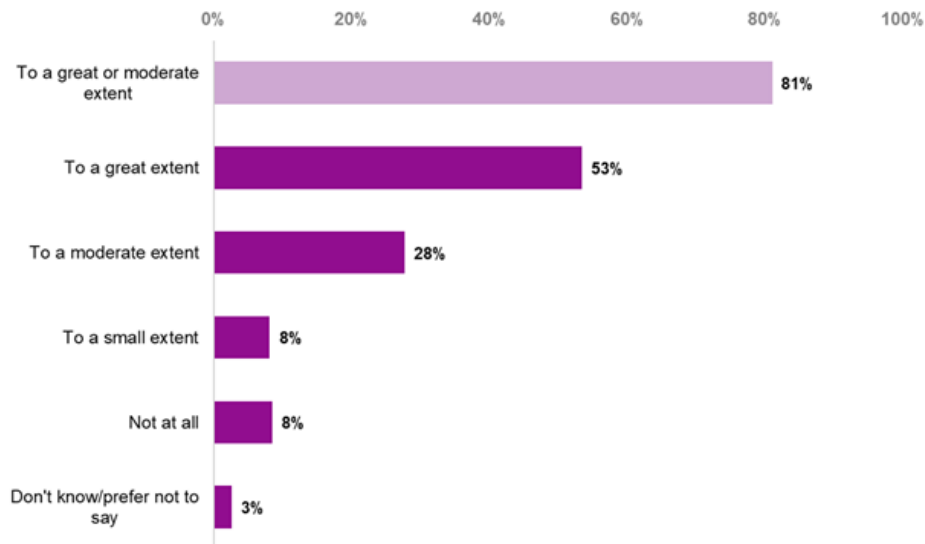
District/Borough Council

Registration and declaration of interests

Q11. To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?

Most survey respondents (81 per cent) were in support of the code going beyond the current requirement to declare interests of the councillor and their partner to a great or moderate degree. A further eight per cent supported it to a small extent but another eight per cent did not support it at all. These findings are shown in Figure 10.

Figure 10: To what extent to you support the code going beyond the current requirement to declare interests of the councillor and their partner?



Base: all respondents (1450)

Figure 10 description [#]

Q11a. If you would like to elaborate on your answer please do so here:

The responses received included comments around the need for clear guidance, along with both support for and concerns about extending the scope beyond the current requirement. Examples of some of the answers provided are shown here:

“Whilst we agree with the principle it is very important that there is clarity about who this will be extended to. Terms such as “family” are too ambiguous. How is family being defined? Does this mean immediate family or extended family? Families where there is no legal relationship?”

The same comment applies to associates, this needs to be clarity over what an associate is, and the nexus between the Member and the person concerned for them to be an Associate

The inclusion of the financial interest or well-being of a relative or close associate could lead to confusion. Explanations are required as to what is meant by ‘financial interest’, ‘well-being’ and ‘close associate’.”

County Council

“It is important for Council to have an open and transparent decision-making process. This includes being aware of any Councillors or those close to them who may have interest or benefit from Council decisions.

Modern families can often be complex and limiting interests to a Councillor and a partner is no longer suitable. Declaring Interests should be extended to cover any issues involving children/grandchildren (over the age of 18) of both or either the Councillor and partner, as well as siblings of both or either the Councillor or partner.

This added transparency will provide further clarity to Councillors on what needs to be declared. It will also provide additional reassurance to the general public about the robustness of the decision making process.”

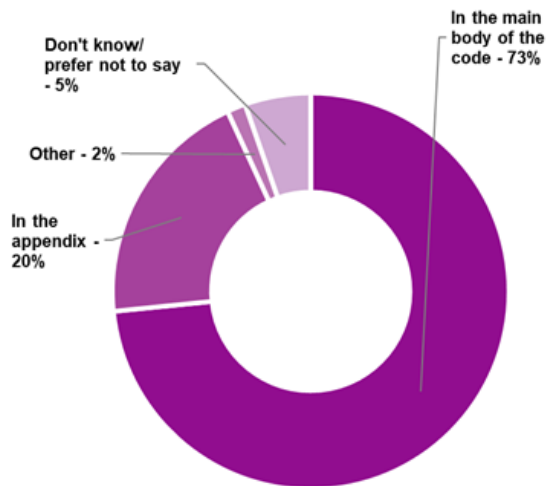
Community/Neighbourhood/Parish/Town Council

“It is unlikely that Members would be aware of all the interests of their relatives and close associates. How far do they have to question them to understand what they have to declare? This interest should be limited by adding – “and you are aware that the other person has the interest.”.”

Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

Almost three-quarters of respondents (73 per cent) felt that the requirement to declare interests should be in the main body of the code while a fifth (20 per cent) said that it should be in the appendix, as with the current draft. A further two per cent chose the 'other' option and provided a suggestion, most of these were for it to be covered in both places. A full list of all the specified 'other' answers is shown in Table A2 in Annex A. The remaining five per cent did not know or preferred not to answer the question. Figure 11 shows these findings.

Figure 11: Should social media be covered in a separate code or integrated into the overall code of conduct?



Base: all respondents (1451)

Figure 11 description [\[#\]](#)

Q12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

The most frequently raised topic in the responses was the need for clear guidance, there were also some suggestions in relation to respondents' preferred option for the location of the declaration in the code. Some examples of the comments received are shown here:

"Clearly this is an important provision. We think the code itself (and not just the guidance) needs to be clearer about what an interest is and when they have to be declared."

County Council

"This is one of the areas that often causes the most confusion so should be clearly defined and easily accessible."

Community/Neighbourhood/Parish/Town Councillor

"Due to its importance it should be included within the main body of the Code. It can be very difficult to flick back and forth in documents, and therefore in all instances it would prove clearer for the principal to be followed by the guidance. This approach would assist members of the public reading the document."

District/Borough Council

"The requirement to declare interests is so important it must be embedded in the main body of the Code."

Community/Neighbourhood/Parish/Town Council**Q13. To what extent do you support the inclusion of these additional categories for registration?**

Most survey respondents supported each of the additional categories to a great or moderate extent. There was slightly less support for the inclusion of 'Any organisation, association, society or party directed to charitable purposes' than the other categories. This may have been due to concerns that it could be interpreted to cover memberships or affiliations which had no bearing on the member's role as a councillor. An example of a comment relating to this is shown below:

"Careful thought should be given to which charitable organisations should be declared - e.g. any charity that operates in the relevant locality should be declared. Raising money for the Red Cross or Poppy appeal need not be declared."

Community/Neighbourhood/Parish/Town Council

A full breakdown of these findings is shown in Table 5:

Table 5: To what extent do you support the inclusion of these additional categories for registration?

	To a great extent (%)	To a moderate extent (%)	To a small extent (%)	Not at all (%)	Don't know/prefer not to say (%)
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council	75	17	3	3	2
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management	75	18	4	4	2
Any organisation, association, society or party directed to charitable purposes	61	23	9	5	2
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)	80	13	3	2	2

Base: all respondents (Row 1 - 1449; row 2 - 1450; row 3 - 1449; row 4 - 1449)

Q13a. If you would like to propose additional or alternative categories for registration, please provide them here:

Suggestions for additional or alternative categories for registration included membership of closed societies such as the Freemasons, local charities/interest groups and business interests. A number of respondents requested further guidance and clarification and there was also support for the additional categories, as shown in these examples:

"Membership of any 'closed membership' organisations such as Freemasons."

District/Borough Council

"Political parties, local charities, local issue pressure groups, and club or society or organisation that is local to the council and is likely to either receive funds or has a vested interest in any of the work of the council, other local authority or government body."

“As many members wear many hats, I would value more extensive guidance for parish councillors on membership of named external bodies, using examples, such as the chamber of trade or community groups/organisations.”

