

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Standards and Personnel Appeals Committee

Date: **Wednesday, 29th July, 2020**

Time: **7.00 pm**

Venue: **[Ashfield District Council's YouTube Channel](#)**

For any further information please contact:

Lynn Cain

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01623 457317

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Membership

Chairman: Councillor Lee Waters

Councillors:

Jim Blagden
David Hennigan
Phil Rostance

Christian Chapman
Warren Nuttall
Helen-Ann Smith

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Standards and Personnel Appeals Committee to be held at the time mentioned above for the purpose of transacting the business set out below.



Carol Cooper-Smith
Chief Executive

AGENDA

Page

1. To receive apologies for absence, if any.
2. **Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**
3. To receive and approve as a correct record the minutes of the meeting of the Committee held on 4 March 2020. 5 - 6
4. Annual Ethical Governance Update. 7 - 22
5. Standards and Personnel Appeals Committee Workplan 2020/21. 23 - 28
6. Whistleblowing Annual Update. 29 - 42
7. Virtual Meetings Guidance. 43 - 48
8. Local Government Association - Consultation on Model Member Code of Conduct. 49 - 82

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Agenda Item 3

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Wednesday, 4th March, 2020 at 10.30 am

Present: Councillor Lee Waters in the Chair;
Councillors Warren Nuttall, Phil Rostance,
Helen-Ann Smith and David Walters.

Apologies for Absence: Councillors Jim Blagden and Christian Chapman.

Officers Present: Karen Barke, Ruth Dennis, Steven Fell, Kate Hill,
Paul Parkinson and Samantha Reynolds.

Appellant's Representative: Catherine Mellors (Regional Unison
Representative).

SP.13 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests

No declarations of interest were made.

SP.14 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 2 October 2019, be received and approved as a correct record.

SP.15 Section 100A Local Government Act 1972; Exclusion of the Press and Public

RESOLVED

that in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A of the Act and in respect of which the Proper Officer considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

SP.16 Determination of Appeal Against Dismissal

The Committee heard an appeal by R.C. against the decision of the Director of Housing and Assets to dismiss the Appellant from the Council's employment.

The Council's representative presented management's case as set out in the statement of case attached to the agenda.

The Appellant, the Appellant's trade union representative and the Committee Members were given the opportunity to ask questions of the Council's representative. The Council's Representative declined to call any witnesses.

The Appellant and the Appellant's trade union representative presented the case for R.C. as set out in the statement of case attached to the agenda. The Council's representative and Committee Members were given the opportunity to ask questions of Appellant and the Appellant's trade union representative. The Appellant declined to call any witnesses.

The Council's representative, the Appellant and the Appellant's trade union representative were given the opportunity to sum up their respective cases.

The meeting adjourned for a lunch break at 12.15pm and reconvened at 12.45pm.

The Chairman then required all parties to withdraw from the meeting to enable Members to deliberate on the appeal.

The Chairman subsequently invited all parties back to the meeting to hear the decision of the Committee.

RESOLVED

that the Committee concur with the findings of the Director of Housing and Assets and the appeal be therefore rejected.

The meeting closed at 2.15pm.

Chairman.

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	29 JULY 2020
Heading:	ANNUAL ETHICAL GOVERNANCE UPDATE		
Portfolio Holder:	NOT APPLICABLE		
Ward/s:	NOT APPLICABLE		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

- To give the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2019/2020.
- To consider work plan items for 2020/2021.
- To note Member attendance during 2019/2020.
- To note the update in relation to Member Code of Conduct complaints to date.
- To consider the recommendations of the External Investigator in respect of various Member Code of Conduct complaints.

Recommendation(s)

Committee is asked to:

- 1. Note the progress made in relation to the agreed 2019/20 work plan;**
- 2. Consider future work plan items;**
- 3. Note the number of Member complaints received during 2019/20 and 2020/21 to date as summarised in the report and the current outstanding complaints as set out in Appendix 1 to the report;**
- 4. Consider the recommendations of the Investigator in respect of various Member Code of Conduct complaints as detailed in the report;**
- 5. Note the position in relation to attendance at meetings during 2019/20.**

Reasons for Recommendation(s)

To enable the Committee to carry out its role in monitoring ethical governance.

Alternative Options Considered

(with reasons why not adopted)

Options are considered within the body of the report.

Detailed Information

WORK PLAN – 2019/2020

At its meeting in July 2019, the Committee agreed a programme of work for the 2019/2020 year.

The table below sets out the work item, the agreed timeframes and an update in relation to the progress made.

Proposed Work Item	Timeframe	Progress
Quarterly Complaint Update <ul style="list-style-type: none">A report to Committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.	July 2019 October 2019 December 2019 March 2020	Reports have been submitted to each Committee meeting and Members have commented on the information provided. The Committee meeting in December 2019 was cancelled due to the unscheduled Parliamentary Election. The Committee meeting in March 2020 was cancelled due to the COVID19 pandemic restrictions. An update is also included in this report.
Members' Attendance – Update <ul style="list-style-type: none">To update Members in relation to attendance at meetings during the past municipal year and the implementation of the attendance element of the Members' allowance.	July 2019	A report was presented to the Committee in relation to Members' attendance. A further update is contained within this report.

<p>Members' Use of Resources Policy</p> <ul style="list-style-type: none"> To produce detailed guidance regarding the Use of Resources by Members for recommendation to Council 	<p>October 2019</p>	<p>A report was presented to the Committee. Delegated authority was granted to the Director of Legal and Governance (and Monitoring Officer), in consultation with the Chairman of the Committee, to make any appropriate changes to the draft Use of Resources Policy prior to its submission to Council for ratification taking into account the views of the Committee (Min. Ref. SP.10).</p> <p>It is planned that the final version will be presented to the next Ordinary Council meeting.</p>
<p>Report of the Committee on Standards in Public Life</p> <ul style="list-style-type: none"> To consider the Report of the Committee on Standards in Public Life 	<p>July 2019 October 2019</p>	<p>Reports were presented to the Committees and informal working groups have also taken place during the year.</p> <p>A further update report is presented elsewhere on this Agenda.</p> <p>This work will be ongoing during 2020/21.</p>
<p>Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</p> <ul style="list-style-type: none"> To review the Nottinghamshire Authorities Protocol with Nottinghamshire Police regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests 	<p>December 2019</p>	<p>This work item remains outstanding.</p> <p>The Monitoring Officer is tasked with leading on this across the County.</p> <p>Progress has been delayed initially due to the unavailability (due to work pressures) of the Police Officer dealing with this matter and then due to the COVID19 pandemic.</p> <p>This item will roll forward to the 2020/21 Work Plan.</p>

