

Standards Committee

Date: Monday 27 July 2020
Time: 10.30 am
Venue: Teams meeting ([Please click on this link to view the meeting](#))

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the 27 July 2020 Standards Committee meeting of Norfolk County Council will be held using Microsoft Teams.

Members of the Committee and other attendees will be sent a separate link to join the meeting.

Membership

Cllr Clare Bowes
Cllr Sarah Butikofer
Cllr Mark Kiddle-Morris (Chairman)
Cllr George Nobbs

Cllr Graham Middleton
Cllr John Ward
Cllr Tony White (Vice-Chairman)
NCC Chairman (Ex-Officio).

Mr S Jones

Independent Person

**For further details and general enquiries about this Agenda
please contact:**

Julie Mortimer on 01603 223055
or email: committees@norfolk.gov.uk

A g e n d a

1. Apologies

To receive apologies and details of any substitute Members attending

2. Minutes

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To agree the minutes of the meeting held on 9 October 2019.

3. Members to Declare any interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4. To receive any items of business which the Chairman decides should be considered as a matter of urgency

5. Consideration of draft model Code of Conduct

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Report by the Director of Governance & Monitoring Officer

6. Performance and Monitoring report
Report by the Director of Governance & Monitoring Officer

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Date Agenda Published: 17 July 2020



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Standards Committee
Minutes of the Meeting Held on Wednesday 9 October 2019
at 10.30am

Present:

Cllr Mark Kiddle-Morris (in the Chair)	Cllr Graham Middleton
Cllr Claire Bowes	Cllr Tony White (Vice-Chairman)
Cllr George Nobbs	

Substitute Member present:

Cllr B Spratt for Cllr J Ward

Independent Members Present:

Mr A Squirrel
Mr S Jones

Also in Attendance:

Ms H Edwards - Chief Legal Officer and Monitoring Officer
Mr C Walton - Head of Democratic Services

1. Apologies

1.1 Apologies were received from Cllr Sarah Butikofer and Cllr J Ward.

2. Minutes

2.1 The minutes of the meeting held on 20 March 2019 were confirmed as a correct record and signed by the Chairman.

3. Declarations of Interest

3.1 There were no interests declared.

4. Urgent Business

4.1 There was no urgent business to consider.

5. Performance and Monitoring Report

5.1 The Committee received a report from the Chief Legal Officer and Monitoring Officer updating them on matters of standards and conduct since the last meeting.

5.2 The Committee's attention was drawn to seven complaints concluded since

the last meeting and to the multiple public complaints (that dated from August 2019 and were mentioned at paragraph 2,2 of the report) that had still to be concluded. It was noted that the Independent Persons would be consulted in respect of the outstanding multiple complaints before the investigation was completed.

- 5.3 The Committee **RESOLVED** to note the Council's performance in relation to Member standards and conduct during the period 21 March 2019 to 27 September 2019.

6. Procedure for handling Code of Conduct Complaints

- 6.1 The Committee received the annexed report (6) by the Chief Legal Officer and Monitoring Officer regarding the proposed procedure for the consideration of code of conduct complaints against members.
- 6.2 The Chief Legal Officer and Monitoring Officer said that the revised draft procedure for dealing with complaints about councillors under the Council's Code of Conduct was set out at Appendix A to the report. There were no major changes to the draft procedure since the Committee had last considered this matter. The Group Leaders had been consulted on the revised draft procedure.
- 6.3 In response to questions about the timeframe for dealing with complaints, the Chief Legal and Monitoring Officer confirmed that this could be found at paragraphs 4.5 and 6.6 of the draft revised procedure. The length of time taken for an investigation depended on the complexity of the investigation but would normally be concluded within one month of it being referred for investigation.
- 6.4 The Committee asked for a revision to the wording of paragraph 4.5 of the draft procedure. The Committee asked for this paragraph to make it clear that where there were exceptional circumstances that meant the Member against whom the complaint was directed was not immediately informed about the complaint (e.g. because of a family bereavement) then this would be confirmed by an Independent Person. It was suggested that an example of what might be regarded as exceptional circumstances should be included within/ or at the end of this paragraph.
- 6.5 The Committee **RESOLVED**:
- To agree the revised procedure at Appendix A to the report, subject to the amendment at paragraph 4.5 raised by the Committee.
 - That the Chief Legal Officer and Monitoring Officer should publish the updated document in its entirety on the County Council's website.
 - To note that the revised procedure would not require a change in the County Council's constitution since the Standards Committee: Rules of Procedure for Hearings (which already formed part of the Constitution) remained unchanged.