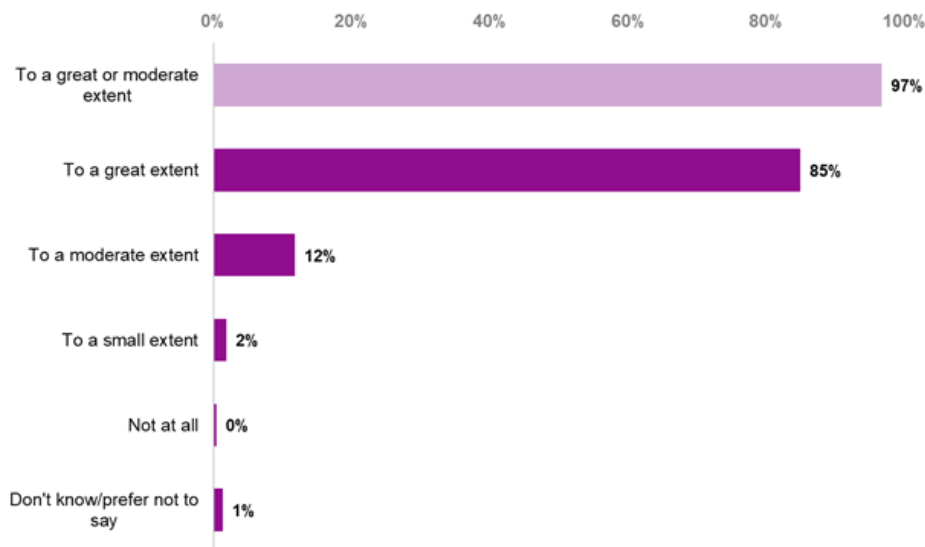
Community/Neighbourhood/Parish/Town Council Officer

Gifts and hospitality

Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

Almost all respondents (97 per cent) supported the proposed requirement that councillors do not accept significant gifts to a great or moderate degree. Two per cent supported it to a small degree while less than one per cent did not support it at all. These findings are shown in Figure 12.

Figure 12: To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?



Base: all respondents (1453)

[Figure 12 description](#)

Q14a. If you would like to elaborate on your answer please do so here:

Responses received from survey respondents and by email included requests for further guidance and clarification, views that councillors should not accept any gifts, and support for the obligation. Some examples of the comments received are shown here:

“What is meant by ‘significant’ gifts is not clear. Significance could depend on the donor, the type of gift and the context in which it is offered, not just on value. A number of low value gifts could cumulatively hit the threshold for declaration.”

Metropolitan/Unitary/London Borough Council

“It would provide greater clarity for all parties if the default position was to reject all offers of gifts and hospitality unless in a civic role or only when the Councillor is acting as the appointed representative of the Council.”

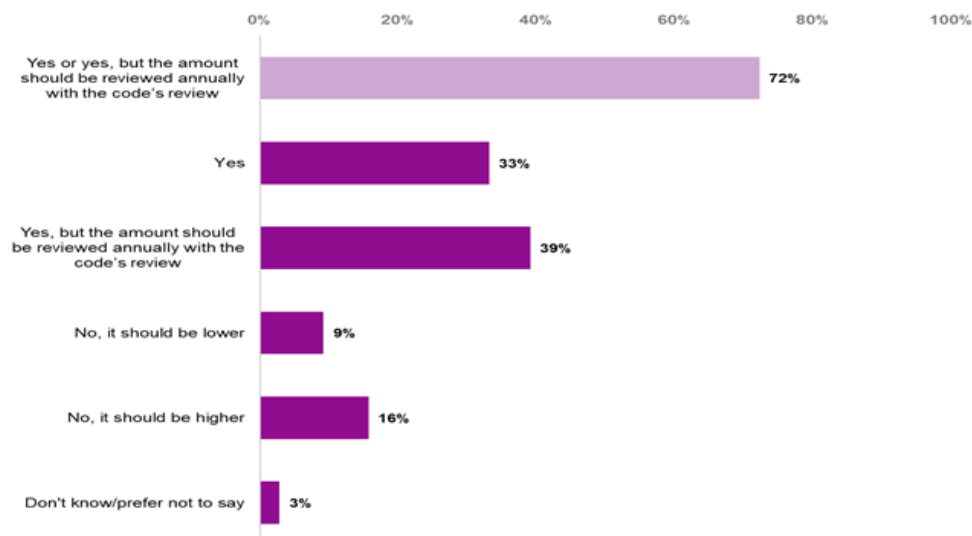
District/Borough Council

“We strongly support the obligation not to accept significant gifts in the terms detailed in the relevant paragraphs.”

Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

Over seven in ten respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality although some of these (39 per cent) felt that the amount should be reviewed annually. Nine per cent of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher. Figure 13 shows these findings.

Figure 13: The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?



Base: all respondents (1445)

Figure 13 description [#]

Respondents who answered that the threshold amount should be higher or lower than £25 were asked to specify what they thought would be an appropriate amount. Among those who felt it should be lower, half (51 per cent) felt that all gifts should be declared and therefore the amount should be zero while 22 per cent thought that it should be lowered to £10. Among the respondents who thought the threshold should be higher 64 per cent suggested it should be raised to £50 and 23 per cent felt it should be £100. These findings are shown in Table 6.

Table 6: Amounts specified by respondents who did not agree with the proposed £25 threshold for registering gifts and hospitality (£)

No, it should be lower	Per cent
0	51
0.01	2
1	10
5	11
10	22
15	3

No, it should be lower	Per cent
20	2

No, it should be higher	Per cent
30	2
35	2
40	3
50	64
75	4
100	23
200	*
250	1

Base: Respondents who answered 'No' to the £25 threshold (Lower - 116; Higher - 210)

Accompanying and guidance

Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.

Explanatory guidance on the code was most commonly ranked as 1 - the most useful type of guidance. There was a fairly even split between the rest of the categories in terms of what came next but taking the proportion ranked as 2 into account shows that supplementary guidance that focuses on specific areas, e.g., social media and case studies and examples of good practice were ranked as the next two most useful types of guidance. A breakdown of these findings is shown in Table 7.

Table 7: Types of guidance ranked by usefulness

	1	2	3	4	5
Regularly updated examples of case law	14	12	16	20	38
Explanatory guidance on the code	48	18	16	13	6
Case studies and examples of good practice	14	26	24	24	11
Supplementary guidance that focuses on specific areas, e.g., social media	14	31	24	21	10
Improvement support materials, such as training and e-learning packages	11	13	19	22	35

Base: all respondents (1397)

Q16a. If you would like to suggest any other accompanying guidance please do so here:

Most of the responses elaborated on respondents' reasons for their choices, particularly in relation to supplementary guidance focused on specific areas, case studies and examples, and improvement support materials. The suggestions received included calls for training and requests for guidance covering specific areas,

such as handling complaints or application of the code for Parish/Town councils. Examples of the responses received are shown here:

“Training and development e-learning should partner the launch of this code of conduct.”

District/Borough Council Councillor

“A model process for dealing with complaints under the Code. The greater the clarity and consistency for customers both of the standards and the complaints process the better.”

District/Borough Council Officer

“Guidance should reflect the different tiers of local government that would be expected to apply the Code, particularly town and parish councils that do not have the resource and officer base to draw upon to support them in its application and interpretation..”

Community/Neighbourhood/Parish/Town Council

Other comments

Q17. If you would like to make any further comments about the code please so here:

At the end of the survey, respondents were given the opportunity to make further comments about the code, the main themes that emerged were related to difficulties enforcing the code due to the lack of appropriate sanctions and issues with the internal resolution procedure. Some examples of comments received are shown here:

“There must be the ability to remove a councillor from office for serious or repeated breaches of the code. The code is too weak in this area. Current breaches are in effect a slap on the wrists and not a serious deterrent. If necessary the code and this area should be enshrined in law to make it effective. We are after all public servants and it is not acceptable to be unable to remove a councillor from office.”

Community/Neighbourhood/Parish/Town Council Councillor

“There is a general consensus that the current sanctions available to local authorities are insufficient. We understand that this would require new legislation, however we would like to stress the importance of meaningful sanctions in order to bring back trust and instil confidence in the standards regime by giving local authorities the power to effectively address issues of misconduct.”

District/Borough Council

Annex A

Answers provided to open text questions

Table A1: Other respondent types

Are you...
Individual/Member of the public x 15
On behalf of a committee x 14
On behalf of an organisation x 12
Individual in LG related role x 11
Independent person x 9
On behalf of a group x 3

Please indicate your council type
More than one type of council x 21
Council related organisation x 13
Other type of authority x 5
Non council
Professional Association
Professional body

Table A2: Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it? - Other
Both x 10
No preference x 5
A discreet section within the code rather than appendix
As a preface
In a separate document

Annex B

Survey Questionnaire

The LGA Consultation on Draft Model Member Code of Conduct questionnaire is now closed, find a PDF copy of the questionnaire below.