<p>Whistleblowing Policy</p> <ul style="list-style-type: none"> Annual report to consider amendments (if required) to the policy and to monitor the application of the policy 	<p>March 2020</p>	<p>A report was due to be presented to the Committee in March 2020 which was cancelled due to the COVID19 pandemic restrictions.</p> <p>A report is presented to this Committee meeting elsewhere on the Agenda.</p>
<p>Annual Review</p> <ul style="list-style-type: none"> Report to consider the work of the Committee over the year compared to the agreed Work Programme. To consider an overview of the ethical governance of the Council. 	<p>March 2020</p>	<p>A report was due to be presented to the Committee in March 2020 which was cancelled due to the COVID19 pandemic restrictions.</p> <p>This report now provides the update to the Committee.</p>
<p>Constitution Review</p> <ul style="list-style-type: none"> Consideration of proposed amendments to the Constitution for recommendation to Council. 	<p>March 2020</p>	<p>A report was due to be presented to the Committee in March 2020 which was cancelled due to the COVID19 pandemic restrictions.</p> <p>Changes to the Constitution were made at the AGM on 23 April 2020.</p>

Committee is therefore asked to:

- **Note the progress made in relation to the agreed work plan.**
- **Consider future work plan items for 2020/21**

SUMMARY AND UPDATE OF MEMBER COMPLAINTS RECEIVED DURING 2019/2020 AND 2020/21 TO DATE

I have received **14** formal complaints during 2019 and **5** in 2020 to date regarding the behaviour of Councillors. Of these **19** complaints:

- 13 complaints related to District Councillors during 2019
- 3 complaints relates to District Councillors during 2020
- 1 complaint related to Parish Councillors during 2019
- 2 complaints relate to Parish Councillors during 2020

Appendix 1 sets out the complaints in more detail.

Comparing the total number of complaints since 2011:

Year	Number of Complaints
2011	0
2012	13
2013	15
2014	8
2015	12
2016	4
2017	18
2018	24
2019	14
2020 (to date)	5

Committee is therefore asked to note the number of Member complaints received during 2019/20 and 2020/21 to date as summarised in the report and the current outstanding complaints as detailed in Appendix 1.

COMPLAINTS ADC2019-04 – 2019-10

Complaints ADC2019-04 – 2019-10 were investigated by an External Investigator due to their inter-relationship and complexity. The complaints all related to behaviours at a Council meeting on 4 March 2019.

In summary, the Investigator recommended that no further action be taken on any of the complaints made and her full reasoning was contained in a detailed report. The report has been discussed with the Independent Person and he and I have agreed to accept the report findings in accordance with the Complaints Process.

I invited the Investigator to make suggestions/recommendations on changes to the Constitution or any other issues which might help prevent similar issues arising in the future. Once the Committee has considered and approved a course of action in relation to the following recommendations, all interested parties will be informed of the final outcome and have access to the Investigator's report.

Suggestion 1

In future, no one is permitted to Chair any formal meetings of the Council without having undergone some training in Chairing skills. It is further suggested that, in the case of the Chair and Vice Chair of the Council, this training is undergone on a 1-2-1 basis. The Investigator explained the reasoning for this suggestion as follows:

In all Authorities Full Council meetings are usually the most difficult meetings to chair. It is the opportunity for all Members of the Council, regardless of the roles they hold or the parties or positions they represent, to have their say on the issues affecting their areas and their constituents. Inevitably, this can lead to disagreements and more. An excellent Chair can prevent situations from escalating and it is vital that all Authorities, including Ashfield, train their Chairs appropriately in order to equip them to deal with meetings effectively.

Suggestion 2

All Members receive training on behaviours and the effect behaviours can have on others and themselves. It is suggested this is not a classroom-based approach but rather an interactive role-play session. It is recommended that all new Members undertake such training within their first year in office and that continuing Members undertake such training every four years. The Investigator explained the reasoning for this suggestion as follows:

We live in a changing world and behaviours that were acceptable a few years ago are no longer acceptable. In most cases individuals do not set out to cause offence to others by the way they behave but sometimes unwittingly that is what they do. It would put Ashfield at the forefront of innovative practices in respect of member training and it could hold itself up as an exemplar of good practice in this area.

Suggestion 3

At the start of all Full Council meetings the Chairman reminds Members of the need for basic respect. In the event that it appears that that basic respect is not being shown between Members, then the Chairman should adjourn the meeting to allow a brief cooling off period. During this time he/she should speak, along with the Chief Executive, to the unruly Members. The Investigator explained as follows:

It was noted that the right of the Chair to adjourn the meeting is already present in the Constitution at Ashfield. The suggestion is simply that Chairs should be strongly encouraged to use this power in the event of difficulties in a meeting. A brief adjournment can prevent a meeting escalating into the problems which occurred in the March Council meeting at Ashfield. In my experience some Chairs are reluctant to use this power but in the long run it can prevent challenging occurrences similar to those seen on the 4th March. If it is coupled with a short discussion with the relevant Members during the adjournment it can prove effective as a managing meetings tool.

Suggestion 4

Any other tools which can be provided to the Chairman of the meeting to make his/her role easier should be provided. The Investigator expanded further as follows:

Some Authorities produce flow charts for all eventualities within meetings so that the Chair can easily refer to these during the meeting and take the appropriate action. Flash cards can be similarly useful. Whilst I am aware that some of these tools are already in use at Ashfield I would suggest action is taken to review these tools and see if anything in addition could be useful or if these need refreshing in any way.

Suggestion 5

The fifth suggestion relates to the intervention by officers during Council meetings. The detailed suggestion is as follows:

[Intervention by officers] is always difficult, and I have heard during my investigations a number of different positions on this issue. There are some I have spoken to who feel that officers intervene too often at Council meetings and others who are of the view that they do not intervene enough. These are Member meetings and they should be conducted and managed by Members but there are occasions when either behaviours or comments are

such that it is vital that either the Monitoring Officer or the Chief Executive speaks up and either stops the proceedings or states that action is required by the Chair. Such occasions would be rare but either within the Constitution or simply as accepted practice, Members need to be clear with officers that they support such interventions.

Suggestion 6

The sixth suggestion relates to the Code of Conduct itself and the specific issue of unfair treatment. It is suggested that consideration is given to including within the Code of Practice a very specific requirement regarding treating people with respect. The Investigator explained that currently the Code simply says:

“Do treat others with respect” It is unspecific in nature and for the reasons outlined in the recommendations earlier in the case of member to member requires a high threshold to breach. My suggestion is that this is amended to read:

“Do treat others with respect in particular do not make any personal comments to any individual about themselves, their appearance, their gender, sexuality, religion or belief that may cause offence to them or to others present.”

I suggest this only as starting point for discussion and not as a version for adoption as thought needs to be given as to how such a change would be managed within Ashfield.

