

A meeting of the above Committee will be held in the Town Hall, Royal Leamington Spa on Tuesday 29 June 2021, at 6.00pm and available for the public to watch via the Warwick District Council [YouTube channel](#).

Councillor M Ashford
Councillor A Dearing
Councillor J Dearing
Councillor K Dickson
Councillor C Gifford

Councillor G Illingworth
Councillor R Margrave
Councillor T Morris
Councillor P Redford
Councillor J Tracey
Vacancy – Labour Group

Although not members of the Committee, Ms Pyke and Mr Tomkinson, the Council's Independent Persons for Standards matters, normally attend.

Agenda

1. Apologies & Substitutes

- (a) to receive apologies for absence from any Councillor who is unable to attend; and
- (b) to receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

2. Appointment of Chairman

To appoint the Chairman of the Committee for the municipal year 2021/22.

3. Appointment of Vice-Chairman

To appoint the Vice-Chairman of the Committee for the municipal year 2021/22.

4. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be disclosed during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

5. Minutes

To confirm the minutes of the meeting held on 15 December 2020.

(Pages 1 to 3)

6. The Local Government Association – Model Councillor Code of Conduct

To consider a report from Democratic Services.

(To follow)

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456114

Standards Committee

Minutes of a remote meeting held on Tuesday 15 December 2020 at 6.00pm which was broadcast live via the Council's YouTube Channel.

Present: Councillor Illingworth (Chairman); Councillors; Bartlett, J Dearing, A Dearing (late arrival), K Dickson, C Gifford, Grey, Margrave, Morris, and Weber.

Also Present:

Independent Persons: Mr R Tomkinson and Ms B Pyke.

Officers: Mrs L Dury (Principal Committee Services Officer); and Mr G Leach (Democratic Services Manager & Deputy Monitoring Officer).

12. Apologies and Substitutes

There were no apologies for absence or substitutions made.

13. Declarations of Interest

There were no declarations of interest made.

14. Minutes

The minutes of the meetings held on 23 September 2020 were taken as read and signed by the Chairman as a correct record subject to the amendment of the resolution under minute number 11 whereby "Appendix 1" was amended to "Appendix A".

15. Local Government Association – Model Code of Conduct

The Committee considered a report from the Democratic Services Manager and Deputy Monitoring Officer which sought approval to establish a small advisory group to review the District Council's Code of Conduct in light of the published model Code of Conduct from the Local Government Association.

In January 2019, the Committee of Standards in Public Life issued its report on Ethical Standards Best Practice for Local Authorities. This included 15 best practice recommendations for local authorities. Each Chief Executive was asked to provide a progress statement on these by 30 November 2020. Warwick District Council submitted its response, after consultation with the Chairman of this Committee on 20 November 2020.

As a result of the work of the Committee for Standards in Public Life report, the Local Government Association committed to producing an updated model code of conduct for local authorities.

The current Code of Conduct for Warwick District Council had been, less a few minor revisions, in place since 2012. Therefore, it was considered an appropriate time to review this Code, set out at Appendix 1 to the report, against the model Code of Conduct as launched on 3 December 2020, as detailed in Appendix 2 to the report.

Due to the technical and detailed nature of the work, it was recommended that this work was undertaken by the Democratic Services Manager & Deputy Monitoring Officer with two members of this Committee and an Independent Person. They would then bring back any proposals to this Committee for consideration.

In undertaking this work, the Democratic Services Manager & Deputy Monitoring Officer would also liaise with colleagues across Warwickshire on the potential for a common code across the County.

The District Council had committed to consultation with all Parish & Town Councils in Warwick District before making amendments to its Code of Conduct. This was because as the principal authority, this Council would be recommending its code to the Parish & Town Councils. Parish and Town Councils were not obliged to adopt the recommended Code from the District Council. The National Association of Local Councils had provided its own model code for a number of years and several Parish Councils in Warwick District had adopted this model.

The best practice recommendations from the Committee for Standards in Public Life also recommended that Principal Authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. This had not been undertaken by this Council and this was considered an appropriate time to review this approach.

In response to a questions from Councillor Weber, the Democratic Services Manager and Deputy Monitoring Officer explained that the main purpose of a Member "leaving the room" when an item on which they had a prejudicial or pecuniary interest in was mainly to stop them having influence over the other Members' decision making process. This "leaving the room" was essentially replicated by ensuring they logged out of remote meetings. However, since meetings were now live-streamed to the Internet, there was nothing to stop them watching the proceedings. It was something that the Working Group could give consideration to in its deliberations of the proposed Code of Conduct.

The Chairman explained that he was comfortable with more Councillors than recommended in the report sat on the Working Group providing it was a small group. He explained that a timeframe to deliver proposals would be reported back when further awaited guidance had been received. Once the Working Group had formulated its proposals, it would consult with Parish and Town Councils and then bring its final version of proposals to the Standards Committee for approval.