LGA Consultation on Draft Model Member Code of Conduct questionnaire

[\[https://www.local.gov.uk/sites/default/files/documents/Annex%20B%20Model%20Member%20Code%20.pdf\]](https://www.local.gov.uk/sites/default/files/documents/Annex%20B%20Model%20Member%20Code%20.pdf)

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LGA Model Member Code of Conduct

Explanatory Note

1. Introduction

- 1.1 The LGA have published their Model Code of Conduct following consultation with the sector. At the time of writing this explanatory note, the LGA have temporarily withdrawn the publication. A revised LLG note will be produced with a live link to the code of conduct once it is re-published.

2. Consultation

- 2.2 An online questionnaire was available for 10 weeks between Monday 8 June until Monday 17 August. A total of 1,463 responses were received by the LGA including members, officers, councils, stakeholder organisations and individuals.

3. Key Results from the Consultation

The LGA have published the following key results from the consultation responses they received.

- Almost all survey respondents (97 per cent) supported the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media.
- Just over half of the survey respondents (55 per cent), thought that the code was sufficiently clear about which parts of the code are legal requirements, which are obligations, and which are guidance. A third (36 per cent) thought it was not clear while nine per cent did not know.
- Respondents were generally evenly split regarding their preference for the tense of the wording used in the code, however, there was slightly more support for the personal tense ("I will") which was chosen by 45 per cent over the passive tense ("Councillors should") (40 per cent).
- Almost all survey respondents supported each of the 12 specific obligations to either a great or a moderate extent. However, there was slightly less support for the obligation to register any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt than the others – 96 per cent compared to 99 to 100 per cent.
- Four in five survey respondents (80 per cent) thought that the concept of 'acting with civility' is sufficiently clear to a great or moderate extent. A further 12 per cent thought it was clear to a small extent while just seven per cent did not think it was clear.
- A combined total of 85 per cent of survey respondents thought the concept of 'bringing the council into disrepute' is sufficiently clear to a great or moderate extent. Nine per cent thought it was clear to a small extent while five per cent did not think it was clear.
- Most survey respondents (93 per cent) supported the definition of bullying and harassment used in the code in a local government context to a great or moderate degree while four per cent did so to a small extent.



- Respondents were evenly split about whether there was sufficient reference to the use of social media in the code, however, a slightly higher proportion of respondents (43 per cent) said no, than those who answered yes (41 per cent).
- Over four in five survey respondents (81 per cent) were in support of the code going beyond the current requirement to declare interests of the councillor and their partner to a great or moderate degree. A further eight per cent supported it to a small degree and another eight per cent did not support it at all.
- Almost all survey respondents (97 per cent) supported the proposed requirement that councillors do not accept significant gifts to a great or moderate degree. Two per cent supported it to a small degree while less than one per cent did not support it at all.
- Most survey respondents (72 per cent) supported £25 as the threshold for registering gifts and hospitality, although almost four in ten (39 per cent), felt that the amount should be reviewed annually with the code's review. Nine per cent of respondents thought that the threshold should be lower than £25 while 16 per cent felt that it should be higher.
- Respondents most commonly ranked explanatory guidance on the code as the most useful type of accompanying guidance, followed by supplementary guidance that focuses on specific areas, e.g., social media and case studies and examples of good practice.

4. Key Points from the Final Member Code of Conduct

(Numbers in brackets refer to pagination in the code of conduct)

4.1 Definitions

- 4.1.1 Councillor is defined as 'a member or co-opted member of a local authority or a directly elected mayor'.
- 4.1.2 A "co-opted member" is defined pursuant to the [Localism Act 2011 Section 27\(4\)](#)
- 4.1.3 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'.

4.2 Tense

- 4.2.1 First person direct to Councillors.

4.3 Nolan Principles

- 4.3.1 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'.