Suggestion 7

This suggestion relates to actions that can be taken by the Standards Committee in the event that a Member is found to be in breach of the Code. The Investigator explains as follows:

Since the abolition of the Standards Board and more recently local determination the powers available to Standards Committees have been reduced. Some may say that they have been removed all together and there is a good case for this view. One action that the Standards Committee could consider adopting is to name and shame Councillors who breach the code. My suggestion is that in the event of Standards Committee finding a Member in breach, they may, in the most serious cases, not only publish their findings on the Council website but also within local papers and the Ashfield Council newsletter. This would not be an action to be taken lightly but where a Member has been found, by his/her peers, to be in breach of the Code it is not unreasonable for members of the general public to be made fully aware of the breach. There are potential issues with this and clearly any such action would require checks and balances to be in place to ensure it was not abused politically but it is worthy of consideration. Again, to my knowledge few Councils have such a process in place formally. (Some breach cases do reach the local press via public hearings and the attendance of a local reporter.) Ashfield could place itself at the forefront of good practice on this issue.

Suggestion 8

This final suggestion relates to the makeup of the Standards Committee itself. The Investigator made this suggestion for two reasons:

Firstly, because of the current political makeup of the Council and secondly, as part of the checks and balances required in the event that suggestion seven is considered.

Following the May [2019] election, the Council is currently one party dominated. The Ashfield Independents command a huge majority on the Council. The Council Leader himself said to me in interview that he was conscious how few opposition members there now were at the Council and that he wanted them to play an active role and had appointed one of them to a committee to ensure this happened.

It is very problematic for there to be a true and proper balance in dealing with Standards issues when a Council is so one party dominated. This is particularly so if there is a Standards problem with one of the few opposition Members as they may claim prejudice in any complaint on political grounds. The opposite can also apply for complaints about major party members when allegations of cover-ups can be made.

I acknowledge that in accordance with legal requirements Ashfield has appointed Independent Persons who offer advice and support in any standards issues. I understand that the Independent Persona may also attend meetings of the Standards Committee but only as an observer. My suggestion is that the Council appoints three independent members to its Standards Committee. These members should be recruited, interviewed and appointed for a four-year term renewable once. They should be remunerated appropriately and as agreed by the Independent Remuneration Panel. I would suggest that one of these independent appointees be appointed as Chair of the Committee; although this may well be unacceptable politically I would suggest it as good practice. For clarity these are not the same as the currently legally required Independent Persons and these appointees would act as full members of the Standards Committee. They would in effect be the balancing element to provide surety and to prevent claims of political bias in any Standards related decisions.

There is a question mark over the ability of the Council to give non-elected members a vote. I have spent some time researching this issue and it is far from clear. The general assumption made by most Authorities is that co-opted members cannot be given the right to vote. I think there is however a possibility that they can. It is clear that non-elected members of Overview and Scrutiny Committees can be given voting rights. Section 11 of The Local Authorities (Committee System) (England) Regulation 2012 allows local authorities to permit co-opted members to vote if the Authority have in place a scheme making provision for such voting rights. The terms of reference of the Standards Committee could be amended to include Overview and Scrutiny powers and as such, subject to the terms of any scheme, co-opted members could be given voting rights. If this option was not acceptable then a form of informal voting could be agreed at Standards Committee itself in order that co-opted members could clearly express their views. The Monitoring Officer will need to advise further on this issue if it is to be pursued.

Committee is therefore asked to consider the recommendations of the investigator as detailed above.

ATTENDANCE AT MEETINGS

Members will recall that during 2016/2017 as a result of the Independent Remuneration Panel's recommendations an element of attendance related allowance was introduced (Performance Special Responsibility Allowance) from June 2017 onwards. The allowance consists of £500 which is paid to Members achieving 70% or greater attendance at all their formal meetings and mandatory training. This Committee developed and recommended a policy which was approved by Council relating to authorised absences which is taken into account when collating attendance data. Under the policy, this Committee received updates in relation to attendance levels.

Summary Information - Quarters 1, 2, 3 & 4 (cumulative) - June 2019 to May 2020

	Q1	Q2	Q3	Q4
Members with 100% attendance	27	20	19	18
Members with attendance between 90% and 99%	0	7	8	8
Members with attendance between 80% and 89%	5	4	2	5
Members with attendance between 70% and 79%	1	0	3	2
Members with less than 70% attendance	2	4	3	2

Total	Q1	Q2	Q3	Q4
Authorised absences	20	22	16	5
Unauthorised absences	9	21	12	4
No apologies submitted	2	2	3	0

For the 2 Members with less than 70% attendance:

- 1 Member had 56% attendance
- 1 Member had 64% attendance

Reasons for absences:

Reason	Number of times
Virtual Connectivity Issues (Authorised)	1
Family/Medical Emergency/Hospital (Authorised)	1
Illness (Authorised)	2
Meeting Changed at Short Notice/Work Commitment (Authorised)	1
Work Commitment (Unauthorised)	1
Personal (Unauthorised)	3

Holiday (Unauthorised)	0
Other engagement (Unauthorised)	0
Post Operation Recovery (Unauthorised)	0
No apologies submitted (Unauthorised)	0

Assessment for the payment of the Performance Special Responsibility Allowance occurred during early June 2020 and payments were made in accordance with the attendance data set out above.

Members may recall that the Council was subject to an Independent Remuneration Panel review during the early part of 2020 and the recommendations of the Panel were considered at the Council AGM on 23 April 2020 and its was:

“RESOLVED that

a) the Performance Special Responsibility Allowance be discontinued and the Basic Allowance be reset to £6,717;”

(Min. Ref. C.13)

In light of the Council resolution, Member Attendance will continue to be recorded and minuted but will no longer be reported to this Committee.

The Committee is therefore asked to note the position in relation to attendance at meetings during 2019/20.

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council’s values are: People Focussed; Honest; Proud; Ambitious.

Legal:

This report is presented in accordance with the Terms of Reference for this Committee as set out in the Constitution.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The General Fund budget includes funding to meet the maximum cost of Performance Special Responsibility Allowance.

General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Risk:

Risk	Mitigation
Lack of transparency. Lack of monitoring. Failing to meet the duty of maintaining high standards of behaviour.	The work plan for this Committee, the quarterly update reporting and this Annual report ensures the Council is open and transparent in the way it deals with ethical governance. The reporting and work of the Committee demonstrates the Council’s commitment to maintaining high levels of ethical behaviour.

Human Resources:

There are no significant Human Resource issues identified in the report.

Equalities:

There are no significant equalities issues identified in the report.

Environmental/Sustainability:

There are no Environmental/Sustainability issues identified in this report.

