

Joint Standards Committee

- To:** Councillors Rowley (Chair), Douglas, Baker, Carr and Fisher (CYC Members)
- Cllrs Chambers and Rawlings (Vice-Chair) and Waudby (Parish Council Members)
- Ms Davies and Mr Laverick (Independent Persons)
- Date:** Wednesday, 23 June 2021
- Time:** 4.00 pm
- Venue:** Remote Meeting

[This meeting will be followed by a workshop, for Committee Members and Independent Persons only, around the Model Code of Conduct.]

AGENDA

1. Declarations of Interest

Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they might have in respect of business on this agenda.

2. Appointment of Chair

To appoint a Chair of the Joint Standards Committee for the 2021/22 municipal year.

3. Appointment of Vice Chair

To appoint a Vice Chair of the Joint Standards Committee for the 2021/22 municipal year.

4. **Introduction of Paul Hoey and Natalie Ainscough, from Hoey Ainscough Associates Ltd.**
5. **Welcome to the Chair of Audit & Governance Committee**
6. **Minutes** (Pages 1 - 6)
To approve the minutes of the meeting of the Joint Standards Committee held on 31 March 2021.
7. **Minutes of Sub-Committees** (Pages 7 - 12)
To approve the minutes of the meetings of the Joint Standards Assessment Sub-Committee held on 15 April 2021, 23 April 2021 and 29 April 2021.
8. **Urgent Business**
Any other business which the Chair decides is urgent under the Local Government Act 1972.
9. **Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is at **5.00pm on Monday, 21 June 2021.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services. Contact details can be found at the foot of the agenda.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public

meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

10. Model Code of Conduct

(Pages 13 - 34)

This report provides Members with an update on the Model Code of Conduct.

Democracy Officer:

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Minutes

Meeting	Joint Standards Committee
Date	31 March 2021
Present	Councillors Rowley (Chair), Carr, Cullwick <i>(Substituting for Cllr Fisher and present for Agenda Items 7-10 only; minutes 83-85 refer)</i> and Douglas (CYC Members) Cllrs Chambers and Waudby (Parish Council Members)
	Ms Davies and Mr Laverick (Independent Persons)
Apologies	Councillors Baker and Fisher (CYC Members) Cllr Rawlings (Parish Council Member)

Chair's Remarks

The Chair welcomed Parish Councillor Mark Waudby as a new member of the committee.

78. **Declarations of Interest**

Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests which they might have in respect of business on the agenda. None were declared.

79. **Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of Annex B to Agenda Item 11 (Monitoring Report in Respect of Complaints Received), on the grounds that it contains information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

80. Minutes

Resolved: That the minutes of the meeting held on 20 January 2021 be approved as a correct record, to be signed by the Chair at a later date, subject to an amendment to Minute 74 (Update on International Travel Protocol) to include Members' comment that the Protocol should:

- include a requirement to state who is paying for the travel if it is not paid for by the Council.

81. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Gwen Swinburn spoke in relation to Agenda Item 87 (Monitoring Report on Complaints Received), expressing concerns that a complaint submitted against an Executive Member had been dismissed by the Monitoring Officer without publishing the reasons.

82. Draft Annual Report for 2020/21

Members considered a report which provided an update on the committee's Annual Report to Council for the 2020/21 municipal year.

A draft version of the Annual Report had been prepared by the Monitoring Officer and was attached at Annex A. Members were invited to comment on the draft before its presentation to Council.

With regard to the section headed 'Dispensation of the 6 Month Rule During Lockdown, officers confirmed that:

- The dispensations related to CYC meetings only;
- The expiry date of the dispensations would be included in the final version.

Resolved: (i) That Members email any further requests for additions to the draft to the Chair, Vice Chair and Monitoring Officer.

(ii) That the final version of the Annual Report be brought to the next meeting of the committee.

Reason: To enable the Annual Report to be presented to Full Council in July 2021.

83. Update on Model Code of Conduct

Members considered a report which provided an update on the Model Code of Conduct.