4.3 Application of the Code

- 4.3.1 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

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

4.4 Standards

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

4.5 Bullying, harassment and discrimination

4.5.1 There is a specific obligation to promote equalities and not to discriminate unlawfully against any person (2.3.1) with reference to the Equalities Act.

4.6 Impartiality

4.6.1 Councillors must not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority (3.1)

4.7 Confidentiality

4.7.1 Councillors must not disclose information they have received which they believe or ought reasonably to be aware is of a confidential nature (4.1a&b).

4.7.2 Disclosure in the public interest and in good faith is allowed provided the councillor has consulted the Monitoring Officer prior to its release (4.1iv1,2&3)

4.8 Disrepute

4.8.1 Councillors must not bring their role or authority into disrepute ((5.1).

4.9 Use of Position

4.9.1 Councillors must not use their position improperly to their advantage or disadvantage (6.1).

4.10 Use of Council Resources

4.10.1 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 (7.2b).

4.11 Compliance

4.11.1 Councillors must commit to undertaking code of conduct training (8.1), cooperate with investigations (8.2) and comply with sanctions (8.4).



4.12 Reputation

4.12.1 Declarations of interest must be registered and declared (9.1). Detailed provisions are contained within Appendix B. The code states 'If in doubt, you should always seek advice from your Monitoring Officer'.

4.13 Appendix B

4.13.1 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.

4.13.2 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 allowed to speak, not participate in the discussion or vote and leave the room (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 allowed to speak, not participate in the discussion or vote and leave the room (subject to dispensation).

4.13.3 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).

4.13.4 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.

4.14 Gifts & Hospitality

4.14.1 Councillors receiving gifts or hospitality with a value of £50 or more must register these with the Monitoring Officer within 28 days (10.2). Any significant gift or hospitality refused must also be registered with the Monitoring Officer (10.3) (*note no timescale is placed against refused gifts*).

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

5. **Committee on Standards In Public Life (CSPL) Recommendations**

5.2 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.
- The code does not reference section 31 Localism Act 2011 (but it gives a nod towards it)
- 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)

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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, intimidating 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/its 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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RESPONSE TO REVIEW OF CORPORATE GOVERNANCE ARRANGEMENTS – MEMBERS INTERESTS

Summary: A review of corporate governance was carried out in November 2020, as part of the planned internal audit work for 2020/21. One of the recommendations relates to Members' interests and this report provides an update to the Standards Committee on the management response to the recommendation, outlining proposed actions.

Conclusions: Recommendation 3 of the recent review of Corporate Governance arrangements (NN2102) suggests changes to the management of Members' register of interest forms and the declaration of interests at meetings. Members are requested to consider the proposed actions to address the issues highlighted in the review.

Recommendations:

- 1. To note the review of Corporate Governance Arrangements and endorse the management response.**
- 2. To support the inclusion of a flowchart in all committee agendas to assist members with declaring interests at meetings**
- 3. To recommend to Council that the Constitution be amended to reflect any consequential changes made in response to the governance review.**

Cabinet Member(s) All	Ward(s) affected; All
Contact Officer, telephone number and email: Emma Denny, Democratic Services Manager, 01263 516010, emma.denny@north-norfolk.gov.uk	

1. Introduction

- 1.1 A review of corporate governance arrangements is undertaken on an annual basis to support the 'Head of Internal Audit Opinion'. The review referred to in this report (NN2102) was undertaken in November 2020.
- 1.2 The review highlighted the following area where an 'important' recommendation has been made - *Management of conflicts of interest is enhanced to ensure that Members comply with the Code of Conduct and provide assurance that conflicts are fully managed in meetings.*

2 Members' Interests

2.1 Registers of Interest

Recommendation 3 (parts 1 - 4) of the Corporate Governance Review states:

'It is recommended that:

1. All Members are contacted annually to ask them to confirm that their Register of Interest Declaration is complete, up to date and accurate.'