7 **Review of Ethical Standards in Public Life**

7.1 The Committee received the annexed report (7) by the Chief Legal Officer and Monitoring Officer regarding the 15 recommendations from the Committee for Standards in Public Life (CSPL) review of local government ethical standards. The report asked Members to decide which of the best practice recommendations should be recommended for adoption by Norfolk County Council, if any.

7.2 The Committee **RESOLVED** to take the following action regarding the recommendations contained in the report:

Best practices 1 - to agree to the course of action recommended by the Chief Legal Officer and Monitoring Officer.

Best practices 2 - to agree to the course of action recommended by the Chief Legal Officer and Monitoring Officer.

Best practice 3 - that this matter should be reviewed at the March 2020 meeting of the Committee when there would be an opportunity for Members to review the code of conduct and agree on any changes that might be recommended to Full Council.

Best practice 4 - to note that the County Council had already adopted this best practice.

Best practice 5 - to agree that the value of gifts and hospitality recorded in the County Council's register should be increased to reflect current day prices

Best practice 6 - it was considered unnecessary to take up this practice.

Best practice 7- to note that the County Council already had two Independent Persons.

Best practice 8 - to agree on the course of action recommended by the Chief Legal Officer and Monitoring Officer and strengthen the procedures for consulting the Independent Persons.

Best practice 9 - to note that the County Council had already adopted this practice.

Best Practices 10 and 13- this will be incorporated when the Code of Conduct is reviewed.

Best Practices 11 and 12 - this applies to other tiers of local government.

Best Practice 14 - this is already in place.

Best practice 15 - it was considered unnecessary to take up this practice.

The meeting finished at 11.48 am.

Chairman

Report to Standards Committee.

Report title:	Consideration of draft model Code of Conduct
Date of meeting:	27/07/2020
Responsible Cabinet Member	Cllr Andrew Proctor, Leader of the Council
Responsible Director:	Fiona McDiarmid, Executive Director Strategy & Governance
Is this a key decision?	No
<p>Executive Summary</p> <p>To consider the LGA’s draft model Code of Conduct and respond to the consultation.</p> <p>Recommendations</p> <p>It is recommended that the Standards Committee considers the draft code and asks the Monitoring Officer to respond to the LGA’s consultation by the deadline of 17 August 2020.</p>	

1. **Background and Purpose**

In early 2019 the Committee on Standards in Public Life published its “Review of Ethical Standards in Local Government”. The Review recommended a number of areas where ethical standards could be strengthened. The report made 26 recommendations, the majority of which were recommendations to central government and will require legislation to implement them.

The Standards Committee considered the report of the Committee on Standards in Public Life at its meeting on 9 October 2019

When the review was initially published, there was an expectation that a new model code of conduct would be developed quickly, by the Local Government Association (LGA). This has taken considerably longer than anticipated, and the LGA issued its draft code on its website on 8 June 2020. There is a ten- week consultation period, which ends on 17 August 2020. The legislation that was recommended to central government has still not been passed.

When the draft model Code was issued, it was circulated by the Monitoring officer, with the agreement of the Chair of Standards Committee, to all Norfolk County councillors and senior officers, inviting them to either respond to the consultation if they wished to do so, or to pass comments to the Standards Committee for consideration.

The following comments were received:

From councillors:

- The LGA’s Model Code of Conduct would be better and more inspirational if it follows our own Code which says: “Championing the needs of residents – the

whole community and in a special way all my constituents and putting their interests first.”

