

Joint Standards Committee

- To:** Councillor Claire Douglas (Chair)
Cllrs Baker, Carr, Fisher and Rowley
Angharad Davies (Independent Member) and David
Laverick (Independent Member)
Cllrs Chambers (Parish Council Member), Rawlings
(Parish Council Member) and Wiseman (Parish Council
Member)
- Date:** Wednesday, 22 July 2020
- Time:** 4.00 pm
- Venue:** Remote Meeting

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. **Exclusion of Press and Public**

To consider excluding the public and press from the meeting during consideration of agenda item 8, 'Monitoring Report in Respect of Complaints Received' on the grounds that it contains information which is likely to reveal the identity of individuals. This information 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.

3. **Minutes** (Pages 1 - 6)
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 22 January 2020.

4. **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 5:00pm on Monday, 20 July 2020.

To register to speak please contact Democratic Services, on the details at the foot of the agenda. You will then be advised on the procedures for dialling into the remote meeting.

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.

5. **Urgent Business**
Any other business which the Chair decides is urgent under the Local Government Act 1972.
6. **LGA Consultation on a Model Code of Conduct for Elected Members** (Pages 7 - 36)
To consider the LGA's consultation on the Model Code of Conduct for Elected members and the submission of a response on behalf of the Joint Standards Committee.

7. Dispensation of the Six Month Rule for City of York Councillors and Attendance at Meetings (Pages 37 - 40)

To confirm a dispensation granted to all City of York Councillors who, by reason of the COVID 19 lockdown, have been unable to attend a constitutionally prescribed meeting within a six month period.

8. Monitoring Report in Respect of Complaints Received (Pages 41 - 50)

This report is to update the Committee on the position regarding ongoing complaints.

9. Review of the Work Plan - 2020/21 (Pages 51 - 54)

To consider the Committee's work plan and meeting dates for the remainder of 2020/21 municipal year and to make any changes or additions that may be required.

Democracy Officer:

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – michelle.bennett@york.gov.uk

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

City of York Council

Minutes

Meeting	Joint Standards Committee
Date	22 January 2020
Present	Councillors Douglas (Chair), Baker, Carr, Fisher and Rowley (CYC Members) Cllrs Chambers, Rawlings and Wiseman (Parish Council Members) Mr Laverick (Independent Person)
Apologies	Ms Davies (Independent Person)

31. 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.

Cllr Wiseman declared a personal interest in Agenda Item 5 (Monitoring Report on Complaints Received), as a member of the parish council involved in case 719 on the list at Annex A.

32. Minutes

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 20 November 2019 be approved and signed as a correct record.

33. Minutes of Sub-Committees

Resolved: That the minutes of the Assessments Sub-Committee meeting held on 18 December 2019 be approved and signed as a correct record.

34. 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 on a number of items on the agenda, raising issues in particular on declarations of interest in respect

of international travel (Item 6 - Review of the Constitution) and advice to complainants (Item 7 - Code of Conduct Procedures). She also expressed the view that the Whistleblowing Update (Item 10) should have been a written, not verbal, report and suggested that Urgent Business (item 10) ought to be the first item on the agenda.

Members later discussed the above suggestion and

Resolved: That Urgent Business be listed as the first item on the committee's agenda in future.

Reason: So that members of the public can be made aware at an early stage in the meeting if urgent business is to be discussed.

35. Monitoring Report on Complaints Received

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

Anonymised information on the complaints and the stage each one had reached was set out in the table attached as Annex A to the report. A number of linked cases had now been concluded, as detailed in Annex A. Three new complaints had been received in relation to one subject member; these were on hold pending investigation of the conduct by another party. The previous Monitoring Officer (MO) was still maintaining oversight of some cases.

In response to questions from Members, it was confirmed that:

- The complainant and subject members had all been informed of the outcome of the cases in Annex A;
- The previous MO was awaiting 3rd party responses on cases 740 and 751;
- Investigation reports on cases 723 and 730 would be finalised shortly;
- The MO was of the view that the concerns expressed regarding case 730 could be addressed via Planning guidance in the Constitution, and Member training.