Resolved that

- (1) the Chairman of Standards Committee, Councillors Margrave and Weber, Independent Persons Mr Tomkinson and Ms Pyke work with the Democratic Services Manager & Deputy Monitoring Officer to review the proposed Code of Conduct and bring forward any proposed revisions to this Council's Code; and
- (2) the Working Group provides Standards Committee with proposals on how the views of

the public, community organisations and neighbouring authorities could be sought on any revisions to the Code.

(Councillor A Dearing joined the meeting at the start of this item.)

(The meeting ended at 6.18pm)

CHAIRMAN
29 June 2021



Agenda Item 6

Standards Committee
29 June 2021

Title: The Local Government Association Model Councillor Code of Conduct

**Lead Officer: Graham Leach, graham.leach@warwickdc.gov.uk,
01926 456114**

Portfolio Holder: Andrew Day

Public report

Wards of the District directly affected: None

Contrary to the policy framework: No

Contrary to the budgetary framework: No

Key Decision: No

Included within the Forward Plan: No

Equality Impact Assessment Undertaken: No

Consultation & Community Engagement: No

Final Decision: No

Accessibility checked: Yes

Officer/Councillor Approval

Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	21 June 2021	Andrew Jones
CMT		
Section 151 Officer		
Monitoring Officer	21 June 2021	Andrew Jones
Finance		
Portfolio Holder(s)	21 June 2021	Andrew Day

1. Summary

- 1.1. The report brings forward proposals for the adoption of the Local Government Association (LGA) Model Councillor Code of Conduct, associated guidance and procedures.

2. Recommendation

- 2.1. The Standards Committee recommends to Council the LGA Model Councillor Code of Conduct, as set out at appendix 1 to the report, be adopted to replace the existing WDC Code of Conduct pursuant to section 28(5)(b) of the Localism Act 2011 (The Act) and it comes into force once those areas in recommendation 2.2 have been agreed.
- 2.2. The Standards Committee recommends to Council it be authorised to determine, without further recourse back to Council, the following:
 - Investigating and making decisions on allegations made under the Code pursuant to section 28(6) of the Act;
 - Pooling and appointing Independent Persons under section 28(7) of the Act;
 - Granting dispensations to Members who have interests;
 - Providing/facilitating training on the Code to Members of both Councils;
 - Hearing and determining a complaint that has been the subject of an investigation;
 - Harmonisation of official forms and other documents ancillary to the arrangements;
 - Determining when the LGA Code will come into force; and
 - Issuing guidance to assist Members in complying with the LGA Code.
- 2.3. The LGA Code be promoted for adoption by all Town and Parish Councils in the District, as a replacement for their current code of conduct.
- 2.4. The Monitoring Officer be asked to bring forward an updated Planning Code of Practice in line with that in use at Stratford-on-Avon District Council.

3. Reasons for the Recommendation

- 3.1. In December 2020 the Committee considered a report regarding the Local Government Association – Model Code of Conduct. As a result, the Committee agreed the establishment of a Working Party formed of the Chairman of Standards Committee (Councillor Illingworth), Councillors Margrave and Weber along with the Independent Persons Mr Tomkinson and Ms Pyke. This was with a remit to review the LGA Model Code of Conduct and bring forward any proposed revisions to this Council's Code. The Working Group was also asked to provide the Committee with proposals on how the views of the public, community organisations and neighbouring authorities could be sought on any revisions to the Code.
- 3.2. The Working Party met on two occasions to discuss the LGA Model Code of Conduct and the current arrangements in place for handling complaints made about Councillors Conduct.

- 3.3. Parallel to these discussions, officers were also in discussion with colleagues across Warwickshire regarding the future recruitment of Independent Persons, as required under the Act. Discussions were also in process with the Monitoring Officer for Stratford-on-Avon District Council on the LGA Model Code of Conduct.
- 3.4. The WDC Working Party were supportive of the LGA Model Code of Conduct and in a position to refer it to Committee, subject to the final layout being improved by officers for when it is published online, because they did not feel it was radically different to the current Code of Conduct for this Council. At the same time, in March 2021, the Stratford-on-Avon District Council Audit and Standards Committee, proposed the adoption of the Model Code of Conduct, subject to Warwick District Council also passing a similar resolution, as set out in recommendations 2.1 to 2.3 above. Due to an overlap in meeting dates and scheduled meetings it has not been possible to bring forward this proposal to the Committee before this time.
- 3.5. In respect of the second part of the work for WDC Working Party, they did not feel community engagement on potential changes to the LGA Model Code of Conduct was appropriate. This was because the intention was to have a single national code used by all authorities to provide consistency for the public. It was important that at the very least, due to the proposed merger, that both Warwick and Stratford-on-Avon had the same Code of Conduct in place at the same time.
- 3.6. In addition to this, officers and the WDC Working Party were made aware that the Warwickshire Association of Local Councils had recommended it to all their Members (which include all Parish & Town Council in Warwick District, less one) that they adopt the proposed LGA Model Code. Therefore, it is considered appropriate that this Council supports this recommendation.
- 3.7. There are a wider number of areas that need to be addressed before the LGA Code of Conduct comes into operation. The most specific of this is that the Local Government Association has commissioned advice to provide guidance on the operation of the Model Code of Conduct. It is considered this needs to be received and considered by this Committee before the Code becomes operational as this will impact on training to be provided, as well the arrangements for considering complaints. Equally, at present both Stratford-on-Avon District Council and Warwick District Council have similar but not identical procedures or handling processes for Code of Conduct matters and, if approved by Council in July, they have the same Monitoring Officer combined with the desire to merge authorities. Therefore, it is considered an appropriate time to provide consistency across both authorities for these matters.
- 3.8. The Working Party considered the benefits of joining a Warwickshire wide Pool of Independent Persons or a more local South Warwickshire Pool with Stratford-on-Avon District Council. On balance they had no objection to either but felt it made more sense to work more closely with Stratford-on-Avon District Council, based on the emerging relationship and noting that they were also not part of the wider Warwickshire Pool.