This should be in the LGA Code of Conduct too. (proposed by one councillor and agreed with by another)

(Note: this is generally considered to be an unhelpful and confusing part of the current model code – very unclear as to what “in a special way” means, so adds uncertainty).

- On the draft Code of Conduct; Table 2 on page 12 seems to be able to be read in 2 ways. The blue headline if read separately from the text below gives a conflicting view.

From officers:

- Needs practical options to deal with a member who consumes a disproportionate amount of officer time or harasses junior officers
- Needs to deal with casual sexism (including probing questions about child care arrangements, assuming the male officer present is the more senior, etc)
- Need for members to understand their role in mixed partnerships with other stakeholders (e.g. Health & Wellbeing Board) and not behave “politically” where it is inappropriate – perhaps “behaving in an open and inclusive manner in partnership groups”?
- Section 8 – “Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else” is a bit lightweight. Needs to spell out that this includes improperly influencing decisions on recruitment, procurement, grants, land and development in my view; needs to cover perceived impropriety as well as actual; and needs to spell out that impropriety includes influencing on behalf of members of one’s political party as well as one’s friends and family.
- The text accompanying section 4 is odd: “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” implies that you can force them to act differently if it wouldn’t prejudice their professional integrity ...
- Section 11 is badly worded: “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.” Presumably no-one is seeking to acquire or develop the council.

2. Proposals

The proposal is to consider the draft model code and agree a response to the consultation, to be prepared and submitted by the Monitoring officer.

The draft model Code of Conduct is `attached at Appendix A.

A pdf version of the consultation is attached at Appendix B (the Monitoring Officer will complete the online version. For anyone else who wishes to do so individually the link is here: <https://www.local.gov.uk/code-conduct-consultation-2020>)

3. **Impact of the Proposal**

The proposal will allow a response to the LGA consultation. It is likely to be some time before a final version of the draft model code is issued, and unless the required legislation is also passed many of the more significant recommendations initially made by the Committee on Standards in Public Life will not be possible.

Once a final version of the model Code of Conduct is issued, it will be brought back to Standards Committee for consideration of whether it should be adopted as is, or with specific changes required by Norfolk County Council.

4. **Implications**

There are no financial, staffing or other resource implications

5. **Legal Implications**

The Council is required by the Localism Act 2011 to have procedures in place for maintain ethical standards. A strong model Code of Conduct that could potentially be adopted by all Norfolk councils would simplify issues for councillors (especially twin hatters), officers and members of the public, as the expectations would be standardised.

6. **Equality Impact Assessment (EqIA)**

Not required

7. **Recommendation**

It is recommended that the Standards Committee considers the draft model code and agrees a response to the consultation, to be submitted by the Monitoring officer.

Background Papers

Review of Ethical Standards in Local Government by the Committee on Standards in Public Life.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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Local Government Association Model Member Code of Conduct

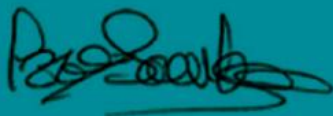
Introduction

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


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

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

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



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

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

Application of the Code

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

The seven principles of public life

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

Model member conduct

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

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

In undertaking my role, I will:

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

Specific obligations of general conduct

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

As a councillor I commit to:

Civility

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

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

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

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

Bullying and harassment

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

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

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

Impartiality of officers of the council

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

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

Confidentiality and access to information

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

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

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

Disrepute

7. Not bringing my role or council into disrepute.

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

Your position

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

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

Use of council resources and facilities

9. Not misusing council resources.

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

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

Interests

10. Registering and declaring my interests.

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

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

Gifts and hospitality

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

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

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

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

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

Breaches of the Code of Conduct

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

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

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

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

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

Example

LGA guidance and recommendations

Internal resolution procedure

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

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

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

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

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

Endnotes

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

Appendices

Code Appendix A

The principles are :

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Code Appendix B

Registering interests

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

Declaring interests

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

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

you must disclose the interest.

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

Table 1: Disclosable Pecuniary Interests

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

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

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

Table 2: Other Registerable Interests

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



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REF 11.197

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PLEASE USE THE ONLINE SURVEY FORM TO SUBMIT YOUR RESPONSE

LGA Consultation on Draft Model Member Code of Conduct

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

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

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

Instructions and privacy notice

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

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

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

About you

Your name _____

Are you...