Resolved: That the report, and the information provided at the meeting, be noted.

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

36. Review of the Constitution: Constitution Review Survey, Members' Code of Conduct and Protocol on Officer / Member Relations

Members considered a report which provided an update on the progress of the review of City of York Council's Constitution, including the committee's response to the Constitution Review Survey, and sought their views on proposed amendments to the Members' Code of Conduct and to the Protocol on Officer/Member Relations.

The response to consultation prepared by the working group convened for that purpose at the last meeting (Minute 26 refers) was attached as Annex 1 to the report. Proposed amendments to the Code of Conduct and Officer / Member Protocol were shown as tracked changes in the documents at Annexes 2 and 3 respectively.

In response to Members' questions, the Monitoring Officer confirmed that:

- The total sum of gifts / entertainment declared by each Member did not accrue year on year; however a record was maintained of declarations from previous years.
- The value of the gifts / entertainments that must be declared was not currently subject to legislation, but might be in future.
- She would look into other queries raised in relation to current practice and policies on international travel, multiple gifts of low value and parking permits.

After a full debate, during which the Chair noted that issues relating to parish councils' codes of conduct could be discussed as part of the item relating to parish councils already on the work plan for the next meeting, it was

Resolved: (i) That the working group's response to the Constitution Consultation Survey, at Annex 1 to the report, be noted and approved.

(ii) That the amendments proposed to the Members' Code of Conduct in the light of the Best

Practice Recommendations of the Committee on Standards in Public Life, as set out in Annex 2, be approved, and that further amendments be made to ensure consistency in the terms used to describe councillors (i.e. 'Councillors' or 'Members' and not a mixture of both).

(iii) That the amendments proposed to the Officer / Member Protocol, as set out in Annex 3, be approved, and that further amendments be made to:

- Ensure consistency in the terms used to describe councillors, as in (ii) above
- Add a sub-paragraph under paragraph 5, on the right of Officers to lodge complaints about Members under the Code of Conduct process.

Reason: To ensure that those documents within the Council's Constitution that fall within the remit of Joint Standards Committee are accurate, up to date and effective.

(iv) That an item on Member development with regard to the Code of Conduct and Officer / Member Protocol be placed on the work plan for the next municipal year.

Reason: So that the committee can have an input into the training and education received by Members on these matters.

37. Procedures for dealing with Councillor Code of Conduct Complaints

Members considered the final version of the procedures for dealing with Councillor Code of Conduct complaints, alongside a matter raised that might have an effect on the procedures.

The procedures, attached as Annex 1 to the report, incorporated the amendments agreed by Members at the last meeting (Minute 27 refers). Cllr Carr proposed a further amendment that would give elected City of York Council Members the option to exclude co-opted parish councillors from membership of any sub-committee dealing with a complaint against them. This proposal was not seconded. Having debated the matter and received the advice of the Monitoring Officer, it was

Resolved: That the Complaints Procedures attached at Annex 1 to the report be approved and finalised without further amendment.

Reason: To ensure that the procedures adopted by the council for dealing with complaints concerning the behaviour of elected Members are compliant with legal requirements and remain fit for purpose.

[At this point, the Monitoring Officer left to attend another meeting.]

38. Update on the Whistleblowing Policy

Members received a verbal update from the Deputy Monitoring Officer on the progress of the council's new Whistleblowing Policy.

It was reported that the Policy had been taken to the Audit & Governance (A&G) Committee on 4 December 2019 (Minute 39 of that meeting refers), where the comments of the Joint Standards Committee had been noted. The Policy was due to be considered by the council's Corporate Management Team (CMT) this month prior to approval of the final version by the Chief Executive.

The Chair expressed concern at the lack of clarity in the process and the time it had taken to progress the Policy.