- 3.9. At present Warwick District Council does not have an up to date Planning Code of Practice and therefore it is considered appropriate for it consider that used by Stratford-on-Avon District Council.

4. Policy Framework

4.1. Fit for the Future (FFF)

4.1.1. The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit. To that end amongst other things the FFF Strategy contains several Key projects. This report contributes to the overall work to enable a smooth transition to a merger with Stratford-on-Avon-District Council.

4.1.2. The FFF Strategy has 3 strands, People, Services and Money, and each has an external and internal element to it, the details of which can be found [on the Council's website](#).

4.2. FFF Strands

4.2.1 External impacts of proposal(s)

People - Health, Homes, Communities - The revisions to the Code of Conduct should seek to enhance the application of the Nolan Principals within Warwick District Council.

Services - Green, Clean, Safe - No contribution from this report.

Money- Infrastructure, Enterprise, Employment - No contribution from this report.

4.2.2. Internal impacts of the proposal(s)

People - Effective Staff – By having the same Code and processes as Stratford-on-Avon District Council it reduces demand for officers as they do not need to know multiple Codes and processes.

Services - Maintain or Improve Services - The revisions to the Code of Conduct should seek to enhance the application of the Nolan Principals within Warwick District Council.

Money - Firm Financial Footing over the Longer Term - No contribution from this report.

4.3. **Supporting Strategies** - Each strand of the FFF Strategy has several supporting strategies but this report does not directly contribute to them.

4.4. **Changes to Existing Policies** – The report brings forward a proposal for a new Code of Conduct for Councillors.

4.5. **Impact Assessments**

- 4.5.1. No assessment has been undertaken because the Model Code proposed has been considered and brought forward by the Local Government Association following a wider national review of governance.

5. **Budgetary Framework**

- 5.1. The report does not impact on the Budgetary Framework or Budget of the Council.

6. **Risks**

- 6.1. In adopting the Code, the Council will help to mitigate risk by providing a more consistent approach on this area of work which will enable all parties to have a greater understanding.

7. **Alternative Option(s) considered**

- 7.1. The Committee could decide not to approve the recommendations and/or propose revisions to the Model Code. However, the purpose of the Code was to have a standard Code for all local authorities to enable more consistency and understanding especially in areas where there are multiple tiers of local authorities.

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

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

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

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

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when:

- you are acting in your capacity as a councillor and/or as a representative of your council
- you are claiming to act as a councillor and/or as a representative of your council
- you are giving the impression that you are acting as a councillor and/or as a representative of your council
- you refer publicly to your role as a councillor or use knowledge you could only obtain in your role as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. *Respect*

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

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

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. *Bullying, harassment and discrimination*

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

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

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. *Impartiality of officers of the council*

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

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

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

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

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

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

6. Use of position

As a councillor:

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

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

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

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

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

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

Examples include:

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

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

8. *Complying with the Code of Conduct*

As a councillor:

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

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

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

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

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

Protecting your reputation and the reputation of the local authority

9. *Interests*

As a councillor:

9.1 I register and declare my interests.

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

You should note that failure to register or declare a disclosable pecuniary (i.e. financial) interest is a criminal offence under the Localism Act 2011.

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

10. Gifts and hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

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

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

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

Integrity

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

Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the local authority 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). Disclosable Pecuniary Interests means issues relating to money and finances.
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, or of any change to a registered interest, notify the Monitoring Officer.
3. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor/member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Declaring interests

5. Where a matter arises at a meeting which directly relates one of your Disclosable Pecuniary Interests, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest, just that you have an interest.
6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests, 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', again you do not have to declare the nature of the interest.
7. Where a matter arises at a meeting which *directly relates* to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) 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.

8. Where a matter arises at a meeting which *affects* –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to declare under Disclosable Pecuniary Interests

you must disclose the interest.

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

you 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

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

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

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

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

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

Table 2: Other 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.	

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

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