A new version of the Model Code, published by the Local Government Association (LGA) in January 2021, was attached as Annex A to the report. Members' views were invited as to whether this, or any part of it, should replace the council's current Code of Conduct (Annex B).

Members commented that:

- It would be helpful to have an Executive Summary to accompany the Model Code, once adopted, as a guide to its detailed content.
- A 'refresher' on the Code of Conduct should be included in the annual Member Development training.
- Consideration should be given to the inclusion in the Model Code of sections on gifts and hospitality, registration of the interests of a spouse or partner, and dispensations in relation to disclosure of interests.
- The section on dispensations should reflect a tightening up of the provisions in paragraph 8 of the current Code.

Resolved: That officers note the views expressed by Members on the Model Code of Conduct.

Reason: To ensure that the advice of the Joint Standards Committee on adoption of the Model Code is taken into account.

Note: there was a short adjournment during the above item while the Chair took advice from the Monitoring Officer in relation to substitutes on the committee.

84. Member Development

Members considered a report which provided an update on Member Development.

As agreed at the meeting on 20 January 2021, a list of questions had been prepared to canvas the opinion of all Council Members on this topic. Comments were invited on the four questions, which were set out in paragraph 2 of the report.

Members commented that:

- Question 2, on mandatory and optional training, should be expanded further;
- Question 3 should ask *how* Members' attendance at required training should be monitored, not who should monitor it;
- There should be a question on when, and how often, refresher training ought to take place;
- The consultation should also provide some ideas on subject areas for training, as discussed at the last meeting.

Resolved: That the questions be amended in line with the above comments then shared with Group Leaders and Independent Members, requesting their responses to the Chair and the Monitoring Officer within 4 to 6 weeks.

Reason: In order to canvas the views of Council Members on Member Development and Training.

85. Update on International Travel Protocol

Members considered a report which provided an update on the draft International Travel Protocol discussed at the last meeting.

A copy of the draft Protocol, incorporating the comments made by Members at the last meeting, was attached as Annex A to the report. Members were invited to comment further before the Protocol was considered by Audit & Governance Committee as part of their review of the Constitution.

In addition to the amendment noted under Minute 80 above, Members agreed that the last bullet point under the heading 'Actions to be taken prior to approval being granted' should be amended to read as follows:

- "Provide details of the payment of any expenses during the trip (i.e. room service, drinks etc.)"

Resolved: That the draft Protocol be further amended in line with Members' comments before it is presented to Audit & Governance Committee.

Reason: To ensure that the views of the Joint Standards Committee are taken into account.

86. Review of Work Plan 2021/22

Members considered the committee's work plan for the forthcoming 2021/22 municipal year.

Resolved: That the work plan be approved subject to the following additions:

Meeting on 23 June 2021:

- Annual Report
- Parish Council Charter
- Member Development
- Public Interest Test for assessment of complaints

Future meeting (date tbc):

- Recruitment of Independent Persons

Reason: So that the committee has a planned programme of work in place.

87. Monitoring Report in Respect of Complaints Received

Members considered a report which provided an update on the current position of ongoing complaints.

An anonymised list of complaints was attached as Annex A to the report. Further details of these were provided in an exempt list at Annex B. An exempt list of closed cases had also been provided, in an Agenda Supplement published on 30 March. Discussion of the exempt lists took place in private session, in accordance with the resolution in Minute 79 above.

Resolved: (i) That the report be noted.

Reason: To confirm that the committee is aware of the current levels of activity and able to provide an oversight of the complaints procedure.

(ii) That the Chair and Vice Chair have further discussions with the Monitoring Officer in respect of matters raised under Public Participation.

Reason: In order to explore the matters raised.

Cllr M Rowley, Chair

The meeting started at 4.00 pm and finished at 6.03 pm.

City of York Council

Committee Minutes

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	15 April 2021
Present	Councillor Rowley, Rawlings and Davies (Independent Person)
Apologies	Councillor Fisher (CYC Member)

5. Appointment of Chair

Resolved: That Parish Councillor Rawlings be appointed to act as Chair of the meeting.

6. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they might have in the business on the agenda. No interests were declared.

7. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of the private report and annexes in respect of Agenda Item 4 (Code of Conduct Complaint Received in Respect of a Member of City of York Council), on the grounds that they contain information relating to an individual, which is classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

8. Code of Conduct Complaint Received in Respect of a City of York Councillor

Members considered a report on a Code of Conduct complaint received in respect of a City of York Councillor. The matter had previously been referred for investigation following a meeting of the Assessments Sub-Committee on 26 October 2020.

Details of the complaint and circumstances were presented in the exempt report. The draft investigation report was attached as exempt Annex A. Members were asked to consider whether to:

1. Rule that the draft investigation report was not complete and that further investigation should take place;
2. Rule that the report was complete and that the finding made was accepted; or
3. Rule that the report was complete but that the finding made was not accepted.

During discussion of the exempt report and annex, a declaration of interest matter arose and, following advice from the Monitoring Officer it was

Resolved: That the meeting be suspended and re-convened at a later date with a different membership.

Reason: To ensure that the complaint is dealt with in accordance with the correct procedures.

Cllr S Rawlings, Chair

[The meeting started at 2.09 pm and finished at 2.50 pm].

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	23 April 2021
Present	Councillors Fisher and Douglas (Substituting for Cllr Carr) (CYC Members) Councillor Rawlings (Parish Council Member) Ms Davies (Independent Person)
Apologies	Councillor Carr (CYC Member)

9. **Appointment of Chair**

Resolved: That Parish Councillor Rawlings be appointed to act as Chair of the meeting.

10. **Declarations of Interest**

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they might have in the business on the agenda. No interests were declared.

11. **Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of the private report and annexes in respect of Agenda Item 4 (Code of Conduct Complaint Received in Respect of a Member of City of York Council), on the grounds that they contain information relating to an individual, which is classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

12. **Code of Conduct Complaint Received in Respect of a City of York Councillor**

Members considered a report on a Code of Conduct complaint received in respect of a City of York Councillor. The matter had

previously been referred for investigation following a meeting of the Assessments Sub-Committee on 26 October 2020.

Details of the complaint and circumstances were presented in the exempt report. The draft investigation report was attached as exempt Annex A. Members were asked to consider whether to:

1. Rule that the draft investigation report was not complete and that further investigation should take place;
2. Rule that the report was complete and that the finding made was accepted; or
3. Rule that the report was complete but that the finding made was not accepted.

Following discussion in private session in accordance with the resolution in Minute 11 above, it was

Resolved: That Option 1 be approved and that further investigations take place as discussed at the meeting.

Reason: To ensure that the Sub-Committee has all the information required to make a decision in respect of this complaint.

Cllr S Rawlings, Chair

[The meeting started at 2.00 pm and finished at 2.27 pm].

Meeting	Joint Standards Committee - Assessments Sub-Committee
Date	29 April 2021
Present	Councillors Douglas (substitute) and Fisher (CYC Members) Cllr Chambers (Parish Council Member) Mr Laverick (Independent Person)
Apologies	Councillor Carr

13. Appointment of Chair

Resolved: That Councillor Douglas be appointed to act as Chair of the meeting.

14. Declarations of Interest

Members were invited to declare at this point in the meeting any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they might have in the business on the agenda.

Councillor Fisher noted that while he did not have a prejudicial interest or any disclosable pecuniary interest, he noted that a family member was in attendance at meetings noted in the report.

15. Exclusion of Press and Public

Resolved: That the press and public be excluded from the meeting during consideration of Agenda Item 4 (Code of Conduct Complaint Received in Respect of a Member of City of York Council), on the grounds that it contains information relating to an individual, which is classed as exempt under paragraph 1 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

16. Code of Conduct Complaint Received in Respect of a Parish/Town Councillor

Members considered a report on a Code of Conduct complaint received in respect of a Parish/Town Councillor. Details of the complaint and circumstances were presented in the exempt report.