Resolved: That the update be noted and that the finalised version of the Whistleblowing Policy be brought to the next meeting of the Joint Standards Committee.

Reason: To ensure that the committee is aware of the contents of the approved Policy.

39. Review of Work Plan

Members considered the committee's work plan for the final meeting of the current municipal year, to be held on 15 April 2020.

Resolved: (i) That the work plan for the 15 April meeting be approved subject to the following amendments and additions:

Amended item:

- Planning and pre-determination: advice for CYC *and* Parish Council Members, and the role of JSC in disseminating this advice.

Additional items:

- Update on Whistleblowing Policy – final version, with a written cover report.
- Update on DBS procedures

(ii) That the following item be added to the plan for the next Municipal Year:

- Member Development (with reference to the Code of Conduct and Officer / Member Protocol)

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

Cllr C Douglas, Chair

The meeting started at 4.00 pm and finished at 5.40 pm.



22nd July 2020

Joint Standards Committee

Report of the Monitoring Officer

LGA Consultation on a Model Code of Conduct for Elected Members

Summary

To consider the LGA's consultation on the Model Code of Conduct for Elected members and the submission of a response on behalf of the Joint Standards Committee.

Background

As the Committee is very aware from previous meetings, the Committee for Standards in Public Life recommended a number of changes to strengthen a Code of Conduct for Elected Members.

The LGA has now launched its public consultation on a Model Code of Conduct and is seeking responses to the proposals.

The consultation period is running from 8th June 2020, to 17th August 2020.

The LGA is seeking submissions via its online survey however recognising that meetings are being held remotely and to assist with response, a PDF version of the survey has also been produced to aid discussion at meetings such as ours.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

Not applicable to this report.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That the Joint Standards Committee considers the preparation of a response the LGA in respect of the Model Code of Conduct.

It is at the discretion of the Joint Standards Committee if it chooses to submit a response to the public consultation.

Author & Chief Officer responsible for the report:

Janie Berry

Director of Governance & Monitoring Officer

01904 555385

Report Approved

Date 13/072020

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:

- Model Code of Conduct

Appendices:

- Model Code of Conduct published by the LGA
- PDF version of the online survey questions to be used for reference only

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Local Government Association Model Member Code of Conduct

Introduction

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

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

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

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



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

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

Application of the Code

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

The seven principles of public life

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

Model member conduct

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

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

In undertaking my role, I will:

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

Specific obligations of general conduct

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

As a councillor I commit to:

Civility

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

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

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

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

Bullying and harassment

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

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

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

Impartiality of officers of the council

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

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

Confidentiality and access to information

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

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

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

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other councillors and/or your council.

Your position

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

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

Use of council resources and facilities

9. Not misusing council resources.

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

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

Interests

10. Registering and declaring my interests.

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

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

Gifts and hospitality

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

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

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

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

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

Breaches of the Code of Conduct

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

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

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

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

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

Example

LGA guidance and recommendations

Internal resolution procedure

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

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

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

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

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

Endnotes

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

Appendices

Code Appendix A

The principles are :

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Code Appendix B

Registering interests

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

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

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

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

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

Table 2: Other Registerable Interests

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



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REF 11.197

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PLEASE USE THE ONLINE SURVEY FORM TO SUBMIT YOUR RESPONSE

LGA Consultation on Draft Model Member Code of Conduct

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

Instructions and privacy notice

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF [here](#).

About you

Your name _____

Are you...

- A councillor
- An officer
- Answering on behalf of a whole council (Please provide council name below)

- Other (please specify below)

Please indicate your council type

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Other (please specify below)

Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

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?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q1a. If you would like to elaborate on your answer please do so here:

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

- Yes
- No
- Don't know

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

- Personal tense ("I will")
- Passive tense ("Councillors should")
- No preference

Specific obligations

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

Q4. To what extent to 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.					
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.					
3. Not bullying or harassing any person.					
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.					
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.					
6. Not preventing anyone getting information that they are entitled to by law.					
7. Not bringing my role or council into disrepute.					
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.					