The Management response is:

- All members on election / re-election will be asked to complete and return a Register of Interest form, published on the Council's website.
 - The Council will develop an electronic web-form for the Register of Members Interests to make the process of completion, updating and posting to the website easier to administer.
 - Each April the Democratic Services Team will send an email to remind Members of their responsibilities to review and if necessary update their forms and for this to be completed by the Annual Meeting of Council in mid-May, thereafter issue a monthly reminder in the Members Bulletin reminding members of their responsibility to update their Register of Interest declaration within 28 days of any change of circumstance
2. That the declarations of conflicts of interest are included with papers for each meeting.

Management response:

Members will be formally asked to declare any conflicts of interest at the beginning of each formal meeting of the Council and its Committees

3. Where there is an item on the agenda and the member is conflicted, the Chair confirms action to mitigate the conflict and it is included in the minutes.

Management response:

Where a declaration of a conflict of interest is declared at a meeting this is recorded and the action taken in respect of the declaration formally recorded – eg Member XXXX did not participate or vote on said item, or Member XXXX withdrew from the Chamber etc.

4. A process flowchart is added as a standing agenda item to assist members with their declarations, reinforced by the Chair person.

Management response:

Agreed (see Appendix A for examples)

2. Declarations of Interest

- 2.1 The Standards Committee has statutory responsibility for promoting and maintaining high standards of conduct of councillors, including the provision of advice and guidance to all councillors on their declaration of interests.
- 2.2 The responsibility of councillors to declare interests, bias or predetermination falls wholly upon the individual councillor. Guidance may be provided by the Council's Monitoring Officer in relation to specific enquiries in advance of meetings.
- 2.3 Occasionally councillors will become aware at a meeting that they may have an interest in a matter, either from information within the report or from information provided at the meeting, and as a consequence seeks the guidance of the Democratic Services Officer.
- 2.4 Whilst the Democratic Services Officer will always seek to provide immediate advice, it can be difficult to do so without necessarily appreciating all the facts. There are risks associated with this provision of advice in such circumstances to the officer and councillor concerned.

3. Flow Chart

- 3.1 The Committee is asked to consider the example flowcharts attached to this report at Appendix A. The flowcharts are designed to provide guidance to a councillor to determine whether they have an interest in an item and if so, what course of action they should take.
- 3.2 If supported, the selected flowchart would be appended to all agenda front-sheets for ease of reference at any meeting.

4. Corporate Plan Objectives

- 4.1 The democratic process is a crucial mechanism for residents to engage with the Council. Members interests are an integral part of this process and the public needs to have confidence that they are managed in an effective and transparent way.

5. Financial and Resource Implications

- 5.1 There are no cost implications to any of the proposals highlighted in the report.

6. Legal Implications

- 6.1 Councillors have a legal responsibility to make declarations of interest at meetings of the council. Failure to declare an interest could expose both the Councillor and the Council to legal challenge and potentially damage the reputation of the Council.

7. Risks

- 7.1 As highlighted in section 6, any risk would be reputational and around a lack of transparency.

8. Climate / Carbon impact

8.1 Not applicable as the changes will not incur a negative carbon impact.

9. Equality and Diversity

There are no equality implications arising from this report.

9.1 Conclusion and Recommendations

Recommendation 3 of the recent review of Corporate Governance arrangements (NN2102) suggests changes to the management of Members' register of interest forms and the declaration of interests at meetings. Members are requested to consider the proposed actions to address the issues highlighted in the review