Other Implications:

(if applicable)

None

Reason(s) for Urgency

Not Applicable

Reason(s) for Exemption

Not Applicable

Background Papers

None

Report Author and Contact Officer

Ruth Dennis

DIRECTOR OF LEGAL AND GOVERNANCE

MONITORING OFFICER

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01623 457009

QUARTERLY UPDATE OF COMPLAINTS – AS AT 20 JULY 2020

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2019-01	6 January 2019	District Councillor	District Councillor x 3	3.2 Use of Council resources for political purposes	Referrals Sub-Committee considered the complaint on 18 March 2019. Investigation report complete, to be discussed with the Independent Person.	Investigation
ADC2019-04	March 2019	District Councillor Selston Parish Council Parish Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute 2.3 Do not bully any person.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-05	March 2019	District Councillor	District Councillor	2.1 Respect	Report concluded. No Breach finding.	No Breach.

				2.2 Contrary to high standards of conduct.	General Recommendations to be made to Standards Committee	
ADC2019-06	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-07	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-08	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Do not bully any person.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-09	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Do not bully any person.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.

ADC2019-10	March 2019	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Do not bully any person.	Report concluded. No Breach finding. General Recommendations to be made to Standards Committee	No Breach.
ADC2019-12	14 June 2019	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Investigation underway	
ADC2020-01	8 January 2020	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Assessment underway – initial fact finding taking place	
ADC2020-02	15 June 2020	Public	District Councillor	2.1 Respect	Assessment underway – unclear at this stage whether the matter falls within the remit of the code of conduct.	
ADC2020-03	26 June 2020	Public/District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Assessment underway	

				2.5 Confidentiality		
REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
SPC2020-01	6 May 2020	District Councillor	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Assessment underway	
SPC2020-02	10 July 2020	Public	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Assessment underway	

Agenda Item 5



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	29 JULY 2020
Heading:	STANDARDS AND PERSONNEL APPEALS COMMITTEE WORKPLAN 2020-2021		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

This report asks Members of the Committee to consider and approve the attached Work Plan for the Committee for the next municipal year.

Recommendation(s)

The Committee is requested to consider and approve the Standards and Personnel Appeals Committee Work Plan for 2020-2021.

Reasons for Recommendation(s)

To reflect good practice.

Alternative Options Considered

(with reasons why not adopted)

The Committee may consider adding or deleting work items and may consider if the proposed timeframe for completion of tasks needs amending.

Detailed Information

The draft work plan for the Standards and Personnel Appeals Committee for the municipal year 2020-2021 is attached at Appendix 1 to the report.

The Committee is asked to consider the draft plan for approval. The Work Plan includes suggested items put forward in the Annual Governance Update report which appears elsewhere on the agenda for this meeting.

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do.

The Council's values are:

- People Focussed;
- Honest;
- Proud;
- Ambitious.

It is important that the Council has the most effective infrastructure and support to enable:

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

Legal:

There are no significant legal issues associated with the approval of the work plan. Legal issues in relation to specific pieces of work will be considered at that time.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None. There are no financial implications associated with approving the work plan. Any financial issues in relation to specific pieces of work will be considered at that time.
General Fund – Capital Programme	None.
Housing Revenue Account – Revenue Budget	None.
Housing Revenue Account – Capital Programme	None.

Risk:

Risk	Mitigation
There are no risks associated with the approval of the work plan itself.	Approval of the work plan.
Failing to adopt a work plan would not be considered best practice as the Council would	The implementation of the work plan for this Committee ensures the Council is open and transparent in the way it deals with ethical governance.

<p>then not be able to ensure the Council exercises its duties to promote and maintain high standards of ethical conduct.</p> <p>The Council has recognised the following Corporate Risk: ADC) CR003 Ethical Governance – failure/delay to implement changes to the Members' Code of Conduct and recommendations of the Committee on Standards in Public Life (CSPL) and Peer Challenge)</p>	<p>The reporting and work of the Committee demonstrates the Council's commitment to maintaining high levels of ethical behaviour and incorporates work plan items to address the identified risk.</p>
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Human Resources:

There are no direct HR issues relating to the adoption of the work plan.

Equalities:

There are no direct equalities issues relating to the adoption of the work plan. Each work plan item will consider equalities issues as part of its development and implementation.

Other Implications:

None.

Report Author and Contact Officer

Ruth Dennis
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MONITORING OFFICER
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01623 457009

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Standards and Personnel Appeals Committee

Work Plan – 2020/2021

Proposed Work Item	Timeframe
<p>1. Quarterly Complaint Update</p> <ul style="list-style-type: none"> A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members. 	<p>July 2020 October 2020 December 2020 March 2021</p>
<p>2. Report of the Committee on Standards in Public Life</p> <ul style="list-style-type: none"> To consider the Report of the Committee on Standards in Public Life 	<p>Ongoing throughout 2020/21</p>
<p>3. Report of the Committee on Standards in Public Life</p> <ul style="list-style-type: none"> To consider the Report of the Committee in Standards in Public Life 	<p>Ongoing throughout 2020/21</p>
<p>4. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</p> <ul style="list-style-type: none"> To review the Nottinghamshire Authorities Protocol with Nottinghamshire Police regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests 	<p>December 2020</p>
<p>5. Whistleblowing Policy</p> <ul style="list-style-type: none"> Annual report to consider amendments (if required) to the policy and to monitor the application of the policy 	<p>March 2021</p>

<p>6. Annual Review</p> <ul style="list-style-type: none"> • Report to consider the work of the Committee over the year compared to the Work Plan • To consider an overview of the ethical governance of the Council 	<p>March 2021</p>
<p>7. Constitution Review</p> <ul style="list-style-type: none"> • Consideration of proposed amendments to the Constitution for recommendation to Council 	<p>March 2021</p>

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	29 JULY 2020
Heading:	WHISTLEBLOWING ANNUAL UPDATE		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The report provides the Committee with an annual update in relation to how the Whistleblowing Policy has operated in the preceding 12 months and some minor proposed changes to the policy.

Recommendation(s)

Committee is asked to:

- 1. Approve the minor revisions to the Whistleblowing Policy as attached at Appendix 1;**
- 2. Note how the Whistleblowing Policy has operated during 2019 and during 2020 to date.**

Reasons for Recommendation(s)

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the Committee's Terms of Reference as set out in the Constitution.

Alternative Options Considered

(with reasons why not adopted)

To not approve the revised policy is not recommended as the Council's policies and procedures should be reviewed regularly and kept up to date. The recommended changes are minor.

Members may make suggested amendments to the policies and procedures provided these are in line with legislation and best practice.

Detailed Information

Whistleblowing Policy

The Council has in place a Whistleblowing Policy which sets out a process for people to confidently report concerns, such as fraud. This policy makes it clear that people can report their concerns without fear of reprisals.

Paragraph 8.1 of the Whistleblowing Policy states that:

“The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report these to the Standards and Personnel Appeals Committee and the Audit Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis.”