9. Not misusing council resources.					
10. Registering and declaring my interests.					
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.					
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.					

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:

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?

- As a list
- Each specific obligation followed by its relevant guidance
- No preference

For information only - Do not complete

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

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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:

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

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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:

For information only. Do not complete

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

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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

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

- Yes
- No
- Don't know/prefer not to say

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

- Separate code
- Integrated into the code
- Don't know/prefer not to say

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:

Registration and declarations of interests

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

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

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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

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?

- In the main body of the code
- In the appendix
- Other (please specify below)
- Don't know/prefer not to say

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:

It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in **Table 2 of the Appendix** and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

Q13. 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					
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					
Any organisation, association, society or party directed to charitable purposes					
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)					

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

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

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

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

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

- Yes
- Yes, but the amount should be reviewed annually with the code's review
- No, it should be lower (please specify amount) _____
- No, it should be higher (please specify amount) _____
- Don't know/prefer not to say

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.

- _____ Regularly updated examples of case law
- _____ Explanatory guidance on the code
- _____ Case studies and examples of good practice
- _____ Supplementary guidance that focuses on specific areas, e.g., social media
- _____ Improvement support materials, such as training and e-learning packages

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

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

Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

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22nd July 2020

Joint Standards Committee

Report of the Monitoring Officer

Dispensation of the Six Month Rule for City of York Councillors and Attendance at Meetings

Summary

To confirm a dispensation granted to all City of York Councillors who, by reason of the COVID 19 lockdown, have been unable to attend a constitutionally prescribed meeting within a six month period.

Background

Section 85 of the Local Government Act 1972, requires all Elected Members to attend at least one constitutionally prescribed meeting within a six month period. Failure to comply with this requirement will result in the Elected Member automatically ceasing to be an Elected Member.

Directly as a result of the COVID 19 lockdown, Government has issued changes to legislation to allow for remote meetings in place of meetings requiring physical attendance. In response, the Council issued its changes to Standing Orders which are now fully operational. However, despite making significant progress, it has thus far not been possible to deliver the full suite of meetings. This is not a dissimilar position to our neighbouring councils.

However whilst government issued amendments to the s85 provisions in Wales, it did not apply those amendments to any of the English Councils.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

These steps are required to ensure that no elected member is placed at a disadvantage as a result of the temporary changes to the mechanism for delivery of meetings

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That a dispensation is granted to all City of York Councillors so that they are exempt from the provisions of Section 85 Local Government Act 1972 pending the Annual Meeting in May 2021.

A dispensation is required as it has not been possible to deliver the full suite of constitutionally prescribed meetings under the Remote Meetings Guidance.

Author & Chief Officer responsible for the report:

Janie Berry

Director of Governance & Monitoring Officer

01904 555385

Report ✓ **Date** 13/07/20
Approved

Specialist Implications Officer(s):

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

For further information please contact the author of the report

Background Papers:

- **Constitution**
- **Local Government Act 1972**

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Joint Standards Committee**22 July 2020**

Report of the Monitoring Officer

Monitoring Report in respect of Complaints Received**Summary**

This report is to update the Committee on the position regarding ongoing complaints.

Background

The table attached at Annex A provides information about ongoing complaints and in particular the stage each one has now reached.

A new referencing system has been created for ease of reference for Members, which allows for the year the complaint is received and also the number for that year to be clearly shown. Some complaints are still catalogued on the old system, however, they have either concluded since the last Joint Standards Committee meeting and are merely included by way of update for Members, or are nearing their conclusion.

Case reference 723 is still ongoing, despite the period of time the matter has taken. The complaint was on hold when it was initially made as another complaint was made which was linked to this one. That matter was concluded which allowed this complaint to be investigated. Since the last meeting, the Investigating Officer has drafted her report which was sent to the parties for consideration. The parties all commented on the report, one party asked for additional time in order to respond and this response has only just been received, therefore, the report has now been submitted to the Monitoring Officer for her consideration.