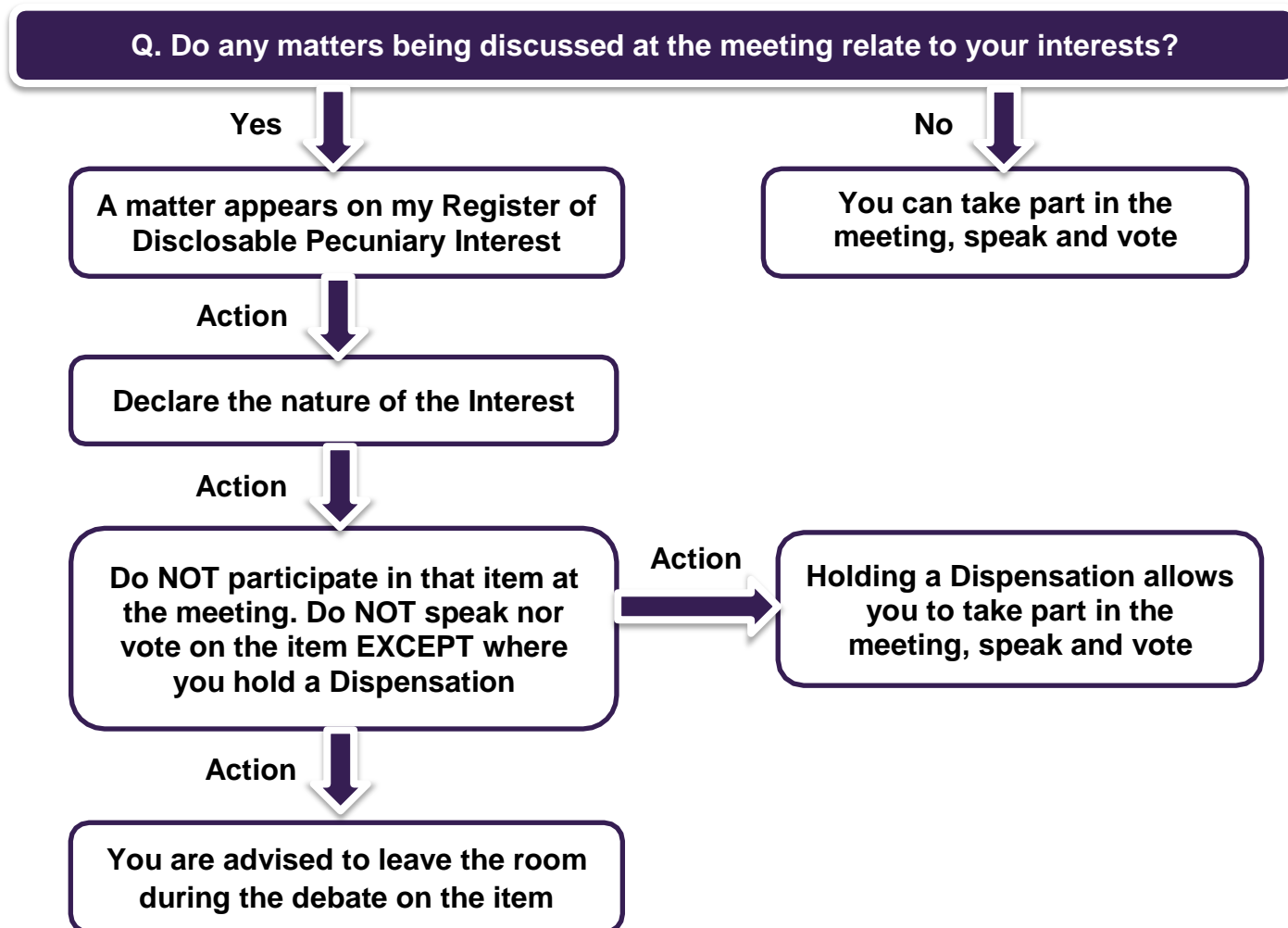
Recommendations:

- 1. To note the review of Corporate Governance Arrangements**
- 2. To support the inclusion of a flowchart in all committee agendas to assist members with declaring interests at meetings**
- 3. To recommend to Council that the Constitution be amended to reflect any consequential changes made in response to the governance review.**

DECLARATION OF INTEREST AT A MEETING

As a Councillor, ask yourself do I have an interest to declare at the meeting I am attending? Familiarise yourself with the Councillor Code of Conduct which can be found in Chapter 7, Part 2 of the Council's Constitution.

Before the meeting, read the agenda and reports to see if the matters to be discussed at the meeting concern your interests.



Q. What are the principles of bias and pre-determination and how do they affect my participation in the meeting?

Bias and Predetermination are common law concepts. If they affect you, your participation in the meeting may call into question the decision arrived at on the item. A challenge may be mounted in the courts.

Bias Test

In all the circumstances would it lead a fair minded and informed observer to conclude that there was a real possibility or a real danger that the decision maker was biased.

Predetermination Test

At the time of making the decision, the decision maker had a closed mind.

If a Councillor appears to be biased or have predetermined their decision, they **MUST** **NOT** participate in the meeting.

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DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate to any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