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

- Other (please specify below)

Please indicate your council type

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

Application of the Code

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

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

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

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

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

- Yes
- No
- Don't know

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

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

Specific obligations

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

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

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

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.					
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.					
3. Not bullying or harassing any person.					
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.					
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.					
6. Not preventing anyone getting information that they are entitled to by law.					
7. Not bringing my role or council into disrepute.					
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.					

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

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

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

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

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](#)

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Standards Committee

Item 6

Report title:	Performance and Monitoring report
Date of meeting:	27 July 2020
Responsible Chief Officer:	Helen Edwards, Director of Governance & Monitoring Officer
Strategic impact To assist Members of the Standards Committee to fulfil their role in relation to ethical standards of the Council and its Members	

Executive summary

To update members on matters of standards and conduct since the last meeting

Recommendation: To consider the report

1. Introduction

1.1 At each meeting of the Standards Committee the Monitoring Officer provides a report to update Committee members on matters relating to standards and ethics.

2. Performance and Monitoring: 28 September 2019 to 10 July 2020

2.1 New Complaints during this period.

There have been six new complaints made and concluded since the last meeting of the Standards Committee, as follows:

- (i) Complainant: member of the public
Complaint: abuse of position (release of confidential data)
Date of complaint: October 2019
Status: Monitoring Officer found that the evidence supported the councillor, not the complainant. No further action deemed necessary.
- (ii) Complainant: member of the public
Complaint: failure to treat with respect (failure to respond to correspondence)
Date of complaint: October 2019
Status: Monitoring Officer found that a response had been sent over a month before the complaint (although apparently not received). The response was resent and no further action deemed necessary.
- (iii) Complainant: from two separate (but connected) members of the public
Complaint: inappropriate behaviour in relation to contents of a report
Date of complaint: October 2019
Status: Monitoring Officer found that the councillor involved had no involvement in the production of the report; the work was led by officers and is instead being dealt under the complaints process.
- (iv) Complainant: member of the public

Complaint: failure to treat with respect (comments on private Facebook page under a different name)

Date of complaint: April 2020

Status: The complainant claimed to recognise the account as belonging to a councillor, from photos posted. The complaint was about certain comments posted. There was no evidence that even if the author of the comments, that the councillor was acting in his capacity as a councillor. No further action deemed necessary.

(v) Complainant: County councillor

Complaint: failure to treat with respect (comments made in a public meeting)

Date of complaint: February 2020.

Status: The Monitoring Officer wrote to the councillor complained of, a response was shared with the complainant. The complaint was not pursued. No further action deemed necessary.

2.2 Complaint referred to at the previous meeting in October 2019 and concluded since the date of that meeting.

(i) Complainant: Members of the public (multiple complainants)

Complaint: failing to treat people with respect

Date of complaint: August 2019

Status: Concluded:

- Heard by a Hearings sub-committee of the Standards Committee on 22/10/2019
- Finding of breach
- Sub-committee issued a reprimand and required the councillor to undertake training
- Notice of decision published on council's website
- Individual training session arranged for the councillor with a recognised expert in standards and conduct for councillors,

2.3 Involvement of the Independent Person

Both Independent Persons were consulted in respect of the complaint about failure to respond to correspondence, and whether this could amount to a lack of respect. In the event it was found that a response had been sent, so the complaint did not proceed further. There has been no need for further involvement, given the nature of the complaints.

2.4 Hearings

There has been one hearing of the Standards Hearings sub-committee during this period and the outcome is set out at 2.2 above.

2.5 Register of Interests

The Register of Interests (consisting of the declaration of interests forms for all Council Members) is published on the Council's website.

2.6 Dispensations for Disclosure of Pecuniary Interests

There have been no requests for dispensations during this period.

3. Recommendation:

That members of the Standards Committee consider the Council's performance in relation to member standards and conduct during the period 28 September 2019 to 10 July 2020.

Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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