Case references 739, 740 and 741 are still on hold pending the outcome of investigations into the conduct by another party.

Case reference 2020/03 and 2020/04 have recently been received and are currently both ongoing.

Implications

Financial

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

Maintaining standards across the City through the Code of Conduct ensures that an ethical framework can be adhered to.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That the Joint Standards Committee notes the report, in order to ensure that the Committee is aware of the current levels of activity and is able to provide oversight of the complaints procedure.

Author:

Rachel Antonelli

Senior Solicitor & Interim

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 13/7/20

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**

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Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status	Updates
2020/01	Parish	Resident	05/02/20	The complainant alleges the Parish Councillor was supporting a planning application on a personal level and was not acting impartially. The complainant claims the councillor did not acknowledge their objections.	The complainant would like the planning application to be put on hold. This matter is closed.	The Chairman of the PC has contacted the Monitoring Officer to discuss this matter. A Parish Councillor has resigned from their post following the incidents with the Parish Councillor. Response sent to the complainant on 28/04/20. Chair of PC also sent a copy. This matter will not be taken further.
2020/02	City	Resident	10/04/20	The complainant put in a complaint with regards to how a Councillor spoke to him online on Twitter.	Closed – the Monitoring Officer advised the complainant that this complaint does not merit further investigation as it appears that the thread consists of a series of comments between the complainant and the Councillor in which they were both	

					providing views on whether a previous comment made on Twitter was defamatory.	
2020/03	City	Councillor	26/06/20	The complainant alleges a Councillor had a personal and prejudicial interest in the matter of the decision to grant and fund early retirement of a Chief Officer.	Complaint did not progress to an investigation and the complaint was dismissed.	
2020/04	Parish	Parish Councillor	08/07/20	The complainant has put in 3 complaints about the behaviour of another Parish Councillor towards them.	This complaint is currently being investigated.	

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

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Joint Standards Committee**22 July 2020**

Report of the Monitoring Officer

Review of the Work Plan – 2020/21**Summary**

To consider the Committee's work plan and meeting dates for the remainder of 2020/21 municipal year and to make any changes or additions that may be required.

Background

The Committee consider the work plan for each municipal year. This year, due to the Coronavirus outbreak, the last meeting of the Joint Standards Committee which was due to be held on 15 April 2020 was cancelled.

Items on the work plan for the April meeting, with the exception of the monitoring report in respect of complaints received which is a standard item at every meeting, included planning and pre-determination: advice for Council Members and the role of the Joint Standards Committee in disseminating this, ad discussion on the use of informal processes to minimise the number of standards complaints and a report on how the Joint Standards Committee and City of York Council could better support parish councils in their work.

The table attached at Annex A sets out the months, on a 3 monthly cycle for the rest of the municipal year and the standard item on the agenda for each of those proposed meetings.

Implications**Financial**

Not applicable to this report.

Human Resources (HR)

Not applicable to this report.

Equalities

None applicable to this report.

Legal

As detailed within the report.

Crime and Disorder, Information Technology and Property

Not applicable to this report.

Recommendations

That dates are agreed for future meetings of the Joint Standards Committee for the municipal year 2020/21.

That the Committee considers agenda items to be included in the work plan for this municipal year.

Author:

Rachel Antonelli
Senior Solicitor & Interim
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 2020

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**

Work Plan for Joint Standards Committee 2020-21

<u>Meeting Date</u>	<u>Items</u>	<u>Notes</u>
Wednesday 22 July 2020	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received • Dispensation of the 6 month rule for City of York Councillors and attendance at meetings • LGA consultation on a Model Code of Conduct for Elected Members • Review of work plan 	Standard item
Date of meeting TBC	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Date of meeting TBC	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item
Date of meeting TBC	<ul style="list-style-type: none"> • Monitoring report in respect of complaints received 	Standard item

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