The Policy had minor amendments made by in March 2019. A review of the policy has been undertaken. It is recommended that the policy is amended to include the details of the Head of Law and Governance (Monitoring Officer) at Mansfield District Council as an external contact for whistleblowing complaints. This Council's Monitoring Officer provides reciprocal arrangements for Mansfield District Council.

The revised policy was reported to the Audit Committee on 10 February 2020 for approval. The Audit Committee approved the proposed changes. The policy was due to be considered by this Committee in March 2020, however the meeting had to be cancelled due to the COVID19 Pandemic.

Application of Policy during the Preceding 12 Months

Since the last report to Committee there has been 1 reported incident of whistleblowing drawn to the Monitoring Officer's attention. During the whole of the 2019 period, 4 whistleblowing complaints were received in total. Given the confidential nature of the complaints this report can only refer anonymously and in high level terms. A summary of the complaints received during 2019 are set out below; there have been no whistleblowing complaints received during 2020 to date:

COMPLAINT REFERENCE	NATURE OF COMPLAINT	STATUS OF COMPLAINT	OUTCOME/ACTION TAKEN
2019-01	Anonymous complaint received via a Trade Union.	Closed.	An investigation was carried out. The

	Complaint related to alleged breaches of the agile working guidelines.		complaint was not substantiated. Recommendations made in respect of: <ul style="list-style-type: none"> • Time recording whilst agile working • Clarifying some elements of the guidelines • Communication of the guidance to employees
2019-02	Anonymous complaint alleging unfair treatment of staff and management conduct.	Closed.	Insufficient detail was provided to follow up the complaint formally. No further action.
2019-03	Anonymous complaint received via a Trade Union. Complaint alleged officers took annual leave instead of sick leave.	Closed.	An investigation was carried out. The complaint was not substantiated.
2019-04	Anonymous complaint via an Elected Member. Complaint related to alleged inappropriate use of Council resources.	Closed.	A high level review was undertaken in conjunction with the CEO based on the limited information provided. There was no justification for carrying out a detailed investigation. Based on the content and tone of the complaint there is a possibility the complaint was vexatious.

Previous Application of Policy

The following table sets out the application of the Whistleblowing Policy since 2010 to the present date:

YEAR	TOTAL NUMBER OF COMPLAINTS	NO FURTHER ACTION	MANAGEMENT RECOMMENDATIONS	DISCIPLINARY/GRIEVANCE INVESTIGATION
2010	4	1	2	1
2011	0	N/A	N/A	N/A
2012	3	0	2	1 (ACTION TAKEN)
2013	1	0	0	1 (ACTION TAKEN)
2014	4	1	1	3 (2 WITH ACTION TAKEN)
2015	2	1	1	0
2016	2	0	1	1
2017	3	1	1	1
2018	3	1	0	2
2019	4	3	1	0
2020 (TO DATE)	0	N/A	N/A	N/A

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focussed; Honest; Proud; Ambitious.

It is important that the Council has the most effective infrastructure and support to enable:-

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

Legal:

The policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in good faith.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None

Housing Revenue Account – Capital Programme	None
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Risk:

Risk	Mitigation
Failure to maintain integrity and confidence in the policy and its applications.	Annual reporting to the Audit Committee and Standards and Personnel Appeals Committee. Annual update on the application of the policy. Update reporting in accordance with the policy to the Whistleblower (if identified). Identification of trends in disclosure to inform Management.

Human Resources:

Regular review, maintenance and consistent application of the Whistleblowing Policy infers good employment practices. As such it is important to maintain the integrity of the policy.

Environmental/Sustainability

There are no Environmental/Sustainability issues identified in the report or the policies reviewed.

Equalities:

There are no equalities issues identified as a direct result of the report. Equalities issues would be considered as part of any whistleblowing investigation.

Other Implications:

None.

Background Papers

None.

Report Author and Contact Officer

Ruth Dennis
DIRECTOR OF LEGAL AND GOVERNANCE
(Monitoring Officer)
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ASHFIELD DISTRICT COUNCIL

WHISTLEBLOWING POLICY

**Director of Legal and Governance
(Monitoring Officer)**

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APPROVED:

Audit Committee – [10 February 2020]

Standards Committee – [29 July 2020]

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**REVIEW:
March 2020**

Version Control

Version Number	Detail
Original	January 2008
Revised V1	January 2011
Revised V2 due	1 st July 2013
Revised V2 (Website)	25 February 2014
Revised V3	14th April, 2014
Revised V4	20 July 2015
Revised V5	14 March 2016
Revised V6	28 March 2018
Revised V7	18 March 2019
Revised V8	[29 July 2020]

WHISTLEBLOWING POLICY

1. Introduction

- 1.1 All of us at one time or another has concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.
- 1.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do.
- 1.3 Ashfield District Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that you can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable you to raise serious concerns within the Council rather than overlooking a problem or reporting it outside.

2. Aims of this Policy

- 2.1 This policy aims to:
- encourage you to feel confident in raising concerns at the earliest opportunity
 - provide avenues for you to raise concerns and receive feedback on any action taken
 - allow you to take the matter further if you are dissatisfied with the Council's response
 - reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith

3. Scope of this Policy

- 3.1 In this Policy, "Whistleblowing" means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council.
- 3.2 This Policy is intended to enable those who become aware of wrongdoing in the Council affecting some other person or service, to report their concerns at the earliest opportunity.
- 3.3 The Policy is not intended to replace existing procedures:
- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures

- If a member of the public has a concern about services provided to him/her, it should be raised as a complaint to the Council
- Complaints of misconduct by Councillors are dealt with under a separate procedure (the Monitoring Officer can advise you in relation to this process)

3.3 Under this Policy you should report any serious concerns that you have about service provision or the conduct of officers or Council Members or others acting on behalf of the Council that:

- make you feel uncomfortable in terms of known standards
- are not in keeping with the Council's Standing Orders and policies
- fall below the established standards of practice
- is improper behaviour

The concern may be something that relates to:

- conduct which is an offence or a breach of the law
- disclosures relating to miscarriages of justice
- the deliberate breaching of a Council policy or official code or regulation
- misuse of public funds or other assets
- possible fraud or corruption
- the endangering of health and safety of the public and/or other employees,
- damage to the environment
- the deliberate concealment of information which would constitute evidence of any of the above

4. Safeguards

Your Legal Rights

4.1 This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in good faith.

The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Council cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

Harassment or Victimisation

4.2 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take

action to protect you when you raise a concern in good faith. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern or who has disclosed the name of the whistleblower to any person other than those named in this document.

Confidentiality

- 4.3 The Council will do its best to protect a person's identity when a concern is raised. During the course of an investigation attempts will be made to find independent corroborating evidence to allow a person's identity to remain confidential. However, it must be recognised that in some circumstances identities will have to be revealed to the person the allegation is made against and those making the allegation may be asked to provide written or verbal evidence in support of the allegation. If the matter is reported to the Police or another external body they may be unable to guarantee to withhold a person's identity.
- 4.4 If a person's identity is to be disclosed, he or she will be told before the disclosure and the reasons why disclosure is necessary. The Council will offer advice and guidance on the procedures and arrangements in the event of a person having to give evidence to an external body or in court.