Members were invited to consider whether to:

A. Rule that the complaint did not fall within the remit of the Code of Conduct and therefore no further action be taken or;

B. Rule that the complaint should progress to an investigation, in which case the Monitoring Officer would appoint an investigating officer either internally or an external investigator. Having reviewed the information provided, and taking into consideration the views of the Independent Person in attendance at the meeting, it was;

Resolved: That the complaint progress to an investigation, in accordance with Option B and an external investigator be appointed.

Reason: The sub-committee considers that further information is required before a decision can be made in this case.

Cllr Douglas, Chair

[The meeting started at 5.00 pm and finished at 5.27 pm].



Joint Standards Committee**23 June 2021**

Report of the Monitoring Officer

Model Code of Conduct**Summary**

This report provides Members with an update on the Model Code of Conduct.

Background

Members will recall that the Local Government Association (LGA) published a Model Code of Conduct, which can be found at Annex A. The Model Code of Conduct was considered by Members at the last Meeting of the Joint Standards Committee.

New Model Code of Conduct for Members

At the Extraordinary Council Meeting on 5 May 2021 an Action Plan was approved which had been prepared in response to the Report in the Public Interest. 5 recommendations arose from that Action Plan.

Recommendation 4 provides that the Council should ensure all Members fully understand the requirement of the Code of Conduct in relation to declaration of interests. The Actions set out within recommendation 4 include:

- The Council will work towards the adoption of the Model Code of Conduct issued by the LGA which will replace the current Code of Conduct and procedure for handling of complaints:
 - The Joint Standards Committee will oversee the implementation of the Model Code of Conduct and make recommendations via the Audit and Governance Committee to Full Council;
 - The Council will commission specialist support to assist with the development, implementation and mandatory training of all Elected members (and key officer groups) in respect of the Model Code of Conduct, awareness raising of conflicts of interest and the declaration of interests;

- Mandatory training will be required to be undertaken by all Elected Members on an annual basis;
- Guidance will be provided with all meeting agendas to assist Elected members in the identification or not, of a conflict of interest;
- The Council's induction programme following City Council elections (due to take place in May 2023) will be reviewed in line with progress and outcomes of this recommendation.

The deadline for this Action is July 2021, subject to the scheduling of a Meeting of Full Council and it is noted that the actions remain subject to ongoing review.

In order to meet the deadline within the Action to recommendation 4, the Joint Standards Committee will have a workshop with the Members, the Independent Persons, the Chair and Vice Chair of Audit and Governance Committee (the Vice Chair is also a Member of Joint Standards Committee) and Paul Hoey and Natasha Ainscough of Hoey Ainscough will be providing the specialist support to aid the Council and the Committee in delivering the Action within recommendation 4. The Chair and Vice Chair of Joint Standards Committee and the Chair and Vice Chair of Audit and Governance Committee have been consulted and are in agreement with these plans for the Meeting.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

The Equality Act 2010 places specific duties on Local Authorities. Having a clear and concise Code of Conduct which clearly prohibits unlawful discrimination gives the public confidence in Members and the Council as a whole.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That the LGA Model Code of Conduct is noted.

Author:

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Deputy Monitoring Officer

Tel: 01904 551043

Chief Officer Responsible for the report:

Janie Berry
Director of Governance &
Monitoring Officer
Tel: 01904 555385

**Report
Approved**

Date 15 June
2021

Specialist Implications Officer(s):

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

- **Annex A –Model Code of Conduct**

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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/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

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

Examples include:

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

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

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

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

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

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

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

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

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

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

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Appendix B Registering interests

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

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

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

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

Non participation in case of disclosable pecuniary interest

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

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

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

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

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

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

Table 1: Disclosable Pecuniary Interests

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

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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* 'director' includes a member of the committee of management of an industrial and provident society.

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

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 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
 - (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)

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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