Anonymous Allegations

- 4.5 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Monitoring Officer in consultation with the Chief Executive Officer.
- 4.6 In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources

If you choose to use this method of reporting, the allegation should contain as much information as possible to ensure the allegation is considered as a credible concern that requires further investigation.

Untrue Allegations

- 4.7 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations appropriate action that could include disciplinary action may be taken against you. It will be a matter for the Monitoring Officer to form a view of whether an allegation has been made maliciously or vexatiously and to refer her view to the relevant Director if disciplinary action needs to be considered.

5. **How to raise a concern**

Make an immediate note of your concern

5.1 Note all relevant details. Set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

Reporting your concern

5.2 This will depend on the seriousness and sensitivity of the issues involved or who is thought to be involved in the malpractice. You should normally raise concerns initially with your line manager or Director. If this is not appropriate you should contact:

Position	Contact	E-mail
Chief Executive	(01623) 457250	c.cooper-smith@ashfield.gov.uk
Monitoring Officer	(01623) 457009	r.dennis@ashfield.gov.uk

If you suspect fraud or corruption you may also approach the officer detailed below. This is consistent with the Council's Financial Regulations and the Anti-Fraud and Corruption Strategy.

Position	Contact	E-mail
Chief Finance Officer	(01623) 457362	p.hudson@ashfield.gov.uk

You may also inform:

Position
[Head of Law and Governance \(Monitoring Officer\) at Mansfield District Council](#)

Contact
[\(01623\) 463463](tel:01623463463)

5.3 You can raise your concerns in writing, by telephone or in person. All correspondence should be addressed to the Monitoring Officer and marked 'Strictly Private and Confidential' and sent to:

**The Monitoring Officer
Ashfield District Council
Council Offices
Urban Road
Kirkby-in-Ashfield
Nottingham
NG17 8DA**

5.4 The earlier you express the concern, the easier it is to take action.

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- 5.5 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 5.6 You may wish to consider raising your concern with a colleague first and you may find it easier to do so if there are two (or more) of you who have shared the same experience or concerns.
- 5.7 You may invite your trade union or professional association to raise a matter on your behalf. It is expected that in the first instance the procedure detailed at 5.2 will be followed.

6. What the Council will do

- 6.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally
 - be investigated by Internal Audit (Central Midlands Audit Partnership)
 - be referred to the Police
 - be referred to the external auditor
 - form the subject of an independent inquiry
- 6.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.
- 6.3 Some concerns may be resolved by agreed action without the need for investigation.
- 6.4 Where the concern has been raised includes a contact name and address, then within ten working days of a concern being received, the Council will write to you:
- acknowledging that the concern has been received
 - indicating how it proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - telling you if further investigations will take place, and if not, why not
- 6.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.
- 6.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union or professional association representative or a workplace colleague who is not involved in the area of work to which the concern relates. If you wish, the meeting may take place away from the Council Offices.

6.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

6.8 The person investigating the concerns will produce a written report that:

- outlines the concerns/allegations
- details the investigation procedure
- gives the outcomes of the investigation
- details recommendations where appropriate

6.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

7. How the matter can be taken further

7.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- A Councillor of Ashfield District Council
- A prescribed person - See Gov.uk Guidance – Whistleblowing: List of prescribed people and bodies
Website: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
- The Comptroller and Auditor General
The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
London
SW1W 9SP
Tel: 020 7798 7999
Website: www.nao.org.uk/contact-us/whistleblowing-disclosures/
- The independent charity Public Concern at Work on
Work Helpline: (020) 7404 6609
E-mail: whistle@pcaw.co.uk
Website: www.pcaw.co.uk
- ACAS
Helpline number: 0300 123 1100 Monday-Friday: 8am-8pm and Saturday 9am-1pm
Website: <http://www.acas.org.uk/index.aspx?articleid=1919>
- A Solicitor
- The Police
- Your Local Member of Parliament

If you raise concerns outside the Council you should ensure that it is to one of these contacts. A public disclosure to anyone else could take you outside the protection of the Public Disclosure Act and of this Policy. **When raising a concern externally**

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remember to make it clear that you are raising the issue as a whistleblower; this gives you additional statutory rights.

You should not disclose information that is confidential to the Council or to anyone else, except to those included in the list of contacts.

8. The Responsible Officer

- 8.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report these to the Standards and Personnel Appeals Committee and the Audit Committee once a year. The Whistleblowing Policy will also be reviewed on bi-annual basis.

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Agenda Item 7



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	29 JULY 2020
Heading:	VIRTUAL MEETINGS GUIDANCE		
Portfolio Holder:			
Ward/s:	ALL		
Key Decision:	NONE		
Subject to Call-In:	NO		

Purpose of Report

This report provides details of the changes to running and participating in public meetings as a result of the Coronavirus pandemic and subsequent regulation changes to ensure constituted public meetings continue to take place.

Following the introduction of the time limited Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, all local authorities have moved to undertaking virtual meetings as a way to enable continued public access to constituted meetings.

To ensure these meetings operate in a controlled and professional manner a Virtual Meeting Protocol was circulated to all Members. This is attached as Appendix A.

Recommendation(s)

Members are requested to:

- Note the protocol attached as Appendix A.
- Provide feedback and comments regarding the use of virtual meetings.
- Suggest any further practical arrangements to improve the process.

Reasons for Recommendation(s)

Constituted meetings of the Council will continue to be held virtually to ensure the health and safety of all involved, to guarantee the continued openness and transparency of public meetings and to reinforce the Council's commitment to continue to deliver services during the pandemic.

Alternative Options Considered

As detailed in the report.

Detailed Information

Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 make provision for remote attendance at, and remote access to Council meetings held on or before 7 May 2021. The Regulations override any existing procedure rules or standing orders or other rules that local authorities have relating to the governance of meetings.

The main implications of the regulations are as follows:

Regulation 4 (1) empowers local authorities to alter the frequency of meetings and move or cancel meetings without notice. It should be noted however that there is no change to the requirement to publish notice of a meeting 5 working days prior to a meeting.

Regulation 5 provides that local authority meetings may take place through digital means. A meeting summons does not need to specify a physical location and a meeting may take place entirely online or by conference call, subject to certain conditions set out below.

- Councillors may participate in meetings remotely. There is no requirement for a quorum of councillors to be present in the meeting room because the regulations make it clear that a Councillor “attends” the meeting if they are able to participate remotely. The following conditions must be met for a councillor to be defined as participating remotely:
 - The councillor must be able to hear and where possible, see other councillors attending the meeting. The councillor must also be heard and where possible, seen by those other councillors;
 - The councillor must be able to hear and where possible, see members of the public who are attending the meeting to exercise their right to speak.
 - The councillor must also be heard and where possible seen by those members of the public; and
 - The councillor must be heard and where possible seen by other members of the public who are attending the meeting (remotely).

Regulation 5 also empowers local authorities to make standing order or rules governing remote attendance, which may include provision for:

- voting;
- member and public access to documents; and
- remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, videoconference, live webcasts, and live interactive streaming.

This means that councils can hold meetings regardless of any existing restrictions and to match facilities to suit their circumstances.

Regulation 6 allows a notice of a meeting to be published on the Council’s website as though it were published at the offices. The publication, posting or making available of agendas, reports and supporting information may be via the Council’s website instead of at the offices or via post.

Current Activity

Ashfield District Council held its Annual Meeting of the Council virtually on the 23 April. This meeting and all subsequent public meetings have been held through Zoom. All Members were trained in using Zoom and it was agreed that in order to ensure the virtual meetings were managed in a coordinated and controlled manner for live streaming, they would be managed and controlled by Democratic Services and IT.

This includes;

- a waiting room for meeting participants
- muting all Members on entry
- centrally controlling the mute and unmute button
- not allowing open access to screen sharing
- the ability to remotely invite participants into the meeting.

All Members were also sent the Virtual Meetings Protocol. This protocol sets out the “do’s and don’ts” when participating in a virtual meeting. This is attached as appendix A. The Protocol sets out the basic principles to be followed to ensure that meetings are undertaken in a professional and efficient manner. This includes guidance on dress code, voting, speaking and visibility.

Implications

Corporate Plan:

The Council exists to serve the communities and residents of Ashfield.

Legal:

The changes to meeting procedures are compliant with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Finance:

Additional costs associated with printing and posting agendas and a rolling monthly fee for the use of Zoom are currently being monitored.

Budget Area	Implication
General Fund – Revenue Budget	TBC
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
Meetings not managed in a professional and co-ordinated manner, being live streamed to the public, pose both a reputational and organisational risk.	Extensive testing on the appropriate app to use for virtual meetings was undertaken to ensure it provided the most effective tools to manage a meeting. Agreeing a local set of protocols for Members is also an efficient way to ensure everyone attending is aware of and in agreement with the meeting protocols.

Human Resources:

Democratic Services and IT have supported the management of virtual meetings throughout the pandemic.

Environmental/Sustainability

None

Equalities:

All meetings have continued to remain accessible through virtual means to ensure equality of access for all. Members of the community and public speakers who have wanted to participate in a meeting have also been supported by both Democratic Services and IT.

Other Implications:

None

Reason(s) for Urgency

None

Reason(s) for Exemption

None

Background Papers

Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Report Author and Contact Officer

Ruth Dennis
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 01623 457009

Appendix A - Virtual Meeting Protocol

In the last few months Members will have become familiar with using virtual tools to access meetings. In order to ensure meetings are carried out appropriately and remain professional for viewing by the public, please follow some basic principles set out below.

- Please access the Meeting at least 15 minutes prior to the start time to ensure the meeting starts promptly on time.
- Please remember that these are formal meetings of the Council, therefore exercise the same respectful behaviour that you would do in a physical meeting. This includes;
 - Remain on topic
 - Respect the authority of the Chairman
 - Be respectful to both Members and Officers
 - Do not make any personal comments
- All Members will be remotely muted. If you wish to speak please raise your hand in front of your face (this ensures that your hand is picked up on your camera and noted by the Chairman). The Chairman will bring Members in to speak individually. Your Audio will only be unmuted when the Chairman introduces you to speak.
- For voting on recommendations the Chairman will read out the recommendations and then Members will be asked to raise their hand if they are voting yes. The Chairman will then repeat the question for those voting no, followed by those abstaining. The Chairman will then confirm the outcome of each individual vote.
- Do not sit in front of a window – the glare from this means others cannot see you.
- Sit back – to ensure you are fully visible to other participants and the public.
- Remove other devices away from you as much as possible – this reduces the amount of feedback/interference.
- Dress smartly - as you would if attending a physical meeting in the Chamber
- Try not to touch your face whilst streaming – government advice is that you shouldn't be touching your face etc. in public, it would set a good precedent if we avoided doing this over live stream as well.

- Be aware of what is on the walls behind you – it will be seen by other participants and the public, so please avoid any inappropriate pictures etc.
- Do not eat or drink alcohol during the zoom meeting.

If you have any problems with accessing Virtual Meetings, please contact the Scrutiny and Democratic Services Team on 01623 457317

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	29 JULY 2020
Heading:	LOCAL GOVERNMENT ASSOCIATION – CONSULTATION ON MODEL MEMBER CODE OF CONDUCT		
Portfolio Holder:	NOT APPLICABLE		
Ward/s:	NOT APPLICABLE		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The purpose of this report is to update the Committee in respect of the work of the Local Government Association (LGA) in developing a draft Model Member Code of Conduct, and the accompanying consultation on the Code. The draft Model Member Code of Conduct is attached as Appendix A. The Consultation questions are contained in the report and attached as Appendix B.

Recommendation(s)

- 1. Members should note the content of the draft Model Member Code of Conduct and consider the consultation questions posed by the LGA.**
- 2. Approve the general content of the draft Member Model Code of Conduct consultation response.**
- 3. Authorise the Monitoring Officer to finalise the detailed drafting of the response in consultation with the Chairman prior to submission to the LGA.**

Reasons for Recommendation(s)

To ensure the Committee charged with ensuring high standards of conduct is aware of the LGA Model Code of Conduct and consultation exercise, and to provide a response to the consultation on behalf of the Council.

Alternative Options Considered

The Council could choose not to engage with the consultation and leave it to individual Members and Officers to provide a response. However, it is felt more appropriate for the Standards and Personnel Appeals Committee to provide feedback on the proposed Code.

Detailed Information

LGA's Work on a New Model Code of Conduct

This work is part of a wider programme of work on **civility in public life** and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement. The work programme was approved by the LGA Leadership Board in September 2019.

The Board heard that “one of the most pressing concerns facing the conduct of public life at the moment is the increasing incidents of intimidation and abuse by members of the public against councillors. These attacks risk the personal safety of our members, undermine local democracy and decision-making, and can put off prospective candidates from standing. Intimidation and physical threats of violence against councillors are a real and growing concern in every area of the country. Whilst debate and having different views is all part of a healthy democracy; abuse, public intimidation and threats are designed to undermine democratic decision making by generating fear in those who represent it.”

The purpose of the civility in public life programme is:

- To address the intimidation of local government members and officers
- To address standards of public discourse
- To address standards of political discourse and behaviour in public office
- To provide support and advice to councils and councillors

In reviewing the Model Code of Conduct the LGA *“aims to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It will set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.”*

The LGA's objectives in reviewing the model code of conduct are to:

- Articulate what local government believes are good standards for all in public office
- Show leadership in good standards of conduct for those in public office, both elected and as employees
- Achieve consensus between the stakeholders affected by local government conduct
- Support its member councils and partners in achieving good standards of conduct
- Produce a code that is fit for purpose, useful and held in high regard
- Enhance the reputation of local government and local politicians
- Support the good running of councils

- Support all democratically elected local representatives to deliver their best on behalf of their local communities
- Build on the good practice that already exists within member councils

The LGA appointed Hoey Ainscough to work with it to review the Code. The first stage of the review was the gathering of views and good practice examples and a series of workshops with national representative bodies, officers and elected members. Three workshops were held on 17, 20 and 21 January 2020. The Council's Deputy Leader, Councillor Helen-Ann Smith was invited to attend one of these workshops. I understand from the LGA that the workshop discussions went very well and there were mutual concerns expressed by members and officers about the current codes, inconsistencies in application, lack of guidance and sanctions.

LGA draft Model Code of Conduct

On the 8 June 2020, the LGA released a draft Model Member Code of Conduct along with a consultation questionnaire. The Code aims to be *“concise, written in plain English, and be understandable to members, officers, and the public. The draft Model Member Code has been “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”.*

The Code has been designed to help set a framework for member behaviour and responsibilities, emphasising the importance of civility, and ensuring that councillors are protected from bullying, intimidation, and abuse. The recommendations from the Committee on Standards in Public Life, who, as Members will be aware, undertook a review of local government ethical standards in 2018, have also been incorporated into the development of the Code.

The Code is attached as Appendix A. The Standards and Personnel Appeals Committee will note that:

The Code is being *“offered as a template for Councils to adopt in whole and/or with local amendments”*. Members may wish to discuss if this is appropriately in line with the CoSPL's concerns around variations in Member Code of Conducts.

The Code has been developed in line with the Nolan Principles: seven principles which are the basis of the ethical standards of public office holders, set out by the Committee on Standards in Public Life's first report by Lord Nolan in 1995.

In accordance with the LGA's wider work programme of work on 'civility in public life', 'civility' is a theme used by the LGA throughout the Code, meaning ***“politeness, and courtesy in behaviour, speech, and in the written word”***.

The Code is presented in personal tense and sets out twelve statements that Members should commit to in carrying out their responsibilities.

1. Treating other councillors and members of the public with civility.
2. Treating council 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, license, 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.

The Code provides a definition for bullying:

“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”.

A definition for harassment is also included:

“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”.

The use of social media is highlighted throughout the Code, and the LGA are requesting comments on whether there is sufficient reference to it. Members should consider whether a stronger reference to social media should be included in the Code, and if there is a need for a specific policy to be developed.

Detail has been provided on declaration of interests, with the LGA broadening the requirement to declare interests beyond the statutory minimum, in line with the recommendations of the CoSPL. The LGA is proposing that all councillors are required to declare interests where matters also relate

to or affect **other family members** or **associates**, not just directly themselves or their partner if applicable.

LGA Consultation

The consultation on the draft Model Member Code of Conduct will run for ten weeks from Monday 8 June until Monday 17 August (see Appendix B). The feedback from the consultation will be used by the LGA to develop a final draft, which will then be reviewed by the LGA's Executive Advisory Board before being presented to the next LGA General Assembly, planned for Autumn of 2020.

The LGA have produced a set of questions designed to assist members and officers in their consideration of the Code. The questionnaire addresses key areas that the LGA would like a view on to help finalise the Code.

- To what extent do you support the proposals 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?
- Is it sufficiently clear which parts of the Code are legal requirements, which are obligations, and which are guidance?
- Do you prefer the use of personal tense, as used in the Code, or would you prefer passive tense?
- To what extent do you support the 12 obligations?
- Would you propose any additional obligations?
- To what extent do you think the concept of 'acting with civility' is sufficiently clear? Would you like to suggest an alternative phrase that captures the same meaning?
- To what extent do you think the concept of 'bring the council into disrepute' is sufficiently clear? Would you like to suggest an alternative phrase that captures the same meaning?
- To what extent do you support the definition of bullying and harassment used in the Code in a local government context? Are there any other definitions you would like to recommend?
- Is there sufficient reference to the use of social media?
- Should social media be covered in a separate code, or integrated into the overall code of conduct?
- To what extent do you support the Code going beyond the current requirement to declare interests of the councillor and their partner?
- Should the requirement to declare interests be in the main body of the Code, or in the appendix?

- To what extent do you support the inclusion of the additional categories for registration?
- To what extent do you agree with the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?
- The draft Code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

The LGA will be hosting a consultation webinar on the Model Member Code of Conduct on 29 July. The webinar will give attendees the opportunity to find out about the background and reasoning behind the drafting of the consultation version of the Code. Attendees will be able to ask questions, give their opinions, and make suggestions for alterations to the draft Code. Discussions will also be held on how COVID-19 has impacted on how councillors undertake their role, particularly as more communication is taking place remotely and online between members and residents. Feedback from this webinar will be provided to Committee.

It is recommended that, following consultation with the Committee, all Members, and relevant Officers, Members authorise the Monitoring Officer to submit a response on the Council’s behalf.

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council’s values are: People Focussed; Honest; Proud; Ambitious.

Legal:

Elements of the draft Model Code would require legislation.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	No direct financial implications arising from this report.
General Fund – Capital Programme	No direct financial implications arising from this report.
Housing Revenue Account – Revenue Budget	No direct financial implications arising from this report.
Housing Revenue Account – Capital Programme	No direct financial implications arising from this report.

Risk:

Risk	Mitigation

The Council has recognised the following Corporate Risk:
ADC) CR003 Ethical Governance – failure/delay to implement changes to the Members' Code of Conduct and recommendations of the Committee on Standards in Public Life (CSPL) and Peer Challenge)

This report demonstrates the Council's commitment to maintaining high levels of ethical behaviour and an intention to implement a suitable revised code and the recommendations of the CSPL. The Committee work plan includes items to address the identified risk.

Human Resources:

There are no HR implications contained in the body of the report.

Environmental/Sustainability:

There are no Environmental/Sustainability issues as a direct result of the recommendations in this report.

Equalities:

There are no equalities issues as a direct result of the recommendations in this report.

Other Implications:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

Report Author and Contact Officer

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Local Government Association Model Member Code of Conduct

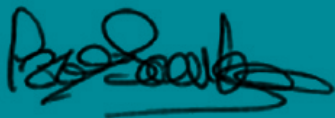
Introduction

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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please contact us on 020 7664 3000.
We consider requests on an individual basis.

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

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:

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](#)

For information only - Do not